

REGION I TECHNICAL ASSISTANCE REQUEST				
Date:	October 31, 2001	Package Accession No.	ML012750456	
ADAMS Send to:	Donald A. Cool, Director Division of Industrial and Medical Nuclear Safety, NMSS (Copy to Charlotte L Estep)			
From:	George Pangburn, Director Division of Nuclear Materials Safety			
<b>Original signed by: /RA by Francis Costello Acting For/</b>				
Licensee:	E. I. duPont de Nemours and Co., Inc.			
License No.	07-13441-02	Docket No.	03020681	Control No. 130368
Letter Dated:	September 26, 2001	ADAMS Accession No.	ML012780182	
Enforcement Action being held in abeyance:		Yes	<input checked="" type="checkbox"/>	No
<p>Problem or Issue:</p> <p>Reference: Item No. 11.5.2 on page 40 of the licensee's renewal application dated September 26, 2001 (ML012780182). The licensee requests continued authorization to dispose of small amounts of licensed material as normal waste in accordance with a procedures first approved as part of the license in 1996. The licensee also identifies a "sister" licensee (07-00455-02) that is currently authorized for this procedure.</p> <p>The licensee is requesting this disposal for byproduct and source material in any form. However, thus far they have only disposed of small quantities of H-3 and C-14 in soil and plant matter from field studies primarily sent to incineration as normal waste. In addition, according to the license, this type of disposal is done infrequently. Note that 10 CFR 20.2005 permits disposal of C-14 and H-3 in certain forms, including animal tissue, provided the concentration does not exceed 0.05 uCi/gm. The licensee's request for disposal of quantities less than 4400 dpm/gram is equivalent to 0.002 uCi/gm which is significantly less than the regulatory limit of 0.05 uCi/gm. The licensee also requests to dispose of material that is less than the source material concentration definition (0.05%) and one tenth of the exempt limit for natural uranium or thorium (10 uCi).</p>				
Action Requested:				

Determine how to proceed:

1. Until there is a Clearance Rule, allow these licensees to continue to dispose of H-3 and C-14 in plant and soil material as if it were not radioactive, if it contains less than 0.05 uCi/gm averaged over the weight of the plant and soil material. Do not permit them to dispose of other small quantities of licensed material as normal waste.

**OR**

2. Request the licensees to submit a request for exemption from 10 CFR 20.2001(a) and provide justification to enable a T.A.R. to be submitted for review.

Recommended Action and Alternatives  Accept  Reject

Permit the licensee to continue to dispose of H-3 and C-14 in plant and soil material as if it were not radioactive, if it contains less than 0.05 uCi/gm averaged over the weight of the plant and soil material. Do not permit disposal of other small quantities of licensed material as normal waste.

TARs addressing similar issues (subject, date and location):

Memos:

1. August 7, 2000 memorandum from William F. Kane. Subject: Case-Specific Licensing Decisions on Release of Solid Materials from Licensed Facilities.
2. July 27, 2001 memorandum from Donald A. Cool. Subject: Update of the August 7, 2000 Memo from William Kane, NMSS and Samuel Collins, NRR - Case-Specific Licensing Decisions on Release of Soils from Licensed Facilities.

Background Documents (Include date and ADAMS Accession Number):

E. I. duPont de Nemours and Co., Inc license application dated 9/26/01. ML012780182

Remarks:

Reviewer: P. Henderson (610) 337- 6952 Reviewer Code: K7

Needed By (date): December 31, 2001

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DATE	10/31/01		11/01/01	11/01/01			