July 9, 2004

MEMORANDUM TO: George Pangburn, Director
Division of Nuclear Materials Safety, RI

Marc Dapas, Director
Division of Nuclear Materials Safety, RIII

Mark A. Satorius, Director
Division of Nuclear Materials Safety, RIV

FROM: Charles L. Miller, Director /RA/
Division of Industrial and
Medical Nuclear Safety, NMSS

SUBJECT: REVISED LICENSE CONDITION FOR DECAY-IN-STORAGE OF RADIOACTIVE WASTE

Changes made to the revised, risk-informed and performance-based 10 CFR 35.92, "Decay in storage," have necessitated some corresponding revisions to a license condition applying to the licensing of decay-in-storage (DIS) waste. Accordingly, the staff in the Division of Industrial and Medical Nuclear Safety (IMNS) is working to revise the guidance in NUREG 1556, Volume 20, "Consolidated Guidance About Materials Licenses - Guidance About Administrative Licensing Procedures." This guidance is being revised so that the DIS license condition does not impose more restrictive requirements on licensees than are required by the risk-informed §35.92.

The existing license condition (License Condition 140 in NUREG 1556, Volume 20, Appendix E) provides that waste must be held for decay for a minimum of 10 half-lives before disposal in ordinary trash. The new risk-informed requirements in 10 CFR 35.92 allow for the holding of DIS waste until the radiation emitted from the waste is indistinguishable from that of background levels.

Medical licensees have requested that they be allowed to apply this risk-informed DIS approach toward the handling of their non-medical waste. IMNS staff agrees with this approach, provided that licensees apply the requirements in 10 CFR 35.92 to the processing of their non-medical waste.

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Therefore, to allow for the application of §35.92 to the licensing of both medical and non-medical waste, IMNS is forwarding the revised License Condition 140. The regional license reviewers must use this condition immediately as they issue new licenses, and renew or amend existing ones.

For background on this issue, see Technical Assistance Request ML040210242 in the Agencywide Documents Access and Management System.

Attachment: Revised Decay in Storage License Condition 140

ML041800008
*See previous concurrence

OFC	MSIB	MSIB	MISB	OGC	IMNS
NAME	Awilliamson*	RTorres*	TEssig*	Streby* (no legal objection	CMiller
DATE	6/9/04	6 /25/04	6/25/04	7/08/04	7/09/04

Revised Decay in Storage License Conditions: NUREG 1556, Volume 20, Appendix E, License Condition 140

Remarks: The language in Paragraphs A-C below revises License Condition 140 in Appendix E of NUREG 1556 Volume 20. License Condition 140 is revised with the language below to allow licensees to handle their non-medical waste in the same manner as they handle their medical waste under 10 CFR 35.92 (see Technical Assistance Request ML040210242).

Furthermore, the language below is also intended to replace the language in License Condition 142, which will be deleted from NUREG 1556 Volume 20, at the time of its next revision.

NUREG 1556, Volume 20, Appendix E - License Condition 140

The licensee is authorized to hold byproduct material with a physical half-life of less than 120 days for decay-in-storage before disposal without regard to its radioactivity if it:

A. Monitors byproduct material at the surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding; and

B. Removes or obliterates all radiation labels, except for radiation labels on materials that are within containers and that will be managed as biomedical waste after they have been released from the licensee; and

C. Maintains records of the disposal of licensed materials for 3 years. The record must include the date of the disposal, the survey instrument used, the background radiation level, the radiation level measured at the surface of each waste container, and the name of the individual who performed the disposal.

Attachment