December 20, 2004

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary ***/RA/***

SUBJECT: STAFF REQUIREMENTS - SECY-04-0226 - DENIAL OF PETITION FOR RULEMAKING (PRM-20-22) SUBMITTED BY THE NORTHEAST OHIO REGIONAL SEWER DISTRICT

The Commission has approved the staff's denial of the petition for rulemaking submitted by the Northeast Ohio Regional Sewer District, subject to the revisions to the Federal Register Notice and the letter to the petitioner noted below. Corresponding changes should be included in the letters to appropriate members of Congress.

Changes to the Federal Register Notice

1. On page 15, 2nd full paragraph, revise lines 1 and 2 to read ' ... concluded that the ~~petitioner's rationale,~~ public comments, data, analyses, ~~and~~ reports, and petitioner's rationale do not justify ~~support~~ the petitioner's request ....'

2. On page 16, revise line 2 from the top to read ' ... sludge, unless they possess an NRC or Agreement State license for possession of licensed radioactive material in the sewage sludge. ~~the sewage sludge contains licensed radioactive material.~~ Studies, surveys ....' Revise line 5 from the top to read ' ... health and safety and thus it is unlikely that a POTW will be required to possess an NRC license for its sludge. Therefore, ...'

Changes to the Letter to the Petitioner

3. On page 2, last paragraph, revise lines 5 and 6 to read ' ... sewage sludge, unless they possess an NRC or Agreement State license for possession of licensed radioactive material in the sewage sludge. ~~the sewage sludge contains licensed radioactive material.~~ Studies, surveys ....'

4. On page 3, revise line 1 from the top to read ' ... health and safety and thus it is unlikely that a POTW will be required to possess an NRC license for its sludge. Therefore, ...'

SECY NOTE: TO BE MADE AVAILABLE TO THE PUBLIC 5 WORKING DAYS AFTER DISPATCH OF THE LETTER TO THE PETITIONER.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
DOC
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

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