

January 26, 2005

The Honorable Ralph M. Hall, Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

We have enclosed a copy of a notice of denial of a petition for rulemaking (PRM) submitted to the U. S. Nuclear Regulatory Commission (NRC) by the Northeast Ohio Regional Sewer District, and docketed as PRM-20-22. The petitioner requested that NRC amend its regulations in 10 CFR 20.2003 and 10 CFR 20.2004: (1) to require that all licensees provide no less than 24-hour notice to the appropriate sewage treatment plant before releasing radioactive material into the sanitary sewer system, and (2) to exempt radioactive materials that entered the sanitary waste stream from the requirements regarding NRC approval for incineration.

NRC is denying the petitioner's request to amend the regulations in 10 CFR 20.2003 regarding release of licensed material into sanitary sewer systems. NRC concluded that the public comments, data, analyses, and the petitioner's rationale do not justify the petitioner's request to amend 10 CFR 20.2003. Such a rulemaking as proposed by the petitioner would impose unnecessary regulatory burden on licensees and is not warranted for adequate protection of public health and safety.

NRC is also denying the petitioner's request to amend the regulations in 10 CFR 20.2004, regarding NRC approval for incineration of licensed radioactive materials. NRC regulations in 10 CFR 20.2004 apply to either an NRC or an Agreement State licensee and generally do not apply to a publicly owned treatment work (POTW) or its operations. Studies, surveys, and modeling efforts conducted to date indicate that releases of radioactive material from licensed facilities in accordance with 10 CFR 20.2003 generally do not reconstitute in sewage sludge in sufficient concentrations to pose risk to public health and safety, and thus it is unlikely that a POTW will be required to possess an NRC or an Agreement State license for its sludge. Therefore, a change to 10 CFR 20.2004 regulations is not needed.

The enclosed *Federal Register* notice denying the petition provides detailed information for denying the petition. It is being transmitted to the Office of the Federal Register for publication.

Sincerely,

/RA/

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Rick Boucher

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Federal Register Notice
cc: Representative Rick Boucher
Distribution:
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ML050070040 Identical Letter sent to The Honorable George V. Voinovich

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January 26, 2005

The Honorable George V. Voinovich, Chairman
Subcommittee on Clean Air, Climate Change,
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

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Federal Register Notice

cc: Senator Thomas Carper