

July 8, 2005

MEMORANDUM TO: Farouk Eltawila, Director
Division of Systems Analysis
and Regulatory Effectiveness, RES

Robert C. Pierson, Director
Division of Fuel Cycle
and Safeguards, NMSS

FROM: Patricia K. Holahan, Acting Director **/RA/**
Division of Industrial and
Medical Nuclear Safety, NMSS

SUBJECT: REQUEST FOR TECHNICAL ASSISTANCE IN SUPPORT OF A
RESPONSE TO A 2.206 PETITION AND A 2.802 PETITION FOR
RULEMAKING

This memorandum is a request for staff support necessary to assist in the response to a recent 2.206 petition request and a 2.802 rulemaking request from James Salsman. In the 2.206 petition, the petitioner is requesting that enforcement action be taken on depleted uranium (DU) munitions licensees on the basis of the licensees neglecting to find specific uranium components when DU munitions interact with their target. The petitioner indicates that this specific uranium component, which has not been found and quantified in tests and experiments, has a much higher toxicity than the components that have been found, and therefore the licenses should be modified to have the licensees provide a more appropriate level of protection to public health and safety. In the 2.802 rulemaking petition, the petitioner is questioning the validity of the uranium concentrations in 10 CFR Part 20 Appendix B, in light of their chemical toxicity. A request for public comment on the 2.802 rulemaking petition was published in the Federal Register on June 15, 2005.

Due to the technical depths that the petitioner has explored and referenced, it is requested that technical assistance from Vincent Holahan from the Division of Systems Analysis and Regulatory Effectiveness, and Don Stout, from the Division of Fuel Cycle Safety and Safeguards, be available to support the research necessary to develop a Director's Decision, to respond to the 2.206 petition, and a response to the 2.802 rulemaking petition. To limit the impacts on Mr. Stout's and Dr. Holahan's time, we request that Mr. Stout focus his efforts on the chemical toxicity issues and Dr. Holahan focus on the health effects of the DU and a review of existing literature and those references cited by the petitioner. The exact amount time and effort needed is not currently known, but for the 2.206 petition, a draft Director's Decision is expected to be completed by September 23, 2005 and about 1 to 1.5 weeks of staff time needed for technical assistance is estimated. For the rulemaking petition, a staff recommendation will need to be completed by 3-6 months after the close of the public comment period (i.e., between December 2005 and March 2006) and the estimated staff time needed for technical assistance is estimated to be 3 to 4 weeks between now and March 2006. Please let me know as soon as possible, Dr. Holahan's and Mr. Stout's availability to support these actions. The 2.206 petition manager is Joe DeCicco, and can be reached at (301) 415-7833. The 2.802 rulemaking petition manager is Frank Cardile, and can be reached at (301) 415-6185.

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*See previous concurrence

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DATE	07/06/05	07/06/05	07/06/05	07/06/05	07/8/05

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