July 2, 2008

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Charles L. Miller, Director ***/RA George Pangburn for/***
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: DENIAL OF A PETITION FOR RULEMAKING
FROM JAMES SALSMAN (PRM-20-26)

Your approval and signature are requested on both the enclosed letter to the petitioner and the *Federal Register* notice of denial (Enclosures 1 and 2). The notification for the Commission is included as Enclosure 3.

The Commission received a petition for rulemaking (PRM) from James Salsman, dated May 9, 2005. This petition was assigned Docket Number PRM-20-26. The petitioner requested that the U.S. Nuclear Regulatory Commission (NRC) amend its regulations in 10 CFR Part 20, to modify exposure and environmental limits of heavy metal radionuclides, in particular, uranium. The notice of receipt was published on June 15, 2005 (70 FR 34699). The comment period closed on August 29, 2005. Eight comment letters were received before the comment period closed and four additional ones were received and docketed during 2006, well after the close of the comment period.

The staff has considered the petition and its supporting rationale. For the reasons provided in the *Federal Register* notice, the staff recommends that the petition be denied. In summary, the petition is being denied because current NRC regulations have a sound scientific and technical basis and provide adequate protection of public health and safety and because the petitioner has not presented sufficient peer-reviewed data, pertinent to the types and levels of exposure associated with the concentration values used in Part 20, to provide a sufficient reason for NRC to initiate a revision to its regulations. The appropriate Congressional committees will be informed.

The decision to deny the petition is consistent with our strategic goals, as discussed in NUREG-1614 entitled "U.S. Nuclear Regulatory Commission Strategic Plan, Fiscal Year 2008-2013." NRC's current regulations, in Part 20, provide limitations on releases, considering both radiological and chemical impacts, consistent with other standards, and provide adequate protection of public health and safety. Thus, the denial is consistent with the strategic objective to ensure protection of the public health and safety and the environment. Limits on uranium release are contained in existing Part 20 requirements and are being complied with by licensees.

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Continuing this current approach is effective and efficient and does not impose unnecessary regulatory burden beyond what is necessary and sufficient for providing reasonable assurance that public health and safety are protected. The PRM review process has been conducted openly, including opportunity for public comment. The action does not constitute a significant question of policy, nor does it affect regulations contained in 10 CFR Parts 7, 8, or 9, Subpart C, concerning matters of policy.

Enclosures:
1. Letter to Petitioner
2. *Federal Register* Notice
3. Notice of Petition Resolution
   Signed by EDO

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