

193

RECORD #193

TITLE: Marine Biological Laboratory's Incidental Discharge of  
Licensed Material to the Sea

FICHE:

MAY 22 1986

MEMORANDUM FOR: James H. Joyner, Chief  
Nuclear Materials, Safety and Safeguards Branch  
Division of Radiation Safety and Safeguards, RI

FROM: Vandy L. Miller, Chief  
Material Licensing Branch  
Division of Fuel Cycle and Material Safety, NMSS

SUBJECT: REQUEST FOR TECHNICAL ASSISTANCE  
MARINE BIOLOGICAL LABORATORY  
CONTROL NO. 117921

This refers to Dr. Glenn's request dated March 26, 1986, for policy guidance regarding 10 CFR 20.302 and the Marine Biological Laboratory's (MBL) incidental discharge of licensed material to the sea.

We have reviewed the statement of consideration concerning an amendment to 20.302, published in December 1971, and find that the regulation was only meant to apply to ocean disposal or dumping of radioactive wastes. The text states: "The provisions of 20.302 do not presently, and will not under this amendment, apply to low levels of radioactive material in liquid effluents released from nuclear facilities in accordance with other provisions of the Commission's regulations." Therefore, 20.302 does not prohibit the MBL discharge nor require that they provide information to show that it offers less harm than other alternatives.

As you are probably aware, Public Law 92-532 gave to the U. S. Environmental Protection Agency (EPA) the sole responsibility for regulating the release of most radioactive material into territorial or international ocean waters. We have consulted with a staff member of EPA's Office of Water Regulations and Standards who informed us that 40 CFR Subchapter H, which implemented Public Law 92-532, was not amended to include ocean (or sewer) outfalls as originally proposed. Therefore, an EPA ocean disposal permit is not required. He also indicated that MBL's discharges would be subject to the Federal Water Pollution Control Act which is implemented by the state governments.

In conclusion, your office can authorize MBL's effluent release without further justification. However, it should be noted that since MBL is not connected to a municipal sewer system, the discharges must be treated as a release to an unrestricted area pursuant to 20.106. It was not clear to us that the licensee provided sufficient information to show that the average concentrations will be below Appendix B, Table II limits.

OFFICE ▶									
SURNAME ▶									
DATE ▶									

James H. Joyner

- 2 -

If you have questions, please contact me or Bruce Carrico (FTS: 427-4280).

Original Signed By  
VANDY L. MILLER

Vandy L. Miller, Chief  
Material Licensing Branch  
Division of Fuel Cycle and  
Material Safety

DISTRIBUTION:

FCML r/f  
FC Central File  
NMSS r/f  
JBCarrico  
JHickey  
VLMiller

OFFICE ▶	FCML <i>al</i>	FCML <i>al</i>	FCML <i>al</i>				
SURNAME ▶	JBCarrico <i>ht</i>	JHickey	VLMil				
DATE ▶	05/2/86	05/2/86	05/2/86				