

JUN 27 1988

MEMORANDUM: Robert D. Martin, Regional Administrator
Region IV

FROM: Hugh L. Thompson, Jr., Director
Office of Nuclear Material Safety
and Safeguards

SUBJECT: USE OF TITLE I SUPPLEMENTAL STANDARDS FOR TITLE II SITES

We have reviewed your memorandum dated June 9, 1988 on the use of the Title I Supplemental Standards for off-site clean up at Title II sites. We concur in the concept of approving alternatives to the current staff practice of requiring licensees to clean up off-site radium-226 contamination to the 5 pCi/g or 15 pCi/g levels as recommended by EPA (FRN 48 No. 196, p. 45940). However, since EPA's recommendation was not incorporated into either the EPA's or the NRC's regulations for Title II sites, there is no basis to make the finding that the proposed alternative is equivalent to, to the extent practicable, or more stringent than the requirements in Appendix A and the EPA standards in 40 CFR Part 192, Subparts D and E. Therefore, application of Section 84c of the Atomic Energy Act as codified in Appendix A to 10 CFR Part 40 does not specifically apply.

In those cases where licensees request an alternative to current license conditions or request authorization to leave material in situ, we recommend that you authorize such requests on a case-by-case basis upon a finding that the public health and safety and the environment will be protected. We concur that use of criteria like the Title I Supplemental Standards established by EPA (40 CFR Part 192.21) provides an acceptable basis to make the finding. The licensing staff may also apply other criteria to account for any differences between the Title I and Title II programs.

RE Cunningham

Hugh L. Thompson, Jr., Director
Office of Nuclear Material Safety
and Safeguards

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