

June 30, 1998

MEMORANDUM L. Joseph Callan  
TO: Executive Director for Operations  
FROM: John C. Hoyle, Secretary /s/  
SUBJECT: STAFF REQUIREMENTS - SECY-98-028 - REGULATORY OPTIONS FOR SETTING STANDARDS ON CLEARANCE OF MATERIALS AND EQUIPMENT HAVING RESIDUAL RADIOACTIVITY

The Commission has approved Option 3 to proceed independently to promulgate a dose-based regulation for clearance of materials and equipment having residual radioactivity. The staff should notify EPA of the planned actions in this regard. This effort should begin in FY 1999.

The staff should pursue an enhanced participatory rulemaking process similar to the Part 35 revision process, including use of the Internet home page to solicit comments prior to start of the formal rulemaking process with particular emphasis on enhanced early Agreement State input. The proposed standard for clearance should not be a detectability standard, but should draw from the IAEA's interim report and the SAIC analysis. It should also draw from ongoing practice with regard to NORM and NARM (such as the encouragement for coal ash to be recycled in building materials). The rulemaking should focus on the codified clearance levels above background for unrestricted use that are adequately protective of public health and safety. This level should be based on realistic scenarios of health effects from low doses that still allows quantities of materials to be released. The rule should be comprehensive and apply to all metals, equipment, and materials, including soil. If problems that would delay completing the rulemaking arise in certain categories of solid materials, then a decision can be made to narrow the scope of the rule.

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
CIO  
CFO  
OCA  
OIG  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR  
DCS

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SECY NOTE: THIS SRM, SECY-98-028, AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.