

# The *NORM* Report

Naturally Occurring Radioactive Material Control  
Volume VIII, Number 1 (August 2002)

## Index

Regulatory Update	1
State Regulations (listed alphabetically)	2
Federal Activity	
EPA	21
NRC	23
MMS	27
Canadian Guidelines	28
Is Radiation as Dangerous as They Say?	29
CRCPD NORM Activities	30
Radiation Reduces Natural Cancer Deaths	30
Philips Services	31
NORM in the Literature	31
Meeting Calendar	34
Regulatory References	35
NORM Manuals Available	36

## Regulations for the Control of Naturally Occurring Radioactive Materials - An Update

The status of regulations for the control of NORM contamination is summarized for all 50 states, the Environmental Protection Agency (EPA), the Nuclear Regulatory Commission (NRC), the Minerals Management Service (MMS), Canada, and the Conference of Radiation Control Program Directors (CRCPD) beginning on page 2. NORM contamination is not limited to the petroleum industry, and several non-petroleum states are drafting rules for the control of NORM in other industries. Each regulatory agency was contacted during June and July 2002.

During 2001 two more states have enacted regulations for the control of NORM. Maine adopted the CRCPD Part N regulations effective August 1, 2002 and West Virginia extensively revised their general regulations for the control of radiation and have included NORM regulations. The revised regulations became effective July 1, 2001.

Several other states have enacted regulations for some aspects of NORM control; e.g., remediation and cleanup of contaminated areas and the disposal of contaminated material. Many states consider NORM to be regulated by their general rules on radiation.

The states, besides Maine and West Virginia, which have specific regulations for the control of NORM are Arkansas, Georgia, Louisiana, Mississippi, New Mexico, Ohio, Oregon, South Carolina, and Texas.

There currently are no federal regulations specifically for the control of NORM, although the Environmental Protection Agency appears to be moving in that direction. Two multi-agency groups are looking into better and more efficient ways to regulate low-activity materials and harmonize radiation standards and risk management among the various federal member agencies. See details in the NRC section (Page 23).

Canada now has published their *Guidelines for the Management of Naturally Occurring Radioactive Materials*. Some of the features of the Guidelines were summarized in the Volume VII, No.3 issue of *The NORM Report*.

**The NORM Report**  
is published quarterly by  
**Peter Gray & Associates**  
P.O. Box 11541  
Fort Smith, AR 72917  
Tel: 479/646-5142  
Fax: 479/646-5359  
email:  
[pgray@normreport.com](mailto:pgray@normreport.com)

Copyright 2002

## Summaries of State and Federal Regulations for the Control of NORM

### **ALABAMA**

Alabama is waiting for the CRCPD recommendations for the control of NORM before finalizing their redraft of the state's proposed NORM regulations. There is no time table for the regulations to be adopted. There has been some interest in plugging and abandoning wells, but there have been no requests from industry for NORM regulations.

### **ALASKA**

There is no NORM regulatory activity in Alaska at the present time. Although the price of oil has risen significantly, the budget is still very tight. Nothing will probably be done until the federal government (e.g. the EPA) mandates the Alaskan legislature to do something about NORM, similarly to what is currently happening with radium/radon in drinking water. There is some concern as to how radium removed from drinking water will be treated.

There have been no current problems with NORM contamination that have been referred to the State for action. The oil companies take care of their own NORM problems. Contaminated wastes are either being sent to Washington State for disposal or to the EPA-permitted injection well on the North Slope.

The Arctic Monitoring Assessment Program which is a consortium of all the Arctic countries, is starting to take an interest in NORM-type material. It is not known how this will translate into the U.S.

Committee's action on the issue.

### **ARIZONA**

A proposed rule relating to NORM was to be published in the Arizona Administrative Register around the first of the year (2002). Public comments on the proposed rule were to be accepted through at least February 24, 2002. After some delay it is anticipated that activity on the proposed rule will start again in August 2002.

This new Article 11 in Arizona's general regulations for the control of radiation is added to regulate technologically enhanced naturally occurring radioactive material (TENORM). Because naturally occurring radioactive material is not regulated under the Atomic Energy Act, except for certain materials containing source material and byproduct waste from source material extraction, its regulation is primarily a state regulatory issue. These new rules are drafted to protect the public from exposure to radionuclides in the natural environment and associated technically enhanced natural radiation. Human activities have caused an increase or altered distribution of naturally occurring radioactive materials in the environment. These materials are made up of radium, thorium, uranium, potassium and radon. The proposed rules in Article 11 follow suggested state regulations published by the Conference of Radiation Control Program Directors (CRCPD). Affected industries will include gas and oil, phosphogypsum, water treatment,

and those industries that may come in contact with material or equipment used in the aforementioned industries, such as metal recyclers.

For the present, all radioactive materials, including NORM, are addressed in Arizona's general radiation regulations.

### **ARKANSAS**

The Arkansas NORM regulations constitute Section 7 of the *Arkansas Rules and Regulations for Control of Sources of Ionizing Radiation*. The revised regulations were summarized in the Fall 96 issue of this newsletter. There are no plans to revise the NORM regulations in the near future.

### **CALIFORNIA**

The California Division of Oil, Gas and Geothermal Resources has indicated they would like to make a NORM survey of geothermal facilities in the state, but nothing has been done yet.

In 1993, California underwent a peer review of its oil and gas exploration and production waste management regulatory programs. The review was conducted by the Interstate Oil and Gas Compact Commission (IOGCC), in cooperation with the U.S. Environmental Protection Agency and other interested groups. One recommendation of the review team was for a thorough evaluation of the industry NORM survey data by the appropriate state agencies to verify the extent of oil and gas field NORM

(Continued on page 3)

**CALIFORNIA** (continued)  
in California.

Subsequent to the IOGCC peer review, and following increased public and governmental interest in NORM issues, the California Department of Conservation, Division of Oil, Gas and Geothermal Resources and the California Department of Health Services, Radiological Health Branch conducted a more comprehensive survey of selected sites.

This effort was in cooperation with the oil and gas industry. The sites chosen for the study were selected because they were points where NORM was expected to occur; the sites were not selected randomly. All six oil and gas districts in the state were sampled in this study. Four hundred seventy-five radiation measurements were taken in 70 oil and gas fields. Besides gamma radiation meter readings, 124 samples of pipe scale, produced water, tank bottoms and soil were collected and analyzed by the Sanitation and Radiation Laboratory of the Department of Health Services to assess the actual concentrations and radionuclides present.

The results of the study indicate that NORM is not a serious problem in California oil and gas production facilities - confirming the findings found in an earlier survey (1987). In the 1987 survey, seventy-eight percent of the measurements were at background levels. A few sites had elevated levels of NORM. Further, studies of those sites should be considered. Routine protective measures may be all that

is necessary to minimize exposure to radiation in these particular areas. The survey results and laboratory analyses are reported in: *A Study of NORM Associated with Oil and Gas Production Operations in California*. The report was issued by:

Department of Health Services  
Radiological Health Branch  
and  
Department of Conservation  
Division of Oil, Gas and  
Geothermal Resources

Elevated levels of NORM were found in material from some of the production facilities. The NORM was found in water filters and softeners, gas processing equipment, pipe scale, and tank bottoms. However, these elevated levels were not high enough to be of immediate health concern.

Copies of the report are available from:

**Stephen Hsu**  
**Department of Health Services**  
**Radiological Health Branch**  
**601 N 7th Street**  
**P.O. Box 942732, MS 178**  
**Sacramento, CA 94234-7320**  
**E-mail: shsu@dhs.ca.gov**  
**Telephone: (916) 322-4797**

A summary of the report recommendations was in the Fall 96 issue of *The NORM Report*.

Promulgation of NORM regulations in California is a low priority at present. However, it is expected that California will enact NORM regulations sometime later.

In February 2002, environmental activists sponsored four new California Senate and Assembly bills that seek to overturn existing Federal and State regulations governing the control of radioactive materials in the State of California. These bills will have a major impact on all radioactive material users in California.

The bills are based on radiation paranoia, and are designed to eliminate all use of radioactive materials by industry, medicine and academia in the State of California.

Existing regulations ensure the safe cleanup of contaminated sites using a well established process and well established cleanup standards.

Existing regulations ensure that disposal of waste in the State of California will not result in a significant contamination of the environment.

The proposed bills seek to usurp existing regulations that are based on sound science and fully protect the public from risk of exposure to radiation.

Access to the proposed bills can be obtained through

[www.leginfo.ca.gov/bilinfo.html](http://www.leginfo.ca.gov/bilinfo.html)

**COLORADO**

There are no specific rules for the disposal of NORM in Colorado. NORM is treated like any other radioactive material. Part 18 of the Colorado Rules and Regulations Pertaining to Radiation Control (milling of uranium and thorium)

(Continued on page 4)

**COLORADO** (continued)

has been updated to conform to Criteria 6(6) of 10 CFR 40, Appendix A (benchmark dose criteria). A specific provision has been added that prohibits any material being disposed in a tailing impoundment that would prevent the transfer of that impoundment to DOE upon termination of the license.

Colorado does have a solid waste regulation that says sewage sludge must be below 40 picocuries per gram gross alpha activity before it can be sent to a landfill or otherwise "free released." The state is working on guidance for water treatment facilities that must extract radionuclides to comply with the CWA.

However, in April, the Governor of Colorado signed a bill addressing disposal of radioactive waste in Colorado. The final language of the bill creates a category of radioactive waste called "classified waste." It requires transcripts of 2 public hearings and an environmental assessment to be considered by the State Health Department in their review of applications for disposal of classified waste (aimed primarily at a uranium mill that is interested in some TENORM/FUSRAP/similar materials for direct disposal or reprocessing). The bill does not address material for reprocessing, just direct disposal. Suffice it to say that citizen outrage prompted the drafting and passage of this bill in just three weeks.

There is no specific NORM regulatory activity in Colorado at this

time.

**CONNECTICUT**

Connecticut now has an approved radiation limit for decommissioned facilities of 19 millirem per year above background. Although specifically addressed to decommissioned facilities, by inference it applies to any radioactive material, by-product or NORM.

The 19 mrem/yr is based on Connecticut's specific adjustments to standard EPA/NRC modeling and to current technology for making radiation measurements in the field.

Starting with the 19 annual millirem limit, one can calculate back to determine exempt count rates for specific isotopes and field conditions using field survey equipment.

Using *Guidelines for Disposal of Drinking Water Wastes Containing Radioactivity* (U.S. Environmental Protection Agency draft, June 1994) and Nuclear Regulatory Commission limits for the release of licensed material, the Connecticut Department of Environmental Protection put together its first guidelines for an actual water treatment facility. The 19 millirem/yr limit will also be used in developing guidelines for water treatment and other facilities, giving case-by-case guidance. Simply put, the guidance will be to apply NRC discharge limits above background radioactivity. EPA Region 1 has given preliminary concurrence on this interpretation of EPA's Draft guidance. The thinking on this — "If it came from the

ground and nothing was done to enhance it, it can go back into the ground."

Although an EPA Region 1 health physicist agreed with the proposed scenario that "there is no radiological concern if it came from the ground, it could be returned to the ground if there had been no technical enhancement." However, an EPA expert on Underground Injection Controls (UIC) stated that the Clean Water Act amendments in its later revision, allows the injection of only water that meets federal drinking water standards. This would seem to exclude the return to the environment of any water treatment residue (salts from water softeners, filter backflush, etc.).

**DELAWARE**

There are no specific regulations for NORM in Delaware. NORM, NARM and other radioactive materials are considered to be covered in the general regulations for the control of radiation enacted in 1993. A revision of the general regulations became effective September 1, 1995. The revision tightened the compliance aspect of the regulations. NORM is considered to be covered in Sections C and D, Radioactive Materials, in the regulations.

The Radiation Control Regulations are being considered for further revision, particularly Parts H and K. The revisions are at least six months to a year away.

NORM contamination appears to

(Continued on page 5)

**DELAWARE** (continued)

be minimal in the state. Occasionally a call is received from a salvage yard or steel mill reporting that their gate radiation monitors had detected gamma radiation above background on a load of scrap metal.

**FLORIDA**

In addition to following up on post 9/11 security, the Florida Department of Health, Bureau of Radiation Control continues to devote staff resources to research the scope of the state's TENORM issues to support its evaluation of appropriate regulatory approaches. Its recent focus has been on the state's heavy mineral sands industry. Two facilities located in the northeast part of the state generate source material as a result of their separation of economic minerals from ancient beach sand deposits. The state is working with the industry to improve their radiation protection programs to address the radiological hazards associated with both the source material and the TENORM progeny present at the sites.

Florida does regulate gyp stacks requiring stacks to be lined with geomembrane liners and capped with a soil cover. The idea is to mitigate leachate release into the underlying Floridian Aquifer emanating from the stack.

**GEORGIA**

Georgia's regulations for the control of NORM became effective in October 1994. There have been no changes in the rules since. Revisions to the general rules and

regulations for the control of radiation became effective May 6, 1997.

Georgia recently again revised several of their radiation rules. Following Board approval at their February meeting, the revisions became effective April 18, 2002. No substantive changes were made in Georgia's NORM rule (**391-3-17-.08 REGULATION AND LICENSING OF NATURALLY-OCCURRING RADIOACTIVE MATERIALS (NORM).**)

The following describes the "clean-up" revisions. The Rule is amended as follows: typographical errors are corrected in .08(7)(c)l. and 2. correcting the abbreviation for the word "gram" from "gm" to "g"; and correcting the typographical error in .08(15)(a)5.(i) from Title "II" to Title "11".

**HAWAII**

Hawaii's current rule on radiation, Chapter 11-45, will be updated in 2003, but NORM will probably not be included in the update. NORM problems that do arise meanwhile can be handled on a case-by-case basis under the general radiation regulations.

Hawaii does not now have any particular problems with NORM. Although Hawaii does not have petroleum production, it does have geothermal wells on the big island. Possible NORM contamination in these geothermal wells has not been addressed.

There is also some concern about radioactivity and radiation contamination in the state's military posts

and bases, including old radium gauges and instruments. Additionally, there may be some NORM associated with the dry dock activities in the state.

**IDAHO**

Idaho has no regulations specific to the control of NORM. There are general statutory and regulatory provisions in the existing Idaho law giving the Department of Environmental Quality authority to address problems with NORM should they arise.

The Department of Environmental Quality has drafted regulations with respect to the **DISPOSAL** of rad wastes not regulated by the NRC, such as **NORM/TENORM**. These rules have been adopted by the Idaho Legislature and are now in effect. Also the states commercial haz waste disposal facility, US Ecology, has a Part B HWMA permit that has been modified to provide for additional permit conditions regarding the acceptance of FUSRAP and NORM wastes.

**ILLINOIS**

In June 2001 a draft of the Illinois TENORM regulations was sent to the Illinois Department of Nuclear Safety (IDNS) staff for comment.

The draft of the Illinois TENORM regulations will be revised as soon as the latest draft of the the Conference of Radiation Control Program Directors, Inc. (CRCPD) model rule (SSRCR Part N TENORM) by the CRCPD's SR-5 Working Group is approved by the CRCPD Board of Directors.

(Continued on page 6)

**ILLINOIS** (continued)

At this time it is expected that the Illinois draft rules will be presented to stakeholder meetings this fall. The Illinois TENORM regulations will be summarized in **The NORM Report** when available.

**INDIANA**

No new regulations for the control of NORM have been enacted or proposed in Indiana. There have been incidents involving NORM — contaminated materials in scrap yards, etc. It is expected there may be a need for NORM regulations sometime later.

**IOWA**

Iowa does not have specific regulations for the control of NORM. The Iowa general regulations for radiation control are assumed to cover NORM and are used when NORM problems arise. Most of the NORM problems in Iowa involve NORM contaminated metal sent to scrap recyclers.

**KANSAS**

Regulations for the separate and specific control of NORM have not been proposed in Kansas. Regulations for the control of all radioactive materials in Kansas implicitly include NORM. NORM problems that do arise are handled on a case-by-case basis, taking into consideration radiation exposures to the public and workers.

Kansas regulators have been working closely with the scrap industry, but there is no indication of probable legislation concerning NORM issues.

**KENTUCKY**

The Kentucky Department of Environmental Protection continues to work on a satisfactory long term disposal site for NORM. Meanwhile, remediation activities in the Martha Oilfield are proceeding gradually and continually towards the final phases of the cleanup of the field. Remediated materials are being stored in a temporary site pending the resolution of discussions on long term storage.

When the public clamor over the contamination of the Martha Oilfield dies down, consideration will be given to promulgating NORM regulations.

**LOUISIANA**

Following the adoption of the first state regulations for the control of NORM, Louisiana's revised NORM regulations became effective January 20, 1995. A draft of an *Implementation Manual for Management of NORM in Louisiana* was released in September, 1995. The Table of Contents of this manual was given in the Fall 95 issue of *The NORM Report*.

The introduction to the Implementation Manual states "On January 20, 1995, the revised NORM regulations (LAC 33:XV. Chapter 14) became effective. This revised Implementation Manual reflects the changes and revisions which were made. It also includes the Radiation Protection Division's position on certain NORM issues that are not specifically addressed in the NORM regulations." The final edition of the NORM

Implementation Manual is being prepared, but it may be some time before it is completed.

There have been no changes or revisions in the Louisiana NORM regulations since 1995 and none are planned.

Chem Waste has received approval for the disposal of NORM wastes containing up to 150 pCi/gm.

US Liquid sites in Louisiana can receive wastes containing less than 30 pCi/gm.

The number of P&A disposal wells has increased in Louisiana probably due to the high costs of NORM waste disposal.

There is one commercial facility operated by Phillips Services. It is allowed to operate as a commercial facility because during the incineration process used the NORM is diluted. It is required that the incinerator wastes be disposed as incinerator RCRA waste. As long as the NORM wastes contain less than 30 pCi/gm the Department is not concerned about it from a regulatory point.

Chevron has a NORM injection well for their own wastes from a specific cleaning area (that is, a non-commercial facility.) Chevron was refused permission to bring NORM wastes from Chevron facilities in Mississippi for disposal in their Louisiana injection well.

Meetings have been held with the Hazardous Waste Division to dis-

(Continued on page 7)

**LOUISIANA** (continued)

cuss the disposal of NORM contaminated mixed wastes in a hazardous waste landfill. One problem is that the hazardous waste disposal regulations in Louisiana prohibit the disposal of RCRA hazardous wastes containing NORM in a hazardous waste landfill.

The Louisiana regulations are based upon federal regulations. There has been some contact with the EPA in an attempt to determine the intent of the federal regulations. Knowing the intent of the federal regulations may suggest some options which can be used for the disposal of the hazardous wastes containing small concentrations of NORM. The federal regulations do allow some radioactivity, e.g., cesium-137, in the wastes to be disposed of in a hazardous waste landfill. Up to 100 picocuries cesium per gram can be disposed of this way.

**MAINE**

Maine has proposed a rule revising their adopted Part N to bring it into agreement with the current CRCPD Part N Suggested State Regulations for the Control of NORM which is currently before the CRCPD Board of Directors for approval. The public comment period for the Maine proposed rule ended at the end of February. Following confirmation that the proposed rule is acceptable, the rule becomes effective August 1, 2002.

Maine does have NORM - contaminated water treatment wastes. Many water supplies in Maine contain significant concentrations of

radium, radon and uranium. Ion exchange resins used in water treatment can become "hot" with radium and uranium. Carbon filters used to remove radon from water become contaminated with the radon decay products, i.e., radioactive lead, bismuth and polonium.

The recent National Academy of Science report (*Risk Assessment of Exposure of Radon in Drinking Water, 1998*) and EPA's imminent adoption of radon in water MCL will mandate the state adopt water treatment wastes regulations.

**MARYLAND**

Maryland has no specific regulations for the control of NORM. NORM is handled under the general radiation regulations. These general regulations were revised to bring the rules into line with 10 CFR 20 as well as making other changes deemed advisable. The revisions became effective October 9, 1995.

**MASSACHUSETTS**

Massachusetts does not have specific regulations for the control of NORM. NORM is considered to be a subset of NARM and NARM is considered to be regulated by the Massachusetts general radiation regulations.

The amended general radiation regulations became effective July 9, 1999.

**MICHIGAN**

There have been no significant changes in the Michigan guidance documents for the control of NORM and although none are

planned for the immediate future, the CRCPD's Part N is being closely followed to determine if it should be the basis for future NORM regulations in Michigan.

Michigan continues to work with the oil and gas industry sites to identify and control NORM, and they continue to provide assistance in determining cost-effective means for disposal of NORM-contaminated soils and equipment. The scrap metal industry in Michigan is particularly concerned about receiving radioactively contaminated metals, including NORM-contaminated metals.

The cleanup and disposal guidelines that are being used in Michigan have been updated with respect to references to applicable state laws and improved ties to federal MARSSIM guides. That is, some regulatory and technical updates have been made, but there have been no really substantial changes to the present guidelines.

There have been some successful remediations at several oil and gas facilities that had slightly contaminated soils. The contaminated soils were sent to solid waste landfills in Michigan. The Michigan guidelines for disposal in type 2 municipal solid waste landfill allow up to 50 pCi/gm radium-226 to be disposed. This can be a large cost saving. Analysis has shown that this level shows an insignificant risk to the public.

Michigan is resurveying many sites for NORM contamination. The

(Continued on page 8)

**MICHIGAN** (continued)

original surveys had been made in the early 90s. The resurveys show that, generally, oil and gas sites which showed NORM contamination in the earlier surveys showed even greater contamination in the present study. For example, radiation readings of 18 milliroentgens per hour (18,000 microroentgens per hour) were seen at a gas separator and radioactivity levels of radium-226 as high as 150,000 to 200,000 pCi/g are seen in oil and gas facilities.

NORM levels in paper mills in Michigan have been reported at concentrations at just over 800 pCi/g.

**MINNESOTA**

Minnesota has no regulations for the specific control of NORM; it has regulations for devices that use discrete NARM (e.g. radium-226) as a source of radiation.

One landfill in Minnesota has been permitted to receive NORM wastes. The level of NORM which will be accepted at the landfills has not been determined.

Concern about NORM is increasing as more people learn about NORM contamination. One problem that has arisen is the zircon sands left when foundries go out of business. Allowing these NORM wastes to be disposed in a landfill will make the disposal easier.

In 1998, the Minnesota Department of Health began the process to become an Agreement State with the U.S. Nuclear Regulatory

Commission. Minnesota hopes to become an Agreement State in August 2003.

**MISSISSIPPI**

Responsibility for NORM in Mississippi is currently divided between the Department of Health and the Oil and Gas Board. The Oil and Gas Board was to have authority for NORM at the wellsite (effective July 1, 1995). After the petroleum leaves the wellsite the Department of Health was to have jurisdiction for any NORM contamination.

However, the Mississippi legislature enacted legislation that gave the Oil and Gas Board jurisdiction over all oil and gas wastes. However, the *Mississippi State Board of Health Regulations for Control of Radiation, Section 801.N* is still in effect. The Division of Radiological Health continues to process licenses from contractors for NORM decontamination at industrial facilities. The attorney for the Department of Health believes that any commercial remediation, etc. will still have to be licensed by the Department.

Although the jurisdictional conflict involving the Department of Health and the Oil and Gas Board has not been completely resolved, it has been smoothed out to a degree. If the NORM wastes are generated by E & P activities, it is assumed to be under the jurisdiction of the Oil and Gas Board. If the dosage from the NORM reaches a certain level, the Department of Health assumes jurisdiction. The Department of Health does not appear to be dis-

puting this. The Oil and Gas Board has assumed jurisdiction for about 99% of NORM associated with oil and gas.

On August 11, 1995, the Oil and Gas Board issued a proposed **Rule 69: Control of Oil Field NORM**. The rule provides the regulations for the control of oil field NORM to ensure that radiation exposures of workers and members of the general public are negligible. The rule applies to NORM that has been derived from the exploration and production activities of oil and gas operations within Mississippi.

Revisions made to Rule 69 at the public hearing in August 1995 were summarized in the Winter 96 issue of **The NORM Report**.

Rule 69 was appealed to the Mississippi State Supreme Court where it was decided in favor of the Oil and Gas Board.

Rule 69 has been implemented. Oil and gas operators have conducted NORM surveys on all their properties. Over 1,500 survey data have been entered in a computer. The data will be analyzed to determine how many sites are over a selected concentration level of NORM contamination.

The Oil and Gas Board received a petition to amend statewide Rule 68. **Rule 68, Disposal of Naturally Occurring Radioactive Materials (NORM) Associated with the Exploration and Production of Oil and Gas** became effective in September 1994. The petition

(Continued on page 9)



**MISSISSIPPI** (continued)

which was received from the US Oil & Gas Association, Alabama/Mississippi Division asks the Oil and Gas Board to authorize the surface and subsurface landspreading of Naturally Occurring Radioactive Materials (NORM) associated with the exploration and production of oil and gas. The original Rule 68 did not authorize landspreading as a method of NORM disposal.

Special hearings were held before the Oil and Gas Board commencing on August 18, 1999. At a hearing held September 15, 1999 arguments and closing statements were heard.

(Editor's Note: Some of the Oil and Gas Board's thinking on the revisions to Rule 68 to allow landspreading were discussed in the Volume VII, No. 2 issue of **The NORM Report**.)

The Board found that the maximum radiation levels in the proposed amendments which would authorize the surface and subsurface landspreading of NORM E&P oilfield wastes, are significantly more restrictive than the radiation levels contained in **Statewide Rule 69: Control of Oil Field NORM** which was approved by the Mississippi State Oil and Gas Board and became effective June 1, 1996, and which has recently been upheld on appeal by the Chancery Court of the First Judicial District of Hinds County, Mississippi. The Board found that existing Statewide Rule 69, among other things, prescribes standards for the

cleanup or remediation of property containing NORM E&P oilfield wastes. The Board noted that property for unrestricted use could have a maximum ambient exposure rate of 50 microrem per hour which is equivalent to concentrations of thirty (30) picocuries per gram. The Board's own expert, Dr. Vern Rogers, previously testified during the hearing on Statewide Rule 69, that this maximum soil concentration would result in no demonstrable health and safety impact on the residents of the State of Mississippi. The Board found that the proposed amendments to Statewide Rule 68, which were before the Board would allow the surface and subsurface landspreading of NORM E&P oilfield wastes only where the maximum NORM concentrations do not exceed five (5) picocuries per gram. The Board found that the proposed landspreading amendments to Statewide Rule 68 contain maximum NORM concentrations which are six (6) times more conservative than the NORM concentrations prescribed in existing Statewide Rule 69. In addition, the Board found that the maximum radiation exposure rate of 40 millirem per year, as proposed is fully supported by the overwhelming weight of the credible scientific testimony as being safe and fully protective of both human health and the environment.

The Board stated that in developing the landspreading rules, it had been the objective of the Board to develop rules which are sufficiently protective of oilfield workers, the general public and the environment,

which do not conflict with existing state or federal regulations, which are technically sound, and which are implementable by those subject to their provisions. The Board was of the opinion and found that the landspreading rules being adopted fully meet all these objectives.

The Board found however, after careful evaluation, that a number of additional revisions should be incorporated into the proposed landspreading amendments to Statewide Rule 68 which differ significantly from the rule as originally proposed. These additional revisions were also summarized in the Volume VII, No.2 issue of **The NORM Report**.

The effective date of the amended Rule 68 was January 19, 2000. Subsequently, an appeal of Rule 68 was filed in Lincoln County but was dismissed by the courts.

**MISSOURI**

There are no specific NORM regulations in Missouri and none are planned. Occurrences of NORM problems are handled under the state's general regulations for the control of radiation.

**MONTANA**

There have been no new developments applicable to NORM regulations in Montana. The regulations for the control of radiation have not been revised since 1980 and NORM is not considered to be included in these general radiation regulations. The Montana Department of Health and Environmental Sciences does have the statutory authority for NORM

(Continued on page 10)

**MONTANA** (continued)

regulations, but there is no funded program for their development.

**NEBRASKA**

There has been no change in the status of NORM regulations in Nebraska. The state believes NORM is included in their general rules for the control of radiation. There are no plans for specific NORM rules.

Like many other states, Nebraska receives comments and questions from recyclers. Some of these recyclers have "requested" NORM rules so they can use NORM limits, e.g., 50 microrem/hr, to know when they can refuse or accept contaminated scrap.

**NEVADA**

Nevada has no specific NORM regulations and none have been proposed. Comprehensive statutes for the control of radiation address NORM and NARM similarly.

**NEW HAMPSHIRE**

New Hampshire considers NORM to be a subset of NARM and the state has always regulated NARM in the same manner as the Agreement State materials (e.g. by-product, source, and special nuclear material). New Hampshire has reviewed "Part N", the Suggested State Regulations for the Control of NORM as published by the Conference of Radiation Control Program Directors, Inc. (CRCPD), and has begun draft rulemaking for regulation of TENORM (Technically Enhanced NORM) sources.

New Hampshire has significant quantities of radionuclides in drinking water. Treatment of the New Hampshire water supplies often results in resins and filters containing high concentrations of radium, uranium and radon decay products. Regulation and disposal of these water treatment wastes are issues currently being discussed by the state's Health Department and Environmental Department.

**NEW JERSEY**

New Jersey is in the process of revising part of its regulations, including those involving TENORM. TENORM is defined in N.J.A.C. 7:28-12.3 as any naturally occurring radioactive material whose radionuclide concentrations or potential for human exposure have been increased by any human activity. The Department has had a policy regarding the cleanup of contaminated sites such that any discharge to a sewage treatment plant must meet the New Jersey Groundwater Quality Standards. These standards are the same as the US EPA drinking water standards. This policy is being codified into our regulations at N.J.A.C. 7:28-11 "Disposal by release into sanitary sewerage systems".

Also, the Commission on Radiation Protection is considering revising N.J.A.C. 7:28-4.3 "Exemption from requirement for a license for manufacture, production, transfer, distribution or arrangement of distribution, sale, lease, bail, receipt, acquisition, ownership, possession or use of all naturally occurring and accelerator produced radioactive materials". Currently the rule

exempts NORM of an equivalent specific radioactivity not exceeding that of natural potassium ( $10^{-9}$  Ci/g). The exemption language being considered would exempt the following:

1.) NORM occurring in natural abundance and which are not technologically enhanced NORM, whether intentionally or unintentionally,

2.) Persons who receive, own, possess, use, process, transfer, distribute, or dispose of TENORM if the materials contain any combination of radium-226 and radium-228 at concentrations less than or equal to 5 pCi/g (dry weight) and a total volume of less than 50 cubic yards.

3.) Radon gas that is being expelled to the outside atmosphere as part of a radon remediation system.

4.) Sewage sludge which may contain elevated concentrations of NORM from the partitioning process which is the outcome of normal operations of the sewage treatment plant. Beneficial re-use of such sludge may be subject to other restrictions as determined by the Department.

The proposal is expected to be published in the New Jersey register in December, 2002. Interested persons may contact Jenny Goodman at (609) 984-5498 or [jenny.goodman@dep.state.nj.us](mailto:jenny.goodman@dep.state.nj.us).

*Soil Remediation Standards for Radioactive Materials*, N.J.A.C. 7:28-12, was adopted on August 7, 2000. The response to the comment document, final rule, guidance manual on characterization and

(Continued on page 11)

**NEW JERSEY** (continued)

final status surveys, and the spreadsheet used to implement the standards are all available on the Radiation Protection Program's website:

<http://www.state.nj.us/dep/rpp/index.html>

New Jersey has about 10 sites that are in some stage of cleanup. Most are using all or part of the rule for the cleanup levels and MARSSIM to implement final status surveys.

**NEW MEXICO**

The New Mexico NORM regulations, *Subpart 14: Naturally Occurring Radioactive Materials (NORM) in the Oil and Gas Industry* became effective August 3, 1995.

*Rule 714, Disposal and Transfer of Regulated NORM for Disposal* provides the regulatory framework for the disposal options addressed in the Part 14 NORM regulations. Rule 714 became effective July 15, 1996. Rule 714 was summarized in the Summer 96 issue of **The NORM Report**.

The guideline document draft for use with the NORM regulations (Appendix A of the regulations) is also available. The guide is entitled *Appendix A: Regulation Guidelines for the Management of NORM in the Oil and Gas Industry in New Mexico*. The purpose of the document is to provide guidance to persons involved with facilities or equipment associated with the production of oil and gas and how to conduct screening surveys with portable radiation detectors to identify NORM and to initiate determination of needed radia-

tion protection controls. The guide is intended for individuals licensed by the New Mexico Environment Department and permitted by the New Mexico Oil Conservation Division. The document is intended to assist general and specific licensees in the proper use, transfer, transport, storage and disposal of regulated NORM.

The guide describes the type and extent of information needed by the New Mexico Radiation Licensing and Registration Section staff to evaluate an application for a specific license for authorization to perform commercial services involving NORM contamination.

The guide is for general guidance in preparation of the license application and should not be considered as all the information that may be required for a particular application. Nor is it a substitute for the applicant's safety evaluation of the proposed activity. The applicant must ensure that the application correctly and adequately describes the commercial services offered, and the radiation safety measures and procedures to be followed to provide adequate protection. For this guide, decontamination means deliberate operations to reduce or remove residual NORM contamination from equipment, facilities or land.

Copies of the State of New Mexico Radiation Protection Regulations (including the NORM rules), can be downloaded from the Department's website at

[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)

The official title of the regulations

is 20 NMAC 3.1.

New Mexico also has an advisory which may be of interest. The advisory is entitled **TIMELY DISPOSAL AND DECOMMISSIONING ADVISORY: NEW REGULATIONS THAT REQUIRE TIMELY DISPOSAL OF RADIOACTIVE MATERIALS THAT ARE NO LONGER IN USE**

In recent years, Section 318 of the New Mexico Radiation Protection Regulations (NMRPR) [20.3 NMAC] pertaining to timeliness in the decommissioning of facilities were extended to include timely disposal of unused radioactive materials in compatibility with changes to the regulations of the Nuclear Regulatory Commission.

Some licensees have been advised in the past by this Bureau that they should dispose of unused material, however no enforcement was taken upon declination of the licensee. This will no longer be the case. Licensees receiving past advisories by this Bureau to begin decommissioning and/or dispose of unused radioactive material, and are still in possession of such material, must make disposal arrangements as soon as possible. Also, future directives to dispose of unused material or to begin timely decommissioning must be acted upon promptly.

When licensed activities have not been conducted for a period of 24 months at a particular location that contains residual radioactive material (or radioactivity), or if a licensee decides to cease licensed

(Continued on page 12)

