

discharges in order to schedule for a batched discharge.

In summary, NRC has concluded that the public comments, data, analyses, reports, and petitioner's rationale do not justify the petitioner's request for a rulemaking to amend the regulations in 10 CFR 20.2003 to require that all licensees provide no less than 24 hours advance notification to the appropriate sewage treatment plant before releasing radioactive material into a sanitary sewer system. Such a rulemaking would impose unnecessary regulatory burden on licensees and does not appear to be warranted for the adequate protection of public health and safety and the common defense and security. Therefore, NRC is denying the petitioner's request to amend 10 CFR 20.2003.

With respect to the petitioner's request to amend 10 CFR 20.2004, NRC has reviewed the petitioner's rationale, the public comments on the petition, and the regulatory history on the requirements for NRC approval for incineration. NRC regulations in 10 CFR 20.2004 apply to either an NRC or an Agreement State licensee and generally do not apply to a POTW or its operations. POTWs are not required to obtain NRC approval for incineration of their sewage sludge, unless they possess an NRC or Agreement State license for possession of licensed radioactive material in the sewage sludge. Studies, surveys, and modeling efforts conducted to date indicate that releases of radioactive material from licensed facilities in accordance with 10 CFR 20.2003 generally do not reconstitute in sewage sludge in sufficient concentrations to pose a risk to public health and safety and thus it is unlikely that a POTW will be required to possess an NRC license for its sludge. Therefore, a change to 10 CFR 20.2004 regulations is not needed.

If a licensee incinerates licensed material, the staff continues to believe that the NRC approval requirements are necessary to have reasonable assurance that the public health and safety are adequately protected. Hazards associated with incinerating licensed material will highly depend on the specific characteristic of the matrix containing the licensed material. If a licensee incinerates the licensed material contained in the sewage sludge, many factors would have to be considered because the sewage sludge could potentially have a broad spectrum of radionuclides from various sources and a wide range of concentration

levels. The potential hazards also highly depend on the case-specific incinerator design and site-specific exposure to the public and the environment. Even though the discharge requirements for 10 CFR 20.2003 were set to adequately protect public health and safety and the environment, different human exposure scenarios apply to the disposal of licensed material by incineration, even if those materials are discharged in compliance with another section of the regulations. NRC found that the acceptability of incineration as a disposal option, except for exempted quantities of radioactive materials, must be determined on a facility- and site-specific basis. NRC continues to believe that prior NRC approval for incineration is necessary to have reasonable assurance that the public health and safety are adequately protected. Therefore, NRC is also denying the petitioner's request to amend 10 CFR 20.2004 to explicitly exempt radioactive materials that enter the sanitary waste stream under 10 CFR 20.2003 from the requirements regarding NRC approval for incineration.

For the reasons cited in this document, NRC denies this petition.

Dated in Rockville, Maryland, this 21st day of January, 2005.

For the Nuclear Regulatory Commission.

**Annette Vietti-Cook,**  
*Secretary of the Commission.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-7864-5]

#### Georgia: Final Authorization of State Hazardous Waste Management Program Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Georgia has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Georgia. In the "Rules and Regulations" section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action

is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

**DATES:** Send your written comments by February 28, 2005.

**ADDRESSES:** Send written comments to Audrey E. Baker, Authorizations Coordinator, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960; (404) 562-8483. You may also e-mail comments to [baker.audrey@epa.gov](mailto:baker.audrey@epa.gov). You can examine copies of the materials submitted by Georgia during normal business hours at the following locations: EPA Region 4 Library, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960, phone number: (404) 562-8190, John Wright, Librarian; or The Georgia Department of Natural Resources Environmental Protection Division, 2, Martin Luther King, Jr., Drive, Suite 1154 East Tower, Atlanta Georgia 30334-4910, phone number: (404) 656-7802.

**FOR FURTHER INFORMATION CONTACT:** Audrey E. Baker, Authorizations Coordinator, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960; (404) 562-8483.

**SUPPLEMENTARY INFORMATION:** For additional information, please see the immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

Dated: January 6, 2005.

**A. Stanley Meiburg,**  
*Deputy Regional Administrator, Region 4.*  
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