

February 2, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - COMSECY-98-022 - PROPOSAL TO PERMANENTLY DISPOSE OF
"UNIMPORTANT QUANTITIES" OF SOURCE MATERIAL WITHOUT A LICENSE PURSUANT TO
10 CFR 40.13(a)

The staff should finalize the Oak Ridge National Laboratory report, "Systematic Radiological Assessment of Exemption for Source and Byproduct Material," the Materials Risk Assessment, and the contractor report entitled "Options Paper on Exemption in [10 CFR Part 40](#) for <0.05% Source Material." The staff should also ensure that any insights gained in these assessments are incorporated into its development of the clearance rule. Based on these reports and assessments, the staff should provide its recommendation to the Commission for developing a more risk-informed and coherent set of requirements for licensing source material in 10 CFR Part 40, including possible revisions to [10 CFR 40.13\(a\)](#). A comprehensive rulemaking plan as required by Management Directive 6.3 is not necessary. Rather, the staff should provide options for Commission consideration on how to proceed to address the jurisdictional and technical issues associated with regulating source material, exclusive of uranium recovery operations which is being addressed in a separate rulemaking. In considering the need for revision to the regulations, staff should also consider how to minimize duplication in regulatory authority over source material between NRC under the Atomic Energy Act, the States under State law, and the Environmental Protection Agency under various Federal statutes.

(EDO)

(SECY Suspense: 9/30/99)

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OCA