

June 5, 2003

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-01-0072 - DRAFT
RULEMAKING PLAN: DISTRIBUTION OF SOURCE MATERIAL
TO EXEMPT PERSONS AND TO GENERAL LICENSEES AND
REVISION OF 10 CFR 40.22 GENERAL LICENSE

The Commission has disapproved proceeding with the course of action under Option 4 to develop a tiered approach for regulating general licensees. The staff should leave the provisions of 10 CFR §40.13 and §40.22 unchanged at this time. The staff should compile additional available information about the products and quantities of source material distributed and used by exempt persons and general licensees and conduct a realistic assessment of the need for any regulatory changes. This additional information should include information obtained during interactions with states, the Environmental Protection Agency, Occupational Health and Safety Administration, etc. If necessary, staff may also need to collect information from a select number of licensees, on a voluntary basis, to confirm the available data. If during the information collection process staff or an Agreement State finds a facility with conditions similar to those at the Colorado facility, the staff, after consultation with the Commission, or the Agreement State should take action, such as issuing an immediately effective Order. In conducting analyses for potential recommendations staff should use scenarios and models that represent more realistic estimates of potential exposures. Staff should provide the Commission with the results of the assessment and any follow-up recommendations for changes in the associated regulatory program. These recommendations could include issuing Orders, if appropriate, to significant source materials distributors as a means of collecting information in order to make a recommendation on potential rulemaking.

The staff should grant PRM 40-28 that raises concerns about the disposition of depleted uranium in aircraft counterweights. In addition, the staff should address the issues in PRM 40-27 that raises concerns about the use of source material by general licensees that results in some situations where exposures to workers are above 1 mSv/year (100 mrem/year) and forward proposed resolutions for this petition with the recommendations requested in the above paragraph.

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