

# 10 CFR Part 40

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*Protecting People and the Environment*

# Background on Proposed Rule

## History of Part 40

- Control of a valuable and strategic material is central to the 1946 definition of nuclear material
- The definitions of fissionable special nuclear material (SNM), source and byproduct materials are security-based and not safety-based



# Observations

- Radiation Protection was not central to the 1946 Act
- Risk-informed thinking was not part of the approach
- Control and Security of a valuable and strategic materials are central to the 1946 definitions
- The definitions of fissionable (SNM) source and byproduct materials are security not safety based



## For Example

- Uranium is disposed of as LLW and Mill Tailings with different requirements
- 10 CFR 40.13, Unimportant quantities of source material, requires 0.05% by weight as the exemption level in 10 CFR 40.13(a)
- Related to economics and ease of recovery not related to the risks of radioactive material content



## Today's Lessons

- Uranium is disposed of as LLW and Mill Tailings with different requirements
- Recognize that the definitions for Source Special Nuclear and Byproduct materials are based on the early issues of safeguards and security
- We have to translate them into risk-informed regulation
- Commission Paper - SRM

