

December 2, 2010

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS – SECY-10-0105 – FINAL RULE:
LIMITING THE QUANTITY OF BYPRODUCT MATERIAL IN A
GENERALLY LICENSED DEVICE (RIN 3150-A133)

The Commission has disapproved the publication of this final rule.

The Commission has approved revising the compatibility categories of 10 CFR 31.5 and 31.6 from B to C.

The staff should report back to the Commission with a description of which Agreement States, if any, acted to modify their programs as a result of the change in compatibility category, how the programs were modified, and an analysis of any transboundary impacts to regulated entities, particularly those operating on a multi-state basis, and recommend corrective actions if needed.

(EDO) (SECY Suspense: 18 months)

The staff should update the Commission Policy Statement on Adequacy and Compatibility of Agreement State Programs and associated guidance documents to include both safety and source security considerations in the determination process.

The staff should leverage the General License Tracking System to monitor for aggregation of sources of concern and take action as appropriate to increase source security by the issuance of orders to the general licensees that possess IAEA Category 1 and 2 quantities.

The staff should also revisit its position on inspecting general licensees and consider both safety and source security risk information to inform a routine and initial inspection program.

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR