

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER DICUS

SUBJECT: SECY-99-108 - PROPOSED RULE: 10 CFR PARTS 30, 31,
32, 170, AND 171 - "REQUIREMENTS FOR CERTAIN
GENERALLY LICENSED INDUSTRIAL DEVICES
CONTAINING BYPRODUCT MATERIAL"

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

*Concur subject to the attached
comments.*

Greta Jay Dicus
SIGNATURE

May 9, 1999
DATE

Entered on "AS" Yes ✓ No _____

Commissioner Dicus' comments on SECY-99-108:

I approve the staff's proposal to publish the proposed rule for public comment subject to the following comments.

1) I have some reservations about whether a flat fee is, in fact, the most appropriate fee structure taking into account fairness and equity considerations for the licensees affected by this proposed rule and cost and other impacts upon the NRC. However, in order to keep the important proposed rulemaking on schedule, I will not, at this time, ask for reconsideration of the staff's proposal in this regard. Instead, the Federal Register notice should be modified to highlight this issue and specifically request comment on it. The Commission may then take these comments into account when it considers final rulemaking.

2) The matter of establishing a National database and compelling Agreement State participation in it as a matter of compatibility is a complex issue. While I will not object, for the purposes of publishing the proposed rule for public comment, to a proposed compatibility category that would permit Agreement States to use their own databases instead of the NRC database, I believe that the Federal Register notice should include a statement that the Commission may decide to require Agreement State use of the NRC database as a matter of compatibility should the National interest show it to be necessary. The Federal Register notice should specifically request public comment on this issue.

I commend staff for preparing a well drafted, timely paper.