

June 16, 2010

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

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

SUBJECT: STAFF REQUIREMENTS – SECY-09-0179 – PROPOSED RULE:
DISTRIBUTION OF SOURCE MATERIAL TO EXEMPT
PERSONS AND TO GENERAL LICENSEES AND REVISION OF
GENERAL LICENSE AND EXEMPTIONS (RIN 3150-AH15)

The Commission has approved publication, in the *Federal Register*, of the proposed amendments to 10 CFR Parts 30, 40, 70, and 171, subject to the changes and comments noted below.

(EDO)

(SECY Suspense: 7/16/10)

The staff should use additional stakeholder outreach beyond the publication of this proposed rule. This outreach might include for example, public meetings, trade journals, direct mailing to identified general licensees, or stakeholder newsletters, to ensure that the broadest populations of affected users are aware of the rulemaking. The staff should communicate to the Commission in the final rule the methods used to communicate these changes and the feedback received from stakeholders on the proposed rule.

The staff should plan to publish the draft guidance documents during the public comment period to ensure that all interested parties will have the information they need to understand the proposed new requirements.

The staff should specifically solicit comments on the proposed requirements in 10 CFR 40.22 (c) to report to the NRC if significant contamination is identified and to work with the NRC staff to identify appropriate sampling activities to determine if the dose limit in 10 CFR 20.1402 may be exceeded.

The staff should extend the comment period from 75 days to 120 days.

The staff should solicit specific comment on the proposed new fee categories and initial fee amounts (up to \$10,100 for an application and \$17,400 for the annual fee).

The staff should transmit its draft press release in support of SECY-09-0179 to the Commission for its review and comment, in accordance with page III-6 of existing Commission procedures.

The staff should invite specific comment on whether the Commission has or has not appropriately identified all the products or activities that should be authorized for possession or use under a general license (10 CFR 40.22) and whether the Commission has or has not appropriately identified all the products or activities that should be authorized for possession or use by exempt persons (10 CFR 40.13).

The staff should include in the *Federal Register* a conforming change to 10 CFR 40.32(f) “General requirements for issuance of specific licenses.” that would reference the proposed rule Sections 40.52 and 40.54.

The staff should solicit comments on how licensees should dispose of larger quantities of source material in their possession, including disposal of all source material in RCRA Type C and D landfills.

The staff should establish early dialogue with organizations that would be most impacted by the proposed amendments to determine whether workshops are needed to explain the process for obtaining a specific license.

The staff should request comment on how a general licensee might detect that significant contamination exists and what should be considered significant.

The staff should make the following editorial changes:

1. On page 27, revise line 3 from the top to read ‘ ... reduced if **the** process’
2. On page 28, last paragraph, revise line 5 to read ‘ ... to remove **uranium from** drinking water’
3. On page 41, insert another blank line prior to the start of Section 40.52.
4. On page 42, in the title for Section 170.31, revise line 2 to read ‘ ... import and export’
5. On page 46, in the footnote, revise line 2 to read ‘ ... Agreement States **s**’

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