

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook
Secretary of the Commission

FROM: CHAIRMAN MESERVE

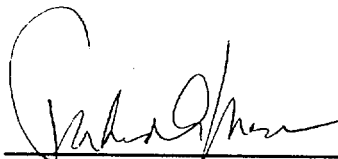
SUBJECT: SECY-99-259 - EXEMPTION IN 10 CFR PART 40 FOR
MATERIALS LESS THAN 0.05 PERCENT SOURCE
MATERIAL - OPTIONS AND OTHER ISSUES CONCERNING
THE CONTROL OF SOURCE MATERIAL

Approved XX w comments Disapproved _____ Abstain _____

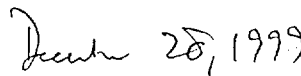
Not Participating _____ Request Discussion _____

COMMENTS:

See attached comments.



SIGNATURE



DATE

Entered on "AS" Yes _____ No _____

COMMENTS OF CHAIRMAN MESERVE ON SECY-99-259

I approve the staff's recommendation to initiate the development of a proposed rule to amend 40.51(b)(3) and (4) to require prior Commission approval for transfers to persons exempt under 40.13(a). As part of this proposed rule, the staff should consider the need to revise 40.13(a) to clarify its applicability to disposal.

I also approve the staff proposal to initiate interactions with EPA, OSHA, and the States to examine the overall issues and responsibilities concerning low-level source material. As part of this interaction, the staff should work with the States to evaluate how existing and planned regulation of NORM and TENORM will also protect public health and safety from low-level source material and assess the willingness of these agencies to assume responsibility for this material.

Finally, I approve the staff proposal to develop a rulemaking plan to improve control of distribution of source material to exempt persons and general licensees. The rulemaking plan should reflect the resolution of PRM-40-27.