

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER DICUS

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 x ^{w/comments} Disapproved Abstain

Not Participating

COMMENTS:

See attached comments.

Anette Jay Dicus
SIGNATURE

January 13, 2000
DATE

Entered on "AS" Yes x No

Commissioner Dicus' comments on SECY-99-259:

The staff has indicated that the use of source material (particularly large quantities) may result in radiation doses in excess of our regulatory limits. The recommendations of the staff are predicated, at least in part, on this premise. However, it is important to note that if the new lung model for body burdens and ICRP 72 are used, the dose may be reduced by as much as a factor of 11 bringing doses potentially within our regulatory limits. This calls into question the basis for one of the staff's recommendations.

Nonetheless, I approve the staff's recommendation to initiate interaction with EPA, OSHA, and the States to explore the best approach to delineate the responsibilities of the NRC and those agencies with regard to low-level source material (as defined in 10 CFR Part 40) to include support for a potential legislative change.

I also approve the staff plans to proceed with rulemaking to amend § 40.51(b)(3) and (4) and possibly §40.13(a) to require prior Commission approval for transfers to persons exempt under § 40.13(a) (currently designated under the Rulemaking Activity Plan as RM#447). I support the staff plans to have this proposed rule to the Commission 6 months from the date of this final SRM.

Finally, I approve the development of a rulemaking plan to improve the control of distribution of source material to exempt persons and to general licensees, and the incorporation of the resolution of PRM-40-27 in order to make Part 40 more risk-informed.