

October 9, 2003

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA by Andrew L. Bates
Acting For/**

SUBJECT: STAFF REQUIREMENTS - SECY-03-0068 - INTERAGENCY
JURISDICTIONAL WORKING GROUP EVALUATING THE
REGULATION OF LOW-LEVEL SOURCE MATERIAL OR
MATERIALS CONTAINING LESS THAN 0.05 PERCENT BY
WEIGHT CONCENTRATION URANIUM AND/OR THORIUM

The Commission has disapproved the staff's proposal to seek, at this time, legislation to limit NRC authority to uranium and thorium that are extracted or purposely concentrated for the use of uranium or thorium. Although the Commission agrees that the proposed approach is the most efficient way to address the issue, because the probability of success is very limited, the Commission does not wish to expend the resources. Rather, the staff should focus on the high priority rulemakings in the materials arena such as the development of a proposed rule for the disposition of solid material, the completion of the proposed final rule for enhanced security requirements for portable gauges, and other potential rulemakings related to security of radioactive sources.

The staff should continue to discuss the legislative alternative in future discussions with other Federal agencies and the States to gauge the level of support, but should also further explore other possible approaches to achieving the goal of rationally treating these materials. This can be done by either returning the topic to the Jurisdictional Working Group or by soliciting comments on viable alternatives from other impacted Federal agencies and individual States. The resources spent on this activity should be limited. In exploring the other possible approaches, staff should consider innovative solutions that will still provide adequate protection for the public health and safety.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR