October 25, 2002

MEMORANDUM TO: William D. Travers
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - SECY-02-0133 - CONTROL OF SOLID MATERIALS: OPTIONS AND RECOMMENDATIONS FOR PROCEEDING

The Commission has approved the staff's recommendation to proceed with an enhanced participatory rulemaking (Option 3b), subject to the comments provided below.

Considerable information collection efforts and numerous public workshops have been conducted on the control of solid materials issues and the staff should not duplicate these efforts but should utilize this information as a starting point to focus on potential solutions. Information and data from related national (e.g., ANSI and DOE) and international (e.g., IAEA and EC) efforts also should be used in this effort. Additional workshops should be limited to areas where substantial new input is needed. For issues which may not warrant a workshop, the staff should explore increased use of web-based methods for interacting with stakeholders.

The staff should give fair consideration to all alternatives in developing a proposed rule so that a broad range of alternatives is identified and can be weighed by the Commission. The staff should encourage stakeholder participation and involvement in consideration of alternative approaches (including the current case-by-case approach, clearance, a conditional clearance approach, and a policy of no-release). But, in approaching stakeholders on this issue, the staff should reiterate the Commission's continuing support for the release of solid material when there are no significant health consequences.

The staff should specifically explore and document the feasibility of conditional or restricted clearance. The staff should assume sufficient latitude to address multiple scenarios in discussions with stakeholders in order to determine the feasibility of options for conditional or restricted clearance that (1) are effective, (2) are reasonably possible to implement, and (3) would increase public confidence in the process.

As required by Public Law 104-113, the staff should weigh the pros and cons of either implementing or endorsing the ANSI N13.12 standard (10 μSv/yr (1 mrem/yr)) as the primary dose standard for clearance.

The staff should bypass the proposed Advance Notice of Proposed Rulemaking (ANPR) and move directly to development of a rulemaking plan and proposed rule. The staff should submit for Commissioner approval a proposed schedule for the rulemaking effort within 90 days of this SRM. This schedule should reflect the Commission's desire to complete this rulemaking within 3 years.

(EDO) (SECY Suspense: 1/21/03)

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
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