

December 5, 2000

MEMORANDUM TO: Commissioner McGaffigan

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

SUBJECT: COMEXM-00-0002 - EXPANSION OF NRC STATUTORY  
AUTHORITY OVER MEDICAL USE OF NATURALLY  
OCCURRING AND ACCELERATOR-PRODUCED  
RADIOACTIVE MATERIAL (NARM)

This memorandum is to inform you that all Commissioners have concurred in your proposal to direct the staff to provide the Commission with a legislative package that could be used to expand the NRC's statutory authority beyond Atomic Energy Act material to include medical use of NARM. In addition, the Commission agreed to also consider extending NRC's statutory authority to regulate radioactive material to include accelerator-produced material in all applications. The attached SRM provides staff direction on this issue.

This completes action on COMEXM-00-0002.

Attachment:  
As stated

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner Merrifield  
EDO  
OGC

December 5, 2000

MEMORANDUM TO: Karen Cyr  
General Counsel

William D. Travers  
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - COMEXM-00-0002 - EXPANSION OF  
NRC STATUTORY AUTHORITY OVER MEDICAL USE OF  
NATURALLY OCCURRING AND ACCELERATOR-PRODUCED  
RADIOACTIVE MATERIAL (NARM)

The Commission has approved the drafting of two potential legislative proposals by the Office of the General Counsel (OGC), in coordination with the staff. The first proposal would extend NRC's statutory authority in the Atomic Energy Act (AEA) to regulate radioactive material to include accelerator-produced material when used for medical purposes. The second proposal would extend NRC's statutory authority to regulate radioactive material to include accelerator-produced material in all applications. This expansion would not include other sources of ionizing radiation such as "machine-produced" radiation (e.g., linear accelerators, X-ray units). The staff should consult with the States, including the Conference of Radiation Control Program Directors and the National Materials Working Group on these proposals and seek their advice on which, if any, to submit to Congress. If, after consultation with the States, the staff recommends proceeding with one of these proposals, the staff should provide an estimate of the resources needed to implement it. In addition, if for either proposal the staff does not recommend pursuing legislative authority, staff will provide their reasoning to the Commission.

(OGC/EDO)

(SECY Suspense:

06/30/01)

The staff, in consultation with OGC, should also identify other areas in which NRC's jurisdiction might appropriately be adjusted so as to ensure radioactive materials and other sources of ionizing radiation presenting similar risks are treated similarly (e.g., technologically-enhanced naturally-occurring material). This is not meant to be a resource-intensive effort. The Commission simply wants the potential areas identified so that it can decide whether to draft legislation and enter a consultation process with the States and other Federal agencies similar to that for the accelerator-produced material described in paragraph one.

(EDO/OGC)

(SECY Suspense:

02/28/01)

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
CIO  
CFO  
OCA  
OIG