

May 31, 2005

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

DRAFT PROPOSED RULE “10 CFR PARTS 30, 31, 32, AND 150: EXEMPTIONS FROM LICENSING, GENERAL LICENSES, AND DISTRIBUTION OF BYPRODUCT MATERIAL: LICENSING AND REPORTING REQUIREMENTS” (STP-05-042)

The U.S. Nuclear Regulatory Commission (NRC) is seeking comments from Agreement States on the draft proposed rule, “10 CFR Parts 30, 31, 32, and 150: Exemptions from Licensing, General License, and Distribution of Byproduct Material: Licensing and Reporting Requirements” and its accompanying draft Environmental Assessment (EA). This is a partial follow-on activity to a rulemaking plan included in [SECY-02-0196](#) (November 1, 2002) and provided for comment on February 14, 2002 ([STP-02-012](#)). The compatibility designations are found in the “Agreement State Compatibility” section. The proposed rule revises the compatibility category for §§ 32.11 and 32.12 to NRC and makes revisions to the regulations consistent with that change. When the rulemaking plan was provided for comment, Agreement States were requested to provide information on any licensees authorized to introduce byproduct material in exempt concentrations into products or materials (and to transfer such products and materials) under regulations comparable to § 32.11 (e.g., name, address, type of product or material transferred). Because no State identified any such licensees, there are no provisions to allow time for any existing Agreement State licensee to apply and obtain an NRC exempt distribution license. If you have any licensees of this type who would be affected by this change, please inform us. If any are identified, we will add a provision to allow for transition to NRC licensing and provide them copies of the published proposed rule as potentially impacted parties.

The draft proposed rule and draft EA are uploaded to the NRC’s Technical Conference Forum (TCF) where access is limited to Agreement States. Agreement States can access them at <http://techconf.llnl.gov/cgi-states/topics>. Due to their predecisional nature, they are exempt from public disclosure under NRC rules. We request that you limit distribution to your staff and not release the documents publicly. If they are released, please inform me or the individual named below within 24 hours.

Please provide comments to the Point of Contact, below, who will facilitate the resolution of comments. We would appreciate receiving your comments within 30 days from the date of this letter.*

POINT OF CONTACT: Catherine Mattsen
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/RA/

Paul H. Lohaus, Director
Office of State and Tribal Programs

* This information request has been approved by OMB 3150-0029, expiration 06/30/07. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

STP-05-042

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