



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 28, 2006

ALL AGREEMENT AND NON-AGREEMENT STATES
ALL STATE LIAISON OFFICERS

OPPORTUNITY TO COMMENT ON PROPOSED NARM RULE AND ENVIRONMENTAL ASSESSMENT (RIN 3150-AH84) (STP-06-068)

Purpose: To transmit: 1) the proposed rule on the expanded definition of byproduct material (NARM rule); and 2) the environmental assessment. The EA and *Federal Register* notice are provided for your review and comment.¹

Comment period: Any comments on the rule and its environmental impact should be submitted within 45 days (September 11, 2006). If you have any comments specific to the information collection aspects of the rule, please submit them within 30 days (August 27, 2006). Comments received after these dates will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before the indicated dates.

Summary: The United States Nuclear Regulatory Commission (NRC) sent to the Office of the Federal Register, for publication, the proposed amendments to the Commission's rules in 10 CFR Parts 20, 30, 31, 32, 33, 35, 50, 61, 62, 72, 110, 150, 170, and 171. The proposed rule was noticed in the *Federal Register* today (71 FR 42952, dated July 28, 2006). The portable document format (PDF) file is also enclosed for your convenience.

These amendments were developed to comply with Section 651 (e) of the Energy Policy Act of 2005, and they would establish the regulatory framework for regulating discrete sources of radium-226 and accelerator-produced radioactive material for commercial, medical, or research use. The proposed rules would revise the definition of "byproduct material" and add a definition for "discrete sources," as required by the Energy Policy Act of 2005. The proposed rules would also amend portions of the existing regulations and add certain provisions for regulating discrete sources of radium-226 and accelerator-produced radioactive material.

Also enclosed is an Environmental Assessment (EA) that has been prepared in support of the proposed rules. The EA's conclusion is the Commission's finding that no significant environmental impact will result from the proposed rules.

¹ *This information request has been approved by OMB 3150-0163, expiration 09/30/06. 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 (3150-0163), 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.

You can use the following methods to transmit your comments: (1) you can mail your written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff; (2) you can FAX your comments to (301) 415-1672; or (3) you can provide comments via NRC's interactive rulemaking website at <http://ruleforum.llnl.gov>. This site provides capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415-5905 (e-mail: CAG@nrc.gov).

For additional information on this action, contact Lydia Chang, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6319, e-mail lwc1@nrc.gov.

/RA/

Janet R. Schlueter, Director
Office of State and Tribal Programs

Enclosures:

1. Proposed Rule "Requirements For Expanded Definition of Byproduct Material"
2. Environmental Assessment

You can use the following methods to transmit your comments: (1) you can mail your written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff; (2) you can FAX your comments to (301) 415-1672; or (3) you can provide comments via NRC's interactive rulemaking website at <http://ruleforum.llnl.gov>. This site provides capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415-5905 (e-mail: CAG@nrc.gov).

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*See previous concurrence

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