



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

February 22, 2007

ALL AGREEMENT STATES, NEW JERSEY, PENNSYLVANIA, VIRGINIA

OPPORTUNITY TO COMMENT ON THE FINAL RULE TO AMEND 10 CFR 30, 31, 32, AND 150 – EXEMPTIONS FROM LICENSING, GENERAL LICENSES, AND DISTRIBUTION OF BYPRODUCT MATERIAL: LICENSING AND REPORTING REQUIREMENTS (FSME-07-016)

Purpose: To inform you of an opportunity to comment on a draft final rule to amend 10 CFR 30, 31, 32, and 150. This final rule affects distributors of exempt byproduct material, some general licensees, and some users of exempt products. Any comments* should be submitted to the contact listed below, within 30 days from the date of this letter.

Background: The U.S. Nuclear Regulatory Commission (NRC) is amending several regulations governing the distribution of byproduct material. The reporting requirements for licensees distributing byproduct material to persons exempt from licensing are being changed, obsolete provisions are being deleted, and simplified smoke detector distribution regulations are being created. In addition, this draft final rule restricts uses of some exempt byproduct material and modifies the process for transferring a generally licensed device. Aspects of this rule will affect all distributors of exempt byproduct material who submit transfer reports, some general licensees, and some users of exempt products. These actions are intended to better ensure the protection of public health and safety, make the licensing of distribution to exempt persons more effective and efficient, and reduce unnecessary regulatory burden to certain general licensees. Individually and collectively these amendments have been found to have no adverse environmental impacts, and have no significant additional regulatory burden.

This rule involves regulations that have been assigned compatibility category “B,” “C,” “D,” and “NRC.” Section-specific compatibility designations are found in the “Agreement State Compatibility” section of the *Federal Register* notice.

Contents: This draft final rule is available at Agreement State area of NRC’s Technical Conference Forum: <http://techconf.llnl.gov/cgi-states/topics>. Copies of related documents, such as the draft final environmental assessment and the proposed rule, may be obtained from the point of contact listed below.

Due to its predecisional nature, the draft *Federal Register* notice is exempt from public disclosure under NRC rules. Therefore, we request that you limit distribution to your staff and not release the draft publicly. Please see the Office of Federal and State Materials and Environmental Management Programs web page at:

* 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.

<http://www.hsrp.ornl.gov/NRC/procedures/sa800.pdf> for additional information about the distribution and use of predecisional information. If the draft is released, please inform me or the contact named below within 24 hours.

NRC point of contact: If you have any questions regarding this communication, please contact me at 301-415-2325 or the individual named below.

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