



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

(STP-06-007, January, Program, 10 CFR Parts 20, 30, 31, 32, 33, 35, NARM)

January 20, 2006

ALL AGREEMENT AND NON-AGREEMENT STATES  
STATE LIAISON OFFICERS

**NOTICE OF AVAILABILITY: PARTS 20, 30, 31, 32, 33, AND 35 - EXPANDED DEFINITION  
OF BYPRODUCT MATERIAL (NARM RULEMAKING), AVAILABILITY OF WEB PAGE  
(STP-06-007)**

The United States Nuclear Regulatory Commission (NRC) published January 3, 2006, in the *Federal Register* (71 FR 29) the enclosed notice of availability for a new web page titled "NARM rulemaking" related to the Commission's rules in 10 CFR Parts 20, 30, 31, 32, 33, and 35. This new web page was crafted by the NRC for the rulemaking titled "Expanded Definition of Byproduct Material," also known as the "NARM rulemaking." The Energy Policy Act of 2005 requires the NRC to establish a regulatory framework for the expanded definition of byproduct material to include certain naturally occurring and accelerator-produced radioactive material through rulemaking. Documents in support of this rulemaking will be posted on the web page via the NRC's rulemaking web site at <http://ruleforum.llnl.gov> as they become publicly available.

The Commission is not soliciting comments at this time; however, NRC will request formal public comments when a notice of proposed rulemaking is published in the Federal Register. Documents related to the NARM rulemaking may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. They may also be viewed and downloaded electronically from the "Expanded Definition of Byproduct Material (NARM Rulemaking)" web page via the rulemaking web site <http://ruleforum.llnl.gov> and selecting "Other Rulemaking-Related Comment Requests" from the selection menu. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, 301-415-5905 (e-mail: [CAG@nrc.gov](mailto:CAG@nrc.gov)).

For additional information on this action, contact Ms. Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. NRC, Washington, DC 20555-0001, telephone 301-415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov). For questions related to the NARM rulemaking, contact Ms. Lydia Chang, Office of Nuclear Material Safety and Safeguards, U.S. NRC, Washington, DC 20555-0001, telephone 301-415-6319, e-mail: [lwc1@nrc.gov](mailto:lwc1@nrc.gov).

/RA/

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

Enclosure:  
As stated

# Proposed Rules

Federal Register

Vol. 71, No. 1

Tuesday, January 3, 2006

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 20, 30, 31, 32, 33, and 35

#### Expanded Definition of Byproduct Material (NARM Rulemaking), Availability of Web Page

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has crafted a Web page for the rulemaking titled "Expanded Definition of Byproduct Material," also known as the "NARM rulemaking." The Energy Policy Act of 2005 requires the NRC to establish a regulatory framework for the expanded definition of byproduct material to include certain naturally occurring and accelerator-produced radioactive material through rulemaking. Documents in support of this rulemaking will be posted on the Web page via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov> as they become publicly available.

**DATES:** The NRC is not soliciting comments at this time; however, NRC will request formal public comments when a notice of proposed rulemaking is published in the **Federal Register**.

**ADDRESSES:** Documents related to the NARM rulemaking may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. They may also be viewed and downloaded electronically from the "Expanded Definition of Byproduct Material (NARM Rulemaking)" Web page via the rulemaking Web site <http://ruleforum.llnl.gov> and selecting "Other Rulemaking-Related Comment Requests" from the selection menu. For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher (301) 415-5905; e-mail [CAG@nrc.gov](mailto:CAG@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Ms. Jayne M. McCausland, Office of Nuclear

Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov). For questions related to the NARM rulemaking, contact Ms. Lydia Chang, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6319, e-mail [lwc1@nrc.gov](mailto:lwc1@nrc.gov).

**SUPPLEMENTARY INFORMATION:** Section 651(e) of the Energy Policy Act of 2005 (the Act) expanded the definition of *Byproduct material* in section 11e. of the Atomic Energy Act of 1954, to include certain naturally occurring and accelerator-produced radioactive material (NARM). The Act also required the NRC to provide a regulatory framework for licensing and regulating the additional byproduct material. The NRC is developing a rulemaking to revise its regulations to expand the definition of *Byproduct material* to include the following materials produced, extracted, or converted after extraction for use for a commercial, medical, or research activity:

- (1) Any discrete source of radium-226;
- (2) Any accelerator-produced radioactive material; and
- (3) Any discrete source of naturally occurring radioactive material, other than source material, that the Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat to public health and safety or the common defense and security similar to the threat posed by a discrete source of radium-226.

To aid the rulemaking process, NRC held a roundtable public meeting on November 9, 2005, to solicit input from stakeholders on the NARM rulemaking. Participants for the roundtable public meeting included representatives from other Federal agencies, State governments, the medical community, professional organizations, public interest groups, and members of the general public. The transcripts from the November 9, 2005, public meeting and a meeting summary have been posted on the NARM rulemaking Web page with other supporting documents. Additional documents may be added as they become publicly available, including

the draft proposed rule. The Web page can be accessed via NRC's rulemaking Web site at <http://ruleforum.llnl.gov> under "Other Rulemaking-Related Comment Requests" selection menu. The specific link to the NARM rulemaking Web page is <http://ruleforum.llnl.gov/cgi-bin/rulemake?source=narm&st=ipcr>. Once the proposed rule is published in the **Federal Register**, the NARM rulemaking Web page would still be accessed at <http://ruleforum.llnl.gov> but relocated under "Proposed Rules" selection menu.

Dated at Rockville, Maryland, this 21st day of December, 2005.

For the Nuclear Regulatory Commission.

**Scott W. Moore,**

*Chief, Rulemaking and Guidance Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E5-8218 Filed 12-30-05; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 23 CFR Part 1313

[Docket No. NHTSA-2005-23454]

RIN 2127-AJ73

#### Amendment to Grant Criteria for Alcohol-Impaired Driving Prevention Programs

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** This notice proposes to amend the regulations that implement the section 410 program, under which States can receive incentive grants for alcohol-impaired driving prevention programs. The proposed amendments implement changes that were made to the section 410 program by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU).

As a result of SAFETEA-LU, States are provided with two alternative means to qualify for a section 410 grant. Under the first alternative, States may qualify as a "low fatality rate State" if they have an alcohol-related fatality rate of 0.5 or