October 1, 2004

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

TECHNICAL CONFERENCE FORUM - REQUEST FOR COMMENTS - PLANNED SOLICITATION OF PUBLIC COMMENT ON DRAFT RULE WORDING: REVISION OF CERTAIN PROVISIONS OF 10 CFR PARTS 2, 30, 40, 50, 70, 73, AND 76 RELATED TO PROTECTION OF SAFEGUARDS INFORMATION (STP-04-074)

We have posted the draft *Federal Register* notice (FRN), including draft rule language for possible changes to 10 CFR Parts 2, 30, 40, 50, 70, 73, and 76 Related to Protection of Safeguards Information. The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations for the protection of Safeguards Information to be consistent with recent Commission practices reflected in Orders and Threat Advisories issued since September 11, 2001, and to provide the flexibility afforded the Commission by the Atomic Energy Act of 1954, as amended (Act), for the protection of such information. The requirements imposed by the Orders have added licensees, information, and materials not currently specified in the regulations, but which are within the scope of the Act. As part of NRC's efforts to engage stakeholders early in the rulemaking process, the NRC staff plans to make public this draft FRN in advance of a proposed rule through a *Federal Register* notice and related posting on the NRC website that will provide a description of the changes and the draft rule language currently being considered by the NRC staff. Prior to posting the draft FRN on the NRC public website, we are providing the Agreement States an opportunity to see the draft FRN. We will inform you when the draft FRN is posted on the NRC public website and any revisions to the draft FRN can be viewed there. We ask that you provide comments* within 30 days from the date of this letter directly to: Ms. Marjorie Rothschild, 301-415-1633; email: MUR@NRC.GOV.

The draft FRN is predecisional and is available only at the Agreement State area of the NRC Technical Conference Forum: **http://techconf.llnl.gov/cgi-states/topics**. The draft proposed rule language is marked: "PREDECISIONAL DRAFT INFORMATION - FEDERALLY PROTECTED - NOT FOR PUBLIC DISCLOSURE."

Due to its predecisional nature, this draft FRN, pending its posting on the NRC public website, is exempt from public disclosure under NRC rules. Therefore, we request that you limit distribution to your staff and not release the draft FRN publicly. If this draft FRN is released, please inform me or

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* 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.

the contact named below within 24 hours. For additional information about distribution and use of predecisional information, please see All Agreement States letters SP-99-019 and SP-99-027 available at the Agreement State web site, **http://www.hsrd.ornl.gov/nrc/home.html**.

POINT OF CONTACT: Marjorie Rothschild INTERNET: MUR@NRC.GOV
TELEPHONE: 301-415-1633 FAX: 301-415-2036

/RA/

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

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