



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

January 3, 2006

ALL AGREEMENT AND NON-AGREEMENT STATES

REQUEST FOR COMMENTS - DRAFT PROPOSED RULE: 10 CFR PARTS 20, 30, 31, 32, 33, 35, 50, 61, 62, 72, AND 150 "EXPANDED DEFINITION OF BYPRODUCT MATERIAL" (STP-06- 001)

NRC has posted the draft proposed rule entitled "10 CFR Parts 20, 30, 31, 32, 33, 35, 50, 61, 62, 72, and 150, Expanded Definition of Byproduct Material," for your review and comment. This draft is ready for comment by Agreement States, Non-Agreement States, the Advisory Committee on the Medical Uses of Isotopes (ACMUI), and NRC management, before it is released for public comment. Please provide comments directly to Lydia Chang at lwc1@nrc.gov on or before 5:00 p.m., February 2, 2006.

Section 651(e) of the Energy Policy Act of 2005 requires the NRC to expand the definition of byproduct material to include naturally occurring and accelerator-produced radioactive material NARM. The draft proposed rule would amend NRC regulations to include certain NARM.

The draft proposed rule is predecisional and is available at the Agreement State area of the NRC's Technical Conference Forum <http://techconf.llnl.gov/cgi-states/topics>. (Non-Agreement States may obtain passwords for the Technical Conference Forum from the Conference of Radiation Control Program Directors.) The draft is marked: "OFFICIAL USE ONLY - SENSITIVE INTERNAL INFORMATION - NOT FOR PUBLIC DISCLOSURE."

Due to their predecisional nature, the draft 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 State and Tribal Programs web page at <http://www.hsrdo.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.

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/RA/

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

* This information request has been approved by OMB 3150-0029, expiration 06/30/07 and by OMB 3150-0200, expiration 05/31/06. 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 (3150-0029 and 3150-0200), 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-05-001

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