

**RULEMAKING ISSUE  
(Affirmation)**

August 10, 2010

SECY-10-0105

FOR: The Commissioners

FROM: R. W. Borchardt  
Executive Director for Operations

SUBJECT: FINAL RULE: LIMITING THE QUANTITY OF BYPRODUCT  
MATERIAL IN A GENERALLY LICENSED DEVICE  
(RIN 3150-AI33)

PURPOSE:

The purpose of this paper is to request Commission approval to publish a final rule that will amend Title 10 of the *Code of Federal Regulations* (CFR) Part 31, in the *Federal Register*. The amendment will limit the quantity of byproduct material contained in a generally licensed device to below one-tenth (1/10) of the International Atomic Energy Agency (IAEA) Category 3 thresholds. Individuals possessing devices with byproduct material at or above 1/10 of Category 3 threshold values will be required to apply for and obtain a specific license (SL). In this document, the final rule is referred to as the General License (GL) Restrictions rule.

SUMMARY:

There has been increased concern regarding the safety and security of devices that are currently possessed under the U. S. Nuclear Regulatory Commission's (NRC's) GL regulatory program, including issues raised in reports from a U.S. Senate subcommittee and from the U.S. Government Accountability Office, in petitions from the Agreement States, and through NRC review of the GL regulatory program. In response to these concerns, the staff considered whether a limit should be placed on the quantity of byproduct material allowed in generally

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licensed devices, to improve accountability and control over these sources and reduce the potential for the aggregation of lower activity sources to higher activity levels. Based on technical and policy considerations, and on a regulatory analysis of the costs and benefits, the staff is requesting Commission approval of a final rule that will amend 10 CFR Part 31 to limit the quantity of byproduct material allowed in a generally licensed device to below 1/10 of the IAEA Category 3 threshold values.

This rulemaking will also change the compatibility categories of 10 CFR 31.5(a), 10 CFR 31.5(c)(13)(i), and 10 CFR 31.6 from B to C. Compatibility categories are established based on the Commission's Policy Statement on Adequacy and Compatibility of Agreement State Programs (62 FR 46517, September 3, 1997). This Policy Statement sets forth the approach that the Commission uses to classify program elements that should be adopted by an Agreement State to maintain an adequate and compatible program.

#### BACKGROUND:

On August 3, 2009, the NRC published a proposed rule, "Limiting the Quantity of Byproduct Material in a Generally Licensed Device" (74 FR 38372). The rule proposed to amend the NRC regulations to limit the quantity of certain byproduct material allowed in a generally licensed device to below 1/10 of the IAEA's Category 3 thresholds; licensees with devices containing byproduct material at or above this limit would be required to obtain an SL. This proposed rulemaking was intended to improve the safety and security of devices currently authorized under a GL by requiring a subset of these devices to be specifically licensed.

Reports from a U.S. Senate subcommittee and from the U.S. Government Accountability Office have raised concerns regarding the safety and security of byproduct material covered by the NRC's GL regulatory program. In addition, the Organization of Agreement States (OAS) filed a petition for rulemaking on June 27, 2005 (PRM-31-5), requesting that NRC strengthen its GL regulatory program by revising 10 CFR 31.5. The OAS and the State of Florida also requested changing the compatibility category of 10 CFR 31.6 from B to C so individual States would have flexibility to implement additional regulatory requirements to track and control generally licensed devices in their States.

NRC staff has analyzed the final rule in accordance with the procedures established within Part III of the Handbook to Management Directive 5.9 (MD 5.9), "Categorization Process for NRC Program Elements." MD 5.9 provides guidance on implementation of the Commission's Policy Statement on Adequacy and Compatibility of Agreement State Programs in assigning compatibility categories. Consistent with the policy statement, the NRC program elements are evaluated and placed into compatibility categories which determine the flexibility a State has in adopting a specific program element. Program elements are any component or function of a radiation control regulatory program, including regulations and other legally binding requirements that are imposed on regulated persons or entities.

Compatibility Category B requires the States to adopt essentially identical provisions to those in the NRC program element. Category B covers program elements that have direct and significant transboundary implications. Examples of Category B program elements include transportation packaging requirements, requirements for approval of products that are distributed nationwide and content and format of sealed source and device registration

certificates. Essentially identical NRC and Agreement State programs ensure consistency among multiple jurisdictions implementing these provisions.

In comparison, Compatibility Category C contains program elements whose essential objectives should be adopted by an Agreement State to avoid conflicts, duplications or gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis. Agreement States implementing Category C program elements do not need to adopt program elements that are essentially identical to NRC's, as long as the State program elements achieve the intended objective of the NRC program elements. An Agreement State can have more stringent regulatory requirements for Category C program elements. Examples of Category C program elements include reports of lost or stolen material.

Based upon its review of the comments received on the proposed rule, the staff is proposing to adopt changes to 10 CFR 31.5 and change the compatibility category of 10 CFR 31.5(a), 10 CFR 31.5(c)(13)(i), and 31.6 from B to C. The staff proposes not to adopt the amendment to 10 CFR 31.5(b)(5) in the proposed rule that would have required specific licensees that possess generally licensed devices to add those devices to their SL.

#### DISCUSSION:

The comment period for the proposed rule ended on October 19, 2009, and 55 comment letters were received. Commenters on the proposed rule included Federal agencies, States, licensees, industry organizations, environmental advocacy groups, and individuals.

Comments addressed the following areas: (1) support for and opposition to the general provisions of the proposed rule; (2) alternatives to the proposed rule that would modify the existing GL regulatory program to achieve the regulatory objective of the proposed rule; (3) alternative threshold values; (4) proposed changes in compatibility categories from B to C, and discussion of any transboundary issues related to this approach; and (5) the proposed requirement to prohibit specific licensees from possessing a generally licensed device.

A discussion of each major comment area and the staff's responses are included in the draft *Federal Register* Notice (FRN) (Enclosure 1) and summarized here.

#### 1) Support for and opposition to the general provisions of the proposed rule:

There were 20 commenters who supported establishing a threshold value of 1/10 of Category 3 for material in generally licensed devices. These 20 commenters included the OAS and also 9 individual Agreement States. About the same number of commenters did not support any threshold value for generally licensed devices; some of these commenters believe that the GL regulatory approach should remain as is, while others offered suggestions for modifying the GL regulatory program to achieve the objectives of the proposed rule.

The principal rationale provided by the commenters who supported the proposed rule was the increase in safety and security provided by the proposed rule, particularly the protection against aggregation of sources to quantities of concern. These commenters noted that regulatory change to limit the quantity of byproduct material in a generally licensed device is long overdue from a safety and security perspective and also that the rule would not impose a significant

burden to implement. Thus, these commenters stated that the 1/10 of Category 3 threshold is likely a reasonable compromise between the need for increased safety and security and the burden imposed by these requirements on affected licensees.

The principal rationale provided by the commenters who opposed this provision of the proposed rule was related to safety and security (including aggregation of sources) and also to the cost of complying with the amendments. Some of the commenters questioned whether the NRC has a technical basis or other facts to support the threshold value as necessary to safety and security. In particular, they argued that there is no credible risk of aggregating devices currently held under a GL that are used by industry for manufacturing process control applications, and that it is unrealistic to believe that these devices and their sources will be removed from their assemblies. They noted, for example, that these sources are important and vital to the operation of a manufacturing facility, are firmly mounted in process equipment, are surrounded by mechanical components moving at a high rate of speed with restricted access, and are within a security perimeter, which includes safeguards against entry by unauthorized people. These commenters are also concerned that implementation of the proposed rule would cause a significant cost increase because of the additional requirements associated with an SL, which include training, administration and annual fees, and hiring of a radiation safety officer. An industry trade group commented that small companies with a few customers spread across a large number of States will find it prohibitively expensive to conduct business in those States.

Staff's conclusion regarding comments on the general provisions of the proposed rule:

With respect to comments made regarding safety and security, staff believes that a principal rationale for setting a threshold at 1/10 of Category 3 is the need for increased security for these devices and the potential for aggregation of these sources to quantities of concern. As discussed in the Statement of Considerations for the proposed rule, the relatively few administrative or operational regulatory constraints on generally licensed devices raise a number of concerns about security vulnerabilities. Under the current GL regulatory program, a general licensee possessing a greater than 1/10 of Category 3 quantity of radioactive material is not subject to the same regulatory controls as specific licensees possessing similar quantities of radioactive material. Requiring an SL for higher activity generally licensed devices will provide an opportunity for a detailed review of the radioactive materials program proposed by an applicant, an opportunity for dialogue with the applicant, a regulatory decision as to whether to grant the license as requested or with modifications, and for more routine inspections and enhanced security requirements. Existing general licensees who become specific licensees would be tracked under NRC's Licensing Tracking System, and would no longer be under the General Licensing Tracking System.

The threshold value of 1/10 of Category 3 is based on the potential for aggregation to higher activity quantities of concern. Devices with Category 3 sources could be easily aggregated to Category 2 levels because they contain sources with activity levels that range from just below the Category 2 threshold to 1/10 of the Category 2 threshold (i.e., it would take only a few devices in the Category 3 range to aggregate to Category 2). Similarly, "high-end" Category 4 sources can be at levels just below the threshold of a Category 3 source (i.e., about 10–12 of these devices could be aggregated to create a Category 2 source). Many of the devices containing these Category 3 and high-end Category 4 sources are industrial gauges, which are widely used throughout the United States.

The staff agrees with the commenters that there are configurations at facilities in which the devices are mounted in such a manner that makes it hard for them to be removed or stolen. However, there are other facilities where it would be relatively easy for someone to remove or steal generally licensed devices. It is these other situations that need to be taken into consideration when thinking of aggregation by theft. These other scenarios could allow ample time for an individual to remove the device without detection. The staff believes that a 1/10 of Category 3 threshold is low enough to avoid aggregation by theft to a Category 2 level.

The costs incurred by some licensees who would need to obtain an SL have been estimated in the Regulatory Analysis (Enclosure 2). The staff continues to believe that the need for increased security for these devices and the potential for aggregation of these sources to quantities of concern justifies the regulatory resources and impacts on licensees that would result from implementing this rule.

2) Alternatives to the proposed rule that would modify the existing GL regulatory program to achieve the regulatory objective of the proposed rule:

As noted above, many of the comment letters stated that it is unnecessary to regulate current generally licensed devices under an SL if they are at or above the threshold level in the proposed rule. These commenters suggested alternatives to enhance the current GL regulatory program, including: (a) a combination of features, such as maintaining the existing GL framework while requiring additional hardening and design features in the devices to make it difficult to remove the sources from the devices; imposing new security requirements in the regulations and in the device registries that would apply to users of the devices; requiring inspections on a periodic basis by regulators of the generally licensed devices that meet or exceed 1/10 of Category 3 threshold values; and requiring device leak tests and shutter checks at 3 or 6 month intervals to improve source accountability; (b) strengthening the current GL regulations by adding an annual physical inventory requirement for all licensees who possess a generally licensed device under 10 CFR 31.5; a requirement for generation and retention of written records of the physical inventories for review during regulator inspections; and a requirement for general licensees to report their physical inventory results to the regulator; (c) amending 10 CFR 31.5(a) to exclude all portable devices, thereby requiring an SL for portable devices regardless of their activity level; and (d) offering manufacturers and distributors a Master Materials License or a single licensing mechanism that would be valid for work in different regulatory jurisdictions.

Staff's conclusion regarding alternatives:

This rule is intended to enhance the security of generally licensed devices with activity levels at or above the 1/10 of Category 3 threshold to improve the accountability and control of the sources and provide additional protection against aggregation of these sources to higher activity levels in quantities of concern. The staff considered alternatives that would not require generally licensed devices to be licensed under an SL.

One option would have revised 10 CFR 31.5 to add new requirements to improve the accountability and control of sources and to provide additional protection for generally licensed devices with sources at or above the threshold (e.g., by requiring additional hardening and design features). This alternative was not acceptable because, unlike the specific licensing

process, it would not include a pre-licensing process and opportunity to solicit additional information whereby the legitimacy of licensee operations could be verified, nor would it include periodic inspections by the regulatory authority, and physical inventory requirements. Although the staff agrees that such features may make it somewhat harder to remove a source from a device, there are scenarios, as discussed in Enclosure 1, whereby persons with malicious intent would have the ability to remove a source from a device without detection. In addition, it can be just as easy to remove and steal an entire device rather than to try to remove the source from the device, which would effectively negate any benefit of device hardening.

Another option would have amended 10 CFR 31.5 to exclude all portable devices, thereby requiring an SL for portable devices regardless of their radioactivity level. The staff determined that most generally licensed portable devices contain sources with activity levels below the 1/10 of Category 3 threshold. Therefore, the potential for aggregating enough generally licensed portable devices to a quantity of concern is very low. The staff also determined that this alternative would require general licensees who have portable devices that contain less than the threshold amount to incur costs associated with obtaining an SL and maintaining a specifically licensed radiation safety program with questionable reduction in preventing aggregation of sources to quantities of concern. The staff determined that the current proposed rule change that would require an SL for generally licensed devices that meet or exceed the 1/10 of Category 3 threshold is the preferred option.

In summary, the staff concluded that the GL framework, even with the suggested modifications, does not provide the level of safety and security needed to accomplish the objectives of the rule. In addition, the staff believes that if regulatory requirements similar to an SL are going to be applied then they should be implemented and enforced under the existing SL regulatory program and that a revised or more restrictive GL program would just create more confusion.

### 3) Alternative threshold values:

Commenters who supported the proposed rule suggested alternative threshold values for material in a generally licensed device. These alternatives included setting a threshold at IAEA Category 3, considering the aggregate level of byproduct material at a site, applying the threshold to the current activity level of the source instead of the licensed activity, and setting a threshold below 1/10 of Category 3, such as the registration levels in 10 CFR 31.5(c)(13)(i).

#### Staff's conclusion regarding alternative threshold values:

In general, the staff disagrees with the approaches suggested by these commenters. Based on the discussion above, the staff continues to believe that the 1/10 of Category 3 for a single device is the appropriate regulatory threshold below which GL requirements (with registration per 10 CFR 31.5(c)(13)(i)) would still apply. Using the aggregate activity of the sources over the whole site to determine whether the licensee exceeds the threshold would be more burdensome than necessary and thus is not included in the final rule. Also, the actual or current activity level in a device is not used to determine whether a device exceeds the threshold because the activity level is constantly changing due to radioactive decay. Using the current activity level to measure against the threshold would make it unnecessarily difficult to determine whether a device is subject to an SL or a GL. Thus, the threshold is more appropriately measured against the licensed authorized activity in a device. The NRC, in the

proposed rule, considered setting the threshold at a level that would include all devices with Category 4 and Category 5 sources. The NRC has concluded that these sources are so small that hundreds or thousands of devices would be required to aggregate sources to a quantity of concern and that this relatively low security concern does not justify the significant regulatory resources and impacts on licensees that would result from specifically licensing devices with sources in the lower Category 4 and Category 5 ranges.

4) Proposed changes in compatibility categories from B to C, and discussion of any transboundary issues related to this approach:

The NRC received 20 comments on the proposal to change the compatibility of 10 CFR 31.5(c)(13)(i) and 31.6 from B to C. The OAS and 13 individual Agreement States supported the proposal; 5 commenters (2 Agreement States and 3 companies that manufacture, distribute, and service generally licensed devices) opposed the proposal; and 1 Agreement State supported the change to 10 CFR 31.5(c)(13)(i) and opposed the change to 10 CFR 31.6.

The commenters who supported the change noted that the changes in the compatibility categories would allow States to continue to impose more rigorous requirements on their licensees. Many of these States commented that they would not support the proposed rule without an accompanying change in compatibility. Some of these States cited the petition for rulemaking from the OAS, dated June 27, 2005, to change the compatibility of 10 CFR 31.6 from Category B to Category C and the request from the State of Florida for a compatibility change for 10 CFR 31.5(c)(13)(i) from Category B to Category C, (70 FR 75423, December 20, 2005).

The commenters who opposed the proposed compatibility change noted that current regulations are very clear and that maintaining compatibility at Category B upholds a single national standard for generally licensed devices. These commenters noted that the change in compatibility would be an administrative nightmare that could result in different sets of rules and guidelines in every State, and would allow Agreement States to arbitrarily set limits on the activity allowed in generally licensed devices that are not based on the risk to public health and safety. Some commenters stated that a change in compatibility would have a significant adverse impact on companies that service generally licensed devices.

Some commenters suggested that the NRC amend 10 CFR 31.5 to remove portable gauges from the GL category and leave the compatibility category as B, which they believe would address the concerns of many States because a number of these States do not allow portable gauges to be held under a GL.

With regard to transboundary issues, several Agreement States indicated that there will be no significant transboundary issues in changing the compatibility category from B to C. Some of these commenters said that for many years, under the current GL regulatory framework, there have been no transboundary issues resulting from their State having more rigorous requirements than neighboring States for devices held under a GL. One State indicated that it has never authorized out-of-State generally licensed devices under reciprocal recognition, in accordance with their State regulations.

One commenter stated that transboundary issues will only occur if some States choose to specifically license portable devices at a threshold lower than that imposed by this rule. The commenter stated that there will be a significant effect on the transportation or movement of these devices into and out of States for devices that need to be converted from a GL to an SL because licensees will need to pay fees and could be subject to reciprocity inspections. Other commenters, primarily manufacturers and service providers, believe that there will be significant transboundary issues in changing compatibility from B to C and support the retention of Compatibility Category B.

Staff's conclusions regarding compatibility and transboundary issues:

The staff recognizes the desire on the part of the States to exercise greater control over the actions of their licensees and enhance regulation for higher activity generally licensed devices. The current compatibility designation for these sections is Category B and was set in the 2000 rulemaking; this designation was primarily based on transboundary implications. Despite this designation, many Agreement States have implemented enhanced regulation of generally licensed devices for many years. This enhanced regulation has included registration with annual reporting requirements and periodic inspection, expanded registration of more types of generally licensed devices, specific licensing of certain generally licensed devices, and specific licensing of all generally licensed devices currently registered by the NRC. Since the 2000 rulemaking, the NRC and Agreement States have increased their focus on security of radioactive materials and improved accountability of radioactive sources.

At this time, the staff has concluded that this proposed rule, combined with a Compatibility Category C designation for 10 CFR 31.5(a), 10 CFR 31.5(c)(13)(i), and 10 CFR 31.6, strikes an appropriate balance between transboundary issues, enhanced security for the higher activity devices currently available under a GL, and Agreement State flexibility under the 1997 Policy Statement to enhance accountability programs in their jurisdictions. The change in compatibility will allow States to retain use of tools to track the location and movement of device manufacturers and service providers within the State limits. Additionally, revising these compatibility categories provides Agreement States the flexibility to adopt additional requirements, based on their specific circumstances and needs.

With regard to whether there are significant transboundary issues associated with the change in compatibility, the staff believes that these issues are addressed by the use of reciprocity inherent with the SL. Reciprocity has worked well for decades and has allowed the transfer, distribution, and servicing of radioactive material devices without significant transboundary issues. As noted above, under the current system there is variability between NRC and Agreement State jurisdictions. Agreement State commenters indicated that the current regulatory system that applies to the distribution and servicing of generally licensed devices works well now and that there is little to no confusion when it comes to reciprocity. The staff is unaware of any significant transboundary issues with the current system. Although the proposed changes to 10 CFR 31.5(a), and the change in compatibility, may require a change in licensing process for some companies, such actions are not considered a significant transboundary issue since the system is already used effectively nationwide for existing specific licensees. Because there are no significant transboundary issues under the current system with Agreement States having varied requirements, the staff expects there will be no significant transboundary issues under the final rule.

Opposition to the proposed requirement to prohibit specific licensees from possessing a generally licensed device:

In the proposed rule FRN dated August 3, 2009 (74 FR 38372), NRC stated that it was considering an additional revision to 10 CFR 31.5 to clarify the applicable requirements when a device that is authorized to be used under the GL provisions in 10 CFR 31.5 is instead held by a specific licensee. All of the comments that addressed this issue opposed this proposal.

Staff's conclusion regarding the proposal to prohibit specific licensees from possessing a generally licensed device:

The staff agrees that the proposal to amend 10 CFR 31.5(b)(3) could cause confusion. The staff intended to preserve the flexibility that licensees currently have to decide whether to transfer generally licensed devices under the authority of an SL for a site, but to specify that if generally licensed devices were transferred to an SL then the terms and conditions of the SL would apply to the generally licensed devices. The staff does not recommend adopting proposed 31.5(b)(3). The staff agrees with the commenters that this change in the regulations would be too burdensome on numerous licensees with little or no improvement in the accountability of the sources in those generally licensed devices.

Non-Concurrence Process:

On April 21, 2010, during the office concurrence process for this final rule, a non-concurrence was provided by a member of the NRC staff. In response, in accordance with MD 10.158, a Non-Concurrence Process Form 757 has been completed and included with this Commission Paper (Enclosure 3). In Section C of Form 757, the staff has prepared responses to address the five reasons raised for the non-concurrence.

Based on Section C of Form 757, the staff continues to believe that the final rule should be provided to the Commission for review at this time and issued as a final rule.

Implementation Date of Final Rule:

The final rule contains an implementation date of 12 months after the effective date of the final rule. The staff concluded that this implementation date is appropriate because it provides time for an existing general licensee to decide to keep its current generally licensed device at or exceeding the threshold limit by obtaining an SL or to properly disposition the device through currently available options; it allows current users of sealed source manufacturing and distribution (M&D) licenses time to modify their processes to distribute certain current generally licensed devices only to specific licensees and to have their M&D SL amended accordingly; and it allows time for changes to sealed source and device (SS&D) registry certificates. New licensees will also be subject to these rules after the effective date.

Outcome of this Final Rule: Advancing NRC's Strategic Goals:

This final rule is consistent with NRC's strategic objectives and performance goals. The final rule would continue to ensure the protection of public health and safety and the environment, as well as ensuring the secure use and management of radioactive materials. While the final rule

would not change the physical protection requirements for sources, the changes are part of a comprehensive radioactive source control program. The proposed limit on radioactivity in generally licensed devices will provide greater source accountability and will enable NRC, through its inspection and licensing review programs for byproduct material licensees, to increase focus on those licensees that possess sources that can be aggregated to quantities of concern, thus making NRC actions more efficient and effective.

#### AGREEMENT STATE ISSUES:

A review copy of the draft final rule FRN was provided to the Agreement States on February 25, 2010.

Six Agreement States and the OAS provided comments on the draft FRN. Four of the Agreement States and the OAS restated comments they made during the public comment period regarding their support for the rule, specifically the threshold limits for a GL and the compatibility designation of the rule. One State restated its earlier comments opposing the content of the rule, and indicated that it was pleased that the NRC was deleting the proposal to prohibit specific licensees from possessing a generally licensed device. One State restated its earlier comments in support of the threshold and in opposition to the change in compatibility.

The Standing Committee on Compatibility is a joint NRC/Agreement State Working Group that independently evaluates and documents staff compatibility designations for new or revised regulations or other binding requirements to ensure consistency with MD 5.9. The Standing Committee on Compatibility reviewed the proposed rule and agreed that these amendments to the NRC regulations are a matter of compatibility between the NRC and the Agreement States and that the compatibility designations for these amended sections should be Compatibility Category C. Based on rulemaking procedures, the Standing Committee for Compatibility does not need to review the final rule since there are no changes in compatibility designations from the proposed rule.

#### COMMITMENT:

One volume of the NUREG-1556 series should be updated if this rule is made final. NUREG 1556, Vol. 16, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Licenses Authorizing Distribution to General Licenses," would require revisions or supplementation. The staff would update this guidance during the next overall revision of the document after the rule is made final. This action includes no other new commitments other than routine rule-related actions.

#### RECOMMENDATIONS:

The staff recommends that the Commission:

1. Approve for publication in the *Federal Register* the enclosed notice of final rulemaking (Enclosure 1).

2. Certify that this rule will not have significant impact on a substantial number of small entities, as required by the Regulatory Flexibility Act, 5 U.S.C. 605 (b). This certification is included in the enclosed FRN.
3. Note:
  - a) That the final amendment will be published in the *Federal Register*.
  - b) That the Chief Counsel for Advocacy of the Small Business Administration will be informed of the certification and the reasons for it, as required by the Regulatory Flexibility Act, 5 U.S.C. 605(b).
  - c) A draft Final Regulatory Analysis has been prepared for this rulemaking (Enclosure 2).
  - d) The appropriate Congressional committees will be informed of this action.
  - e) A press release will be issued by the Office of Public Affairs when the final rulemaking is filed with the Office of the Federal Register; and
  - f) The final rule contains amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.) that must be submitted to the Office of Management and Budget (OMB) for its review and approval before publication of the final rule in the *Federal Register*.

RESOURCES:

To complete the rulemaking, 0.1 full-time equivalent positions will be required. These resources are included in the current budget.

COORDINATION:

The Office of the General Counsel has no legal objection to this rulemaking. The Office of the Chief Financial Officer has reviewed this Commission Paper for resource implications and has no objections. The rule suggests changes in information collection requirements that must be submitted to OMB no later than the date the final rule is forwarded to the *Federal Register* for publication.

***/RA by Michael F. Weber for/***

R. W. Borchardt  
Executive Director  
for Operations

Enclosures:

1. *Federal Register* Notice
2. Regulatory Analysis
3. Form 757

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## Enclosures:

1. *Federal Register* Notice
2. Regulatory Analysis
3. Form 757

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