

June 16, 2010

STATE LIAISON OFFICERS

OPPORTUNITY TO COMMENT ON ENVIRONMENTAL ASSESSMENT AND PROPOSED
RULE TO AMEND 10 CFR 30, 32, 33, 34, 35, 36, 37, 39, 51, 71, and 73 – PHYSICAL
PROTECTION OF BYPRODUCT MATERIAL (FSME-10-047)

Purpose: To inform you of the opportunity to comment on an environmental assessment prepared to support a proposed rule on security of category 1 and category 2 quantities of radioactive material.

Background: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to include a new Part 37 to Title 10 of the Code of Federal Regulations that addresses security requirements for the use of category 1 and category 2 quantities of radioactive material. The proposed rule includes new requirements for background investigations, enhanced security during use, and transportation security. The proposed rule was published in the *Federal Register* (75 FR 33902) on June 15, 2010. The rule is posted at <http://www.regulations.gov> under Docket ID NRC-2008-0120. The public comment period ends October 13, 2010.

Discussion: Enclosed is an Environmental Assessment (EA) that has been prepared in support of the proposed rule. The conclusion of the EA is the Commission's finding that no significant environmental impact will result from the proposed rule. The EA is provided for your review and comment. If you have any comments¹ on the rule and its environmental impact, please send them by October 13, 2010. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date. Information about methods for submitting your comments is available in the Federal Register notice.

¹ *This information request has been approved by OMB 3150-0163, expiration 1/31/2013. 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-1 0202 (3150-0163), 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.

NRC point of contact: If you have any questions regarding this communication, please contact me at 301-415-7278 or the individual named below.

POINT OF CONTACT: Merri Horn
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Sincerely,

/RA M. Thaggard for/

Mark R. Shaffer, Director
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
Environmental Assessment

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Mark R. Shaffer, Director
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Enclosure:
Environmental Assessment

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DATE	06/15/2010	06/15/2010	06/16/2010

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