

104

PR 30,32,33,34,35,36,37,39,51,71 and 73
(75FR33901)

DOCKETED
USNRC

January 18, 2011

January 19, 2011 (10:15 am)

Josephine Piccone, Director
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: Opportunity to Comment on Proposed Rule to Amend 10 CFR Parts 30, 32, 33, 34, 35, 36,
37, 39, 51, 71 and 73 - Physical Protection of Byproduct Material (FSME-10-048)

Dear Ms. Piccone:

The Nebraska Office of Radiological Health has reviewed the proposed rule and offers the following comments:

We are in agreement with the Organization of Agreement States, the Texas Radiation Control Program and others that commented that the proposed regulations are overly burdensome. Regulations should be issued that implement the wording of the current orders. Until a threat to this material is more sharply defined or change in the threat occurs, the proposed regulations are unjustified.

Additionally, the regulatory activities that were formerly carried out under the NRC's Common Defense and Security (large irradiator and M&D inspections) that are proposed to be shifted to the Agreement States under Health and Safety should be accompanied with funds necessary to pay the direct costs incurred by the State governments in implementing the regulation.

Since few changes were made by NRC staff as a result of Agreement States comments on the pre-decisional draft of the proposed regulations, the NRC should also make available to the Director of the Office of Management and Budget any written communications submitted to the agency by State officials, including state's comments on the pre-decisional draft of Part 37.

If you have any questions, please contact me.

Sincerely,

Julia A. Schmitt,

Nebraska Office of Radiological Health

Template = SECY-067

DS 10

PUBLIC SUBMISSION

As of: January 19, 2011
Received: January 18, 2011
Status: Pending_Post
Tracking No. 80bcd48f
Comments Due: January 18, 2011
Submission Type: Web

Docket: NRC-2010-0194

Notice of Availability of Implementation Guidance for 10 CFR Part 37, Physical Protection of Byproduct Material

Comment On: NRC-2010-0194-0013

Implementation Guidance for Physical Protection of Byproduct Material Category 1 and Category 2 Quantities of Radioactive Material; Draft Guidance Document for Comment; Extension of Comment Period

Document: NRC-2010-0194-DRAFT-0020

Comment on FR Doc # 2010-25784

Submitter Information

Name: Julia Schmitt

Government Agency Type: State

Government Agency: Nebraska Office of Radiological Health

General Comment

See attached file(s)

Attachments

NRC-2010-0194-DRAFT-0020.1: Comment on FR Doc # 2010-25784

Rulemaking Comments

From: Gallagher, Carol
Sent: Wednesday, January 19, 2011 9:49 AM
To: Rulemaking Comments
Subject: Comment on Proposed Rule - Physical Protection of Byproduct Material
Attachments: NRC-2010-0194-DRAFT-0020.pdf - Adobe Acrobat Professional.pdf

Van,

Attached for docketing is a comment from Julia Schmitt on the above noted proposed rule (3150-AI12) that I received via the regulations.gov website on 1/18/11.

Thanks,
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.79]) by TWMS01.nrc.gov
([148.184.200.145]) with mapi; Wed, 19 Jan 2011 09:49:00 -0500
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>
Date: Wed, 19 Jan 2011 09:48:31 -0500
Subject: Comment on Proposed Rule - Physical Protection of Byproduct Material
Thread-Topic: Comment on Proposed Rule - Physical Protection of Byproduct
Material
Thread-Index: Acu35/DUSJQFCm7OTdymdtlr6A40Vw==
Message-ID:
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Content-Language: en-US
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X-MS-Exchange-Organization-SCL: -1
X-MS-TNEF-Correlator:
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