

August 19, 2010

ALL AGREEMENT STATES, MICHIGAN

OPPORTUNITY TO COMMENT ON PROPOSED RULE TO AMEND 10 CFR PARTS 30, 40, 70, 170 AND 171 – DISTRIBUTION OF SOURCE MATERIAL TO EXEMPT PERSONS AND TO GENERAL LICENSEES AND REVISION OF GENERAL LICENSE AND EXEMPTIONS (FSME-10-080)

Purpose: To notify the Agreement States that a proposed rule to amend requirements in Title 10 of the *Code of Federal Regulations* (CFR) Parts 30, 40, 70, 170, and 171 was published in the *Federal Register* for comment. Also, we request that Agreement State Programs inform their affected licensees of the opportunity to review and comment on this proposed rule.*

Background: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations in Parts 30, 40, 70, 170, and 171 of 10 CFR, primarily to address source material. This rule would affect manufacturers and initial distributors of certain products and materials containing source material under general license and under exemptions from licensing. The proposed rule includes new requirements to obtain a specific license for the initial distribution of source material to certain general licensees and to persons exempt from licensing. In addition, the proposed rule would impact certain general licensees by revising the general license for small quantities of source material to lower possession limits for certain types of source material and to clarify disposal and decommissioning requirements. Finally, the proposed rule revises or removes certain exemptions for source material products.

Discussion: The proposed rule was published in the *Federal Register* (75 FR 43425) on July 26, 2010. The rule is posted at <http://www.regulations.gov> under Docket ID NRC-2009-0084. The public comment period ends November 23, 2010. This rule involves regulations that have been assigned compatibility categories “B,” “C,” “D,” and “NRC.” Section-specific compatibility designations are found in the “Agreement State Compatibility” section of the *Federal Register* notice.

Additionally, the Commission directed the staff to use additional stakeholder outreach beyond the publication of this proposed rule. As part of this outreach, the NRC staff will be sending letters (sample letter enclosed) to known NRC general licensees who may be affected by the proposed amendments to the regulations. As general licensees and distributors in the Agreement States may also be interested in commenting, we request that Agreement State Programs inform their affected licensees of this opportunity to review and comment on this proposed rule. Such notification would be helpful because some initial distributors of source

* This information request has been approved by OMB 3150-0029, expiration August 31, 2010. 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.

material products for use under exemption would be required to directly obtain a specific license from NRC for such distributions under the proposed rule.

Additionally, we are aware that most States (and the NRC) do not require source material general licensees to identify themselves and therefore information about these licensees may be limited. During development of the rulemaking, the NRC staff identified some persons potentially operating under the source material general license in Agreement States. Please feel free to contact the identified points of contact below to request the names and addresses for these persons or to provide permission for the NRC staff to directly inform those identified persons about the proposed amendments.

If you have any questions regarding this communication, please contact me at 301-415-7278 or the individuals named below.

POINT OF CONTACT: Gary Comfort
TELEPHONE: (301) 415-8106

INTERNET: gary.comfort@nrc.gov
FAX: (301) 415-5955

POINT OF CONTACT: Catherine Mattsen
TELEPHONE: (301) 415-6264

INTERNET: catherine.mattsen@nrc.gov
FAX: (301) 415-5955

Sincerely,

/RA/

Josephine M. Piccone, Director
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:

1. *Federal Register* Notice
2. Letter to NRC General Licensees

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