

November 20, 2012

ALL AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS

OPPORTUNITY TO COMMENT ON PROPOSED BRANCH TECHNICAL POSITION ON THE
IMPORT OF NON-U.S. ORIGIN RADIOACTIVE SOURCES (FSME-12-088)

Purpose: This is to inform you about the opportunity to comment^{1,2,3} by December 21, 2012, on the proposed Branch Technical Position (BTP) on the Import of Non-U.S. Origin Radioactive Sources that was published in the Federal Register on October 22, 2012 (77 FR 64435) (<https://www.federalregister.gov/articles/2012/10/22/2012-25924/branch-technical-position-on-the-import-of-non-us-origin-radioactive-sources>).

Background: In 2010, the U.S. Nuclear Regulatory Commission (NRC) published a final rule amending its regulations concerning export and import of nuclear equipment and material. Among other things, it added the phrase “of U.S. origin” to encourage the importation back to the U.S. of disused sources that were originally from the U.S., as “radioactive waste” under the general license in 10 CFR 110.27. Since publication of the final rule, NRC staff has been engaged with industry in response to concerns raised regarding established industry practices and the need for guidance on implementation of the “U.S.-origin” exclusion. The NRC has developed technical guidance to source manufacturers, distributors, and other entities on the NRC’s application of the sealed source exclusion to imports into the U.S. of disused sources.

¹ This information request has been approved by OMB 3150-0029 expiration 11/30/2013. 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 Information Services Branch (T-5F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects.resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (31 50-0200), 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.

² This information request has been approved by OMB 3150-0200 expiration 09/30/2015. 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 Information Services Branch (T-5F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects.resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (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.

³ This information request has been approved by OMB 3150-0163, expiration 01/31/2013. 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 Information Services Branch (T-5F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects.resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (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.

Discussion: This proposed BTP does not change the regulations in 10 CFR part 110; it clarifies what is meant by “U.S. origin” and details how the NRC interprets this exclusion to the definition of “radioactive waste.”

Public comments and supporting materials related to this document can be found at <http://www.regulations.gov> by searching on Docket ID **NRC-2012-0008**.

Comments on the proposed BTP should be submitted by December 21, 2012, with Docket ID **NRC-2012-0008** in the comment subject line. Comments submitted in writing or in electronic form will be posted on the NRC web site and on the Federal Rulemaking web site at <http://www.regulations.gov>. Because comments will not be edited to remove any identifying or contact information, the NRC cautions against including any information in the submission that should not be publicly disclosed.

If you have any questions regarding the correspondence, please contact me at 301-415-3340 or the individual named below.

POINT OF CONTACT: Jennifer Tobin Wollenweber INTERNET: Jennifer.Tobin@nrc.gov.
TELEPHONE: (301) 415-2328 FAX: (301) 415-2395

/RA/

Brian J. McDermott, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Discussion: This proposed BTP does not change the regulations in 10 CFR part 110; it clarifies what is meant by “U.S. origin” and details how the NRC interprets this exclusion to the definition of “radioactive waste.”

Public comments and supporting materials related to this document can be found at <http://www.regulations.gov> by searching on Docket ID **NRC-2012-0008**.

Comments on the proposed BTP should be submitted by December 21, 2012, with Docket ID **NRC-2012-0008** in the comment subject line. Comments submitted in writing or in electronic form will be posted on the NRC web site and on the Federal Rulemaking web site at <http://www.regulations.gov>. Because comments will not be edited to remove any identifying or contact information, the NRC cautions against including any information in the submission that should not be publicly disclosed.

If you have any questions regarding the correspondence, please contact me at 301-415-3340 or the individual named below.

POINT OF CONTACT: Jennifer Tobin Wollenweber INTERNET: Jennifer.Tobin@nrc.gov.
TELEPHONE: (301) 415-2328 FAX: (301) 415-2395

/RA/

Brian J. McDermott, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

DISTRIBUTION:

MSSA r/f

ML12313A470

OFC	MSSA/ASPB	OIP	MSSA/ASPB	FSME/MSSA	FSME/MSSA
NAME	SPoy	JWollenweber	DWhite	PHenderson	BJMcDermott
DATE	11/15/2012	11/15/2012	11/15/2012	11/20/2012	11/20/ 2012

OFFICIAL RECORD COPY