

(STP-02-059, August 2002, Program, Radioactive Material)

August 2, 2002

ALL NON-AGREEMENT STATES

ACCELERATOR PRODUCED RADIOACTIVE MATERIAL: DRAFT LEGISLATIVE BILL AND SECTION ANALYSIS (STP-02- 059)

The Nuclear Regulatory Commission (NRC) is seeking an amendment to the Atomic Energy Act of 1954 that will extend the Commission's regulatory authority to accelerator-produced radioactive (ARM) material. The Commission believes this will provide regulatory consistency and predictability for users of ARM material, and will lead to greater public assurance that such material is used and controlled in a manner that maintains public health and safety.

The Draft Legislative Bill and Section Analysis have been uploaded to the NRC's Technical Conference Forum (TCF) under a subsystem where access is limited to Agreement States, the Conference of Radiation Control Program Directors (CRCPD) and Non-Agreement State Program Directors using the CRCPD user name and password. We have provided notification to the Agreement States on the availability of these documents and ability to provide comments. Given the significance of the proposed legislation to the Non-Agreement States, we are also providing notification to each Non-Agreement State. You can access the Bill and Analysis on the TCF at: <http://techconf.llnl.gov/cgi-states/topics> using the user name and password provided by the CRCPD. In accordance with the Office of State and Tribal Programs (STP) Internal Procedure (SA-800) and CRCPD Procedures, Non-Agreement States may access these documents on the password protected portion of the TCF by using the CRCPD user name and password.

CRCPD and NRC established a procedure in August 2000 whereby Non-Agreement States, CRCPD working groups and the Office of the Executive Director, CRCPD could have access to NRC pre-decisional information through the use of CRCPD's unique user name and password. Currently only two Non-Agreement States have utilized this procedure. If you are interested in reviewing and commenting on the Bill and Analysis and having access in the future to other pre-decisional information when it becomes available, please e-mail Patricia Gorman at: pgorman@crcpd.org. Once she receives your request, she will quickly forward via e-mail a letter that provides the user name and password.

Please note that these documents are **PRE-DECISIONAL DRAFT INFORMATION, FEDERALLY PROTECTED AND NOT FOR PUBLIC DISCLOSURE**. Due to their pre-decisional nature, these documents are exempt from public disclosure under NRC rules. We request that you limit distribution to your staff and not release these documents publicly. If these documents are released, please inform me or the Point of Contact below within 24-hours.

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Your comments on the draft legislative bill and section analysis should be sent to the following individual **no later than 30-days from the date of this letter:**

U.S. Nuclear Regulatory Commission
ATTN: Ms. Susan Fonner
Office of the General Counsel
Mail Stop OWFN 15-D-21
Washington, DC 20555
E-mail: SGF@NRC.GOV

If you have any questions regarding this correspondence, please contact me or the individual named below.

POINT OF CONTACT: Lloyd Bolling
TELEPHONE: (301) 415-2327

INTERNET: LAB@NRC.GOV
FAX: (301) 415-3502

/RA/

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs