



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 28, 2005

SECRETARY

**DOCKETED 04/28/05**

Pete Weitzel, Coordinator  
The Coalition of Journalists for Open Government  
1101 Wilson Blvd., Suite 1100  
Arlington, VA 22209

**PR 2, 30, 40, 50, 52, 60, 63,  
71, 72, 73, 76 & 150  
(70FR 07196)**

Dear Mr. Weitzel:

I am responding to your request of March 28, 2005, that the U.S. Nuclear Regulatory Commission (NRC) extend the public comment period for proposed amendments to 10 CFR part 73, "Physical Protection of Plants and Materials." That proposed rule would provide for further protection of Safeguards Information (SGI). 70 Fed. Reg. 7196 (February 11, 2004). As discussed below, extra efforts were made to provide ample opportunity for public comment on the proposed amendments and, therefore, the formal public comment period will not be extended.

The process to revise Part 73 gave early opportunity for input from stakeholders such as licensees, Agreement States, other entities, and members of the public. Early input was solicited through posting drafts of the Federal Register notice of proposed rulemaking (including draft rule text) on the NRC Agreement States website and the NRC ruleforum website. A Federal Register Notice of Availability of the draft proposed rule on the NRC ruleforum website was published on November 16, 2004 (69 Fed. Reg. 67070).

As you know, stakeholders then had the opportunity to comment on the proposed rule upon its publication in the Federal Register at 70 Fed. Reg. 7196 (February 11, 2005). That notice allowed for a 45-day period for public comment ending on March 28, 2005, and also stated that comments received after the end of the comment period will be considered if practical to do so. The Commission values the input of stakeholders and considers public involvement in, and information about, NRC activities to be a cornerstone of strong, fair regulation of the nuclear industry. Although the formal time period for filing by the public has closed, the NRC staff will make every effort through May 5, 2005, to consider additional stakeholder comments as it prepares a final rule.

The Commission appreciates your interest in this matter. The NRC takes very seriously your concerns and those of others relating to the proposed SGI rulemaking. The secure use and management of radioactive materials is one of the most important strategic goals of this agency.

Sincerely,

**/RA/**

Andrew L. Bates  
Acting Secretary of the Commission