

March 9, 2006

MEMORANDUM TO: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons

FROM: Luis A. Reyes */RA/*  
Executive Director for Operations

SUBJECT: LETTER TO ROY BROWN, COUNCIL ON RADIONUCLIDES  
AND RADIOPHARMACEUTICALS, INC. (LTR-06-0077)

Staff has prepared a letter for the Chairman's signature responding to the Council on Radionuclides and Radiopharmaceuticals, Inc. (CORAR). That draft response is being forwarded via the correspondence review process. CORAR's incoming letter (ML060620182) regards extending the schedule for the U.S. Nuclear Regulatory Commission's (NRC) Rulemaking on the Expanded Definition of Byproduct Material Established by the Energy Policy Act of 2005, "the proposed rule," and requests additional public meetings. As noted in its letter, CORAR provided comments at a November 2005 workshop on the rulemaking effort on the expanded definition of byproduct material. The purpose of that workshop was to solicit stakeholder input prior to completion of the proposed rule. Following the workshop, the staff considered CORAR's and others' comments in the preparation of the proposed rule that the staff will provide to the Commission this month.

In the staff's prepared response to CORAR's letter, it is specified that NRC will hold a public meeting during the proposed rule's public comment period. Normally, a public meeting associated with a rulemaking is first recommended in the Commission Paper that transmits a proposed rule to the Commission, and the Commission would then respond to the staff's request in a resulting staff requirements memorandum. The staff had planned to propose an additional public meeting. We believe it would be beneficial to receive a second round of comments as we finalize the rule and do not anticipate that holding a second meeting would adversely impact the schedule. To be responsive to CORAR's request before the proposed rule package is sent to the Commission (in several weeks), and because of CORAR's specific request for additional public meetings, I support the staff's recommendation to commit to a public meeting now.

CONTACT: Andy Imboden, IMNS/NMSS  
(301) 415-6128

If the Commission approves a public meeting to be held during the public comment period, which is contained in the staff's proposed response to CORAR, then the staff will include that commitment in the rulemaking package that transmits the proposed rule to the Commission.

Note that in addition to the CORAR request, NRC has received three other requests for extensions to the rulemaking schedule and additional public outreach. The American Association of Physicists in Medicine and the Society of Nuclear Medicine have written to the Chairman, and the American College of Radiology has written to Commissioner Jaczko on this issue (ML060590337, ML060590361, ML060550572). Once the Chairman signs the CORAR response, the staff will prepare similar responses to the other organizations.

cc: SECY  
OGC  
OCA  
OPA  
CFO

If the Commission approves a public meeting to be held during the public comment period, which is contained in the staff's proposed response to CORAR, then the staff will include that commitment in the rulemaking package that transmits the proposed rule to the Commission.

Note that in addition to the CORAR request, NRC has received three other requests for extensions to the rulemaking schedule and additional public outreach. The American Association of Physicists in Medicine and the Society of Nuclear Medicine have written to the Chairman, and the American College of Radiology has written to Commissioner Jaczko on this issue (ML060590337, ML060590361, ML060550572). Once the Chairman signs the CORAR response, the staff will prepare similar responses to the other organizations.

cc: SECY  
 OGC  
 OCA  
 OPA  
 CFO

**DISTRIBUTION: G20060151**

RGB R/F                      IMNS R/F                      EDO r/f                      RidsSecyCorrespondence  
 CAbrams, IMNS              SMoore, IMNS              RidsEdoMailCenter      MRodgers  
 RidsNmssOd                  RidsOgcMailCenter      CRC NO: 06-0077

ADAMS ACCESSION NO: **ML060620220**

OFFICE	IMNS	IMNS	IMNS	Tech Editor	D:IMNS
NAME:	Almboden	CAbrams	SMoore	EKraus	CMiller
DATE:	02/24/06	02/24/06	02/27/06	02/24/06	02/27/06
OFFICE	D:NMSS	EDO			
NAME:	JStrosnider	LReyes			
DATE:	02/28/06	03/09/06			

**OFFICIAL RECORD COPY**