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September 21, 2006

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(71FR42952)

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SECRETARY

October 4, 2006 (11:01am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Ms. Diane D'Arrigo
Radioactive Waste Project Director
Nuclear Information and Resource Service
6930 Carroll Avenue
Takoma Park, Maryland 20912

Dear Ms. D'Arrigo:

I am responding to your e-mail, dated September 8, 2006, in which you requested an extension to the comment period on the proposed rule for the "Requirements for Expanded Definition of Byproduct Material" (also known as the NARM rulemaking) that was published in the *Federal Register* on July 28, 2006 (71 FR 42952). You requested that the comment period be extended until the end of October, to allow public interest organizations and individuals impacted by this rulemaking to provide input.

The U.S. Nuclear Regulatory Commission (NRC) has made considerable efforts to involve stakeholders and inform the public of the NARM rulemaking activities. From the earliest stages of development, NRC alerted the public to its intention to publish the NARM proposed rule and afforded opportunities to participate in the development of the proposed rule, such as:

- (1) To provide a forum for public participation, NRC held a public meeting on November 9, 2005, to solicit input to be used in drafting the proposed rule.
- (2) In early January 2006, in keeping with NRC's commitment to openness and keeping the public informed of the progress of the NARM rulemaking effort, NRC began posting background documents on NRC's rulemaking website.
- (3) On April 7, 2006, NRC posted the draft proposed rule on NRC's rulemaking website, to provide early opportunity to review the proposed rule before publication in the *Federal Register*.
- (4) On June 30, 2006, NRC posted the Staff Requirements Memorandum on the NRC's website, Commission Documents page, to provide an early opportunity to review the Commission's decision and changes to the draft proposed rule before publication in the *Federal Register*.
- (5) On July 28, 2006, NRC published the proposed rule for a 45-day public comment period (71 FR 42952). NRC also informed stakeholders who had expressed interest in the rulemaking, by e-mail, about the availability of the proposed rule, and issued a press release on July 26, 2006, announcing that NRC was seeking public comments on the proposed rule.

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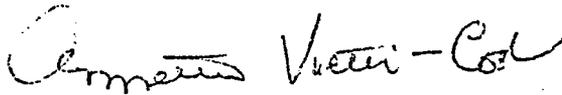
SECY-02

(6) As part of the public comment process, a second public meeting was held on August 22, 2006, in Las Vegas, NV, to solicit comments on the proposed rule.

NRC's actions have afforded stakeholders and the public several opportunities for input on this rulemaking, and NRC staff has strived to keep the public well informed. In addition, NRC is facing the challenge of meeting the statutory deadline of February 7, 2007, for publication of the final rule, as laid out in the Energy Policy Act of 2005. Therefore, NRC is denying your request for extending the comment period. Comments received after the closing date of September 11, 2006, will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after that date.

We appreciate your taking the time to write us and encourage you to continue to be involved in NRC rulemaking activities.

Sincerely,

A handwritten signature in cursive script that reads "Annette Vietti-Cook".

Annette L. Vietti-Cook
Secretary for the Commission

cc: Judith Johnsrud