

June 15, 2010

TO: Licensees Potentially Impacted by the Physical Protection of Byproduct Material Proposed Rule

SUBJECT: PROPOSED RULE ON PHYSICAL PROTECTION OF BYPRODUCT MATERIAL – CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to include a new Part 37 to Title 10 of the Code of Federal Regulations that addresses security requirements for the use of category 1 and category 2 quantities of radioactive material. The proposed rule includes new requirements for background investigations, enhanced security during use, and transportation security. The rule once finalized will replace the various orders received by licensees that imposed security requirements (frequently called Increased Controls). The proposed rule was published in the *Federal Register* (75 FR 33902) on June 15, 2010. The rule is posted at <http://www.regulations.gov> under Docket ID NRC-2008-0120. The public comment period ends on October 13, 2010. A copy of the *Federal Register* Notice is enclosed for your convenience.

The NRC is also issuing draft implementation guidance for public comment. This document will be available at <http://www.regulations.gov> under Docket ID NRC-2010-0194. The guidance document is also available in ADAMS at accession number ML101470684. The NRC is planning to hold two public meetings on the draft implementation guidance in September. Once the arrangements for these meetings are finalized, there will be a meeting notice published in the *Federal Register*, posted at <http://www.regulations.gov> under Docket ID NRC-2010-0194, and posted on the NRC's public meeting listing on the NRC website at <http://www.nrc.gov/public-involve/public-meetings/index.cfm>.

As a potentially impacted stakeholder, I encourage you to attend one of the meetings and provide comments on the proposed rule and the implementation guidance.

Sincerely,

/RA/

Merri Horn, Senior Project Manager
Rulemaking Branch B
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

Enclosure: Federal Register Notice

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