



American Association of Physicists in Medicine

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RULES AND DIRECTIVES
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75 FR 40756
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September 9, 2010

Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville MD 20555-0001

Attn: Rulemaking and Adjudications Staff
Re: Docket no: NRC-2008-0120 (75FR33902 and 75FR47494)

Dear Ms. Annette Vietti-Cook:

The American Association of Physicists in Medicine¹ (AAPM) requests an extension to the comment period for the proposed rule: 10 CFR Part 37 on the *Physical Protection of Byproduct Material* (75FR33902) and the *Implementation Guidance for Physical Protection of Byproduct Material; Category 1 and Category 2 Quantities of Radioactive Material* (75FR47494) to January 15, 2011. The proposed rule was published for comment on June 15, 2010 and the Implementation Guidance August 6, 2010. Due to the significance and breadth of this proposed rule and the implementation guidance, we feel that extending the public comment period to January 15, 2011 will allow the stakeholder community sufficient time to review and provide detailed comments.

The basis for this request was highlighted during the recent public meeting in Austin, TX. During this meeting it was clear that a number of stakeholders had not been able to review the proposed rule and implementation guidance in sufficient detail to provide effective comments to the Commission on the issues that differ from the requirements specified under the existing orders and the proposed rule. In addition, licensees that are not currently under increased control orders may not be aware of the potential implication for their programs and therefore not aware of the need to provide comments.

Many of the stakeholders during the Austin meeting indicated they were not aware of the proposed rule until approximately a month ago when the notice of the public meetings was sent out. The recent public meeting held in Austin TX demonstrated the need for significantly more public involvement. In addition

¹ The American Association of Physicists in Medicine's (AAPM) is the premier organization in medical physics; a broadly-based scientific and professional discipline encompassing physics principles and applications in biology and medicine whose mission is to advance the science, education and professional practice of medical physics. Medical physicists contribute to the effectiveness of radiological imaging procedures by assuring radiation safety and helping to develop improved imaging techniques (e.g., mammography CT, MR, ultrasound). They contribute to development of therapeutic techniques (e.g., prostate implants, stereotactic radiosurgery), collaborate with radiation oncologists to design treatment plans, and monitor equipment and procedures to insure that cancer patients receive the prescribed dose of radiation to the correct location. Medical physicists are responsible for ensuring that imaging and treatment facilities meet the rules and regulations of the U.S. Nuclear Regulatory Commission (NRC) and various State regulatory agencies. AAPM represents over 7,000 medical physicists.

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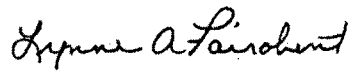
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AAPM
September 9, 2010
Page 2 of 2

the second meeting will not be held until September 20, 2010 leaving very little time for stakeholders to review the transcripts from both the meetings before the comments are currently due.

Based on all these factors we believe an extension until January 15, 2011 is a reasonable time period and will allow for thorough and constructive comments. I would be happy to provide any additional information if needed, you can contact me at lynne@aapm.org.

Sincerely,



Lynne A. Fairbent
Manager of Legislative and Regulatory Affairs

Cc: Meri Horn, Senior Project Manager