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USNRC

September 28, 2010 (2:06pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

September 28, 2010

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

Subject: Request for extensions of the respective comment periods for the proposed rule (NRC-2008-0120; 75 FR 33902) and draft implementation guidance (NRC-2010-0194; 75 FR 40756) on physical protection of byproduct material (10 CFR Part 37)

Dear Ms. Vietti-Cook:

On behalf of the American College of Radiology (ACR)—a professional organization representing more than 36,000 radiologists, radiation oncologists, interventional radiologists, nuclear medicine physicians, and medical physicists—I am writing to support the requests of the American Association of Physicists in Medicine (AAPM), American Society for Radiation Oncology (ASTRO), and other stakeholders, for an extension of the public comment periods for the Nuclear Regulatory Commission's (NRC) proposed rule (NRC-2008-0120; 75 FR 33902) and draft implementation guidance (NRC-2010-0194; 75 FR 40756) regarding the physical protection of Category 1 and 2 quantities of radioactive material. The ACR agrees with AAPM, ASTRO, and other stakeholders that the public comment period for the proposed rule should be extended from October 13, 2010, to January 15, 2011; and that the public comment period for the corresponding draft implementation guidance should be extended from November 12, 2010, to January 15, 2011.

NRC hosted a public meeting on September 20, 2010 to discuss the draft Part 37 implementation guidance, proposed rule, and related issues. This forum was useful to Washington DC-based stakeholder organizations interested in learning more about NRC's intentions regarding various aspects of the Part 37 rulemaking. Unfortunately, the public comment period on the proposed rule is scheduled to close a mere three weeks following the DC event. Given the extensiveness of the rulemaking and the number of issues raised at the public meeting, it would be useful for NRC staff to extend the comment period to encourage additional feedback incorporating lessons learned from the September 20 discussions.

Extending both comment periods as requested would not result in an adverse impact on public health, safety, or security because radioactive material in quantities of concern and risk-significant radioactive material are already covered under the existing Increased Controls Orders and other NRC and Agreement State regulations and initiatives. Instead, extending the comment period will serve to improve the quality and quantity of feedback NRC rulemaking and adjudications staff receive from stakeholders, therefore resulting in a better final rule and guidance.

Thank you in advance for your consideration of this request. Please contact Gloria R. Romanelli, Esq., Senior Director, Legislative and Regulatory Relations; or Michael Peters, ACR Assistant Director of Regulatory and Legislative Portfolio, at 202-223-1670 if you have questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Patti", written over a white background.

John A. Patti, MD, FACR  
Chair, Board of Chancellors  
American College of Radiology

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## Rulemaking Comments

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**From:** Michael Peters [mpeters@acr.org]  
**Sent:** Tuesday, September 28, 2010 10:21 AM  
**To:** Rulemaking Comments  
**Cc:** Gloria Romanelli; Michael Peters  
**Subject:** ACR request for comment period extension - Part 37  
**Attachments:** acr\_request-extension\_part37\_9-2010.pdf

**Importance:** High

Attached is a request from the American College of Radiology for a public comment period extension for the Part 37 proposed rule (<http://federalregister.gov/a/2010-13319>) and the related draft implementation guidance (<http://federalregister.gov/a/2010-17126>).

Thank you for your time and consideration. Sincerely,

Michael Peters  
Assistant Director, Regulatory & Legislative Portfolio American College of Radiology  
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Washington, DC 20004

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Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov  
(148.184.200.145) with Microsoft SMTP Server id 8.1.393.1; Tue, 28 Sep 2010  
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Received: from mail.acr.org ([192.94.120.109]) by mail2.nrc.gov with ESMTP;  
28 Sep 2010 10:21:20 -0400  
Received: from NEWEXCH.acr.org ([10.0.7.46]) by mail.acr.org with Microsoft  
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X-MS-TNEF-Correlator:  
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X-Priority: 1  
Priority: Urgent  
Importance: high  
From: Michael Peters <mpeters@acr.org>  
To: <Rulemaking.Comments@nrc.gov>  
CC: "Gloria Romanelli" <GRomanelli@acr.org>,  
"Michael Peters" <mpeters@acr.org>  
Return-Path: mpeters@acr.org  
X-OriginalArrivalTime: 28 Sep 2010 14:21:17.0212 (UTC) FILETIME=[69FB45C0:01CB5F18]