

October 7, 2010

ALL AGREEMENT STATES, MICHIGAN

EXTENSION OF COMMENT PERIOD ON PROPOSED RULE TO AMEND 10 CFR PARTS 30, 32, 33, 34, 35, 36, 37, 39, 51, 71, and 73 – PHYSICAL PROTECTION OF BYPRODUCT MATERIAL (FSME-10-086)

**Purpose:** To notify the Agreement States that the comment periods for the proposed rule “Physical Protection of Byproduct Material,” more commonly known as Part 37, and the associated implementation guidance are being extended. Comments will now be due January 18, 2011.

**Discussion:** The NRC is proposing to amend its regulations to include a new Part 37 to Title 10 of the *Code of Federal Regulations* (CFR) that addresses security requirements for the use of category 1 and category 2 quantities of radioactive material. The proposed rule was published in the *Federal Register* (75 FR 33902) on June 15, 2010, with public comments due October 13, 2010. In addition, the associated draft implementation guidance was noticed for public comment on July 15, 2010 (75 FR 40756), with comments due November 12, 2010. We received several requests for extension of the public comment periods on both the proposed rule and the associated guidance. The NRC is granting the requests. The public comment period for both the proposed rule and the associated implementation guidance is now January 18, 2011.

Under the “Policy Statement on Adequacy and Compatibility of Agreement State Programs” approved by the Commission on June 30, 1997, and published in the *Federal Register* on September 3, 1997 (62 FR 46517). This rule involves regulations that have been assigned compatibility category “A,” “B,” “C,” “D,” “H&S,” and “NRC.” Section-specific compatibility designations are found in the “Agreement State Compatibility” section of the *Federal Register* notice.

FSME-10-086

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If you have any questions regarding this correspondence, please contact me at 301-415-7278 or the individual named below.

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