

(STP-04-072, September, Other, 10 CFR 35)

September 17, 2004

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

10 CFR PART 35 DRAFT-FINAL RULE - REQUEST FOR COMMENTS (STP- 04- 072)

We have posted the draft-final rule entitled "10 CFR Part 35, Medical Use of Byproduct Material - Recognition of Specialty Boards," and the Regulatory Analysis (RA) for your review and comment. We ask that you provide comments* within 30 days from the date of this letter (October 18, 2004) directly to: Mr. Roger Broseus (301) 415-7608; email: RWB@NRC.GOV.

The draft-final rule was prepared and ready for comment by NRC management, Agreement States and ACMUI in advance of the NRC receiving the OAS petition for rulemaking regarding 10 CFR 35. In order to allow for the full **30 day comment period** the draft-final rule is being posted and does not address the petition.

The draft-final rule and RA are predecisional and are available only at the Agreement State area of the Nuclear Regulatory Commission's (NRC) Technical Conference Forum <http://techconf.llnl.gov/cgi-states/topics>. The documents are marked: "PREDECISIONAL DRAFT INFORMATION - FEDERALLY PROTECTED - NOT FOR PUBLIC DISCLOSURE."

Due to their predecisional nature, these drafts are exempt from public disclosure under NRC rules. Therefore, we request that you limit distribution to your staff and not release the drafts publicly. If the drafts are released, please inform me or the contact named below within 24 hours. For additional information about distribution and use of predecisional information, please see All Agreement States letters [SP-99-019](#) and [SP-99-027](#) available at the Agreement State website, <http://www.hsr.d.ornl.gov/nrc/home.html>.

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/RA/

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* This information request has been approved by OMB 3150-0029, expiration 06/30/07. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.