NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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NRC SEEKS PUBLIC COMMENT ON PROPOSED RULE REFLECTING EXPANDED AUTHORITY OVER OTHER RADIOACTIVE MATERIAL

The Nuclear Regulatory Commission is seeking public comments on a proposed rule to incorporate newly added radioactive "byproduct" material into its regulatory framework as mandated by the Energy Policy Act of 2005. The Act expands the definition of byproduct material, thereby placing additional radioactive material under NRC's jurisdiction. The Act mandates that final regulations are to be issued by February 7, 2007.

The proposed rule would establish the regulatory framework for regulating certain discrete sources of radium-226, accelerator-produced radioactive material (ARM), and certain discrete sources of naturally occurring radioactive material (NORM). The proposed rule would revise the definition for "byproduct material," add a definition for "discrete source," amend existing regulations to include radium-226 and certain accelerator-produced radioisotopes, and add provisions to the regulatory framework for overseeing the newly added byproduct material.

Although the NRC has not regulated ARM or NORM in the past, most states have regulatory programs for such material. Other federal agencies, states, and affected personnel from the commercial, industrial, and medical communities have been involved in the rulemaking process that included interactive discussion at a Nov. 9, 2005, roundtable public meeting. To enhance cooperation and improve efficiency in rulemaking, the NRC provided a preliminary draft of the proposed rule to the states and the Advisory Committee on Medical Uses of Isotopes for an early opportunity to comment on the proposed regulations; their comments were considered in finalizing this proposed rule.

Specifically for the proposed rule, the NRC seeks comments on the issuance of general licenses and exemption provisions for certain items containing radium-226, provisions for exemptions and "grandfathering" certain products involving ARM or NORM, and the compatibility designation of the proposed regulations for state programs. The proposed rule also contains an implementation strategy, including: (1) the use of a transition plan to lay out NRC's plan for waiver termination and for regulatory transition, (2) the plan to have Agreement States continue to carry out their regulatory programs until each state certifies, and the NRC agrees, that its regulatory program adequately covers ARM and NORM, and (3) the inclusion of specific regulatory provisions instead of using enforcement discretion that would allow individuals to continue using ARM and NORM provided that these individuals comply with other applicable requirements while waiting for an NRC licensing decision.

The NRC is planning to hold a public meeting on the proposed rule Aug. 22 at the agency's William Olmstead High-Level Waste Hearing Facility, in Pacific Enterprise Plaza, Building 1, in Las Vegas, Nev. A meeting notice will be published separately from the proposed rule in the *Federal Register*.

Interested persons are invited to submit comments on the proposed rule within 45 days of publication in the *Federal Register*, expected shortly, to guarantee consideration by the NRC. Comments submitted later than this date may be considered if practical. Comments can be mailed to: Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001, ATTN: Rulemaking and Adjudications Staff. Comments can be hand-carried to 11555 Rockville Pike, Rockville, Md., between 7:30 a.m. and 4:15 p.m. on federal work days, or they can be faxed to 301-415-1101. E-mail comments can also be sent to SECY@nrc.gov . In addition, comments can also be submitted through the NRC's eRulemaking Portal at http://www.regulations.gov . The entire proposed rule will also be available at that Web location.

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