

Public Meeting on Proposed Rule: Items Containing Byproduct Material Incidental to Production

August 4, 2022

Purpose

- Provide information to help stakeholders prepare comments on the “Items Containing Byproduct Material Incidental to Production” proposed rule and draft regulatory guidance

Agenda

- Welcome and Logistics
- Opening Remarks
- Background and Status
- Overview of the Proposed Rule
- Preparing Comments
- Next Steps
- Public Feedback and Questions

Logistics

- Meeting is being recorded and transcribed
- Keep line muted until you intend to speak
 - Raise hand button in Teams // *5 on phone
 - Unmute button in Teams // *6 on phone
- Chat feature is disabled
- Presentation slides shown on the MS Teams screen and in ADAMS at ML22203A072
- Phone attendees should e-mail caylee.kenny@nrc.gov for attendance record

Opening Remarks

Kevin Williams

Director

Division of Materials Safety, Security, State, and Tribal Programs
Office of Nuclear Material Safety & Safeguards (NMSS)

Background and Status

- April 18, 2011 - GE Osmonics, Inc., submitted a petition for rulemaking (PRM), PRM-30-65
- June 22, 2011 - NRC published a notice of docketing and request for public comment (76 FR 36386)
- August 13, 2012 - Commission approved the petition for rulemaking (SRM-COMSECY-12-0015)
- February 2, 2021 – NRC published a regulatory basis (86 FR 7819)
- June 27, 2022 - The proposed rule was published (87 FR 38012).
- September 12, 2022 - the 60-day comment period ends

Proposed Rule and Related Documents

- Proposed Rule (87 FR 38012; June 27, 2022)
 - [Web version](#)
 - [Printed Version](#)
- Supporting & Related Material
 - Draft Regulatory Analysis ([ML22160A404](#))
 - Draft Environmental Assessment ([ML22160A406](#))
 - Draft Supporting Statement for Information Collection ([ML21256A288](#))
 - Draft Supporting Guidance ([ML21256A291](#))

Overview of the Proposed Rule

- The NRC is proposing to amend its regulations by adding a new class exemption from licensing requirements to 10 CFR Part 30 and add associated distribution requirements to 10 CFR Part 32.
 - § 30.23 would establish requirements for the class exemption for ICBMIP
 - § 32.33 would establish requirements for the initial distributors of ICBMIP
 - § 32.34 would establish new safety criteria
 - § 32.35 would establish the specific conditions of the license issued under § 32.33
- Would create a path for licensing current and future products that contain byproduct material incidental to their production.

Purpose of Proposed Rule

These proposed changes would:

- Apply dose criteria, rather than concentration, as the primary means of protecting health and safety;
- Fully address PRM-30-65;
- Provide a regulatory framework for current (i.e., gemstones) and future irradiated products;

Purpose of Proposed Rule

These proposed changes would:

- Allow this class of products to be licensed without product-specific exemptions, which would otherwise require additional rulemaking in the future; and
- Require a licensee to meet dose-based criteria, which would reduce the regulatory costs for current gemstone licensees, who currently provide both concentration and dose-based criteria.

Regulatory Analysis

- Rulemaking and guidance development would be cost beneficial to the industry and the Government, but not to the Agreement States
- Total net overall savings of \$13,071,000
 - \$3,219,000 benefit to industry
 - \$11,313,000 benefit to the NRC
 - (\$1,460,000) to Agreement States
 - NRC would issue the exempt distribution licenses, the Agreement States would issue the underlying required possession license, accounting for the cost to Agreement States that would result from this rule

Regulatory Analysis

Qualitative Benefits –

- Addresses the regulatory gap for ICBMIP
- Saves resources in the long term because case by case reviews would not be needed for each new technology
- Supports the development of future products that may be included in this regulatory space
- Resolves the long-standing issue with the regulatory approach for gemstones
- Reduces the regulatory burden on the licensees by requiring only dose criteria rather than both dose and concentration criteria

Preparing Comments

Review the Commenter's Checklist on Regulations.gov

- Available on the [comment submission form](#) on Regulations.gov
- Also available in [printable format](#)



TIPS FOR SUBMITTING EFFECTIVE COMMENTS*

Overview

A comment can express simple support or dissent for a regulatory action. However, a constructive, information-rich comment that clearly communicates and supports its claims is more likely to have an impact on regulatory decision making.

These tips are meant to help the public submit comments that have an impact and help agency policy makers improve federal regulations.

Summary

- ✓ Read and understand the regulatory document you are commenting on
- ✓ Feel free to reach out to the agency with questions
- ✓ Be concise but support your claims
- ✓ Base your justification on sound reasoning, scientific evidence, and/or how you will be impacted
- ✓ Address trade-offs and opposing views in your comment
- ✓ There is no minimum or maximum length for an effective comment
- ✓ The comment process is not a vote – one well supported comment is often more influential than a thousand form letters

Detailed Recommendations

1. Comment periods close at 11:59 eastern time on the date comments are due - begin work well before the deadline.
2. Attempt to fully understand each issue; if you have questions or do not understand a part of the regulatory document, you may ask for help from the agency contact listed in the document.

Note: Although the agency contact can answer your questions about the document's meaning, official comments must be submitted through the comment form.

3. Clearly identify the issues within the regulatory action on which you are commenting. If you are commenting on a particular word, phrase or sentence, provide the page number, column, and paragraph citation from the federal register document.
 - a. If you choose to comment on the comments of others, identify such comments using their comment ID's before you respond to them.

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How to submit a comment

Regulations.gov: [comment form](#)

or

Email:
Rulemaking.Comments@nrc.gov

or

Mail:
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

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on State and local governments. Therefore, under Section 6(b) of the Executive order, a federalism summary impact statement is not required.

Executive Order 12988, Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full and timely implementation. This rule is not intended to have retroactive effect unless so specified in the Effective Dates section of the final rule. Prior to any judicial challenge to the provisions of the final rule, all applicable administrative procedures must be exhausted.

Civil Rights Impact Analysis

FNS has reviewed the proposed rule, in accordance with Department Regulation 4300-004, Civil Rights Impact Analysis, to identify and address any major civil rights impacts the rule might have on minorities, women, and persons with disabilities. The changes to SNAP regulations in this proposed rule are to remove third party visual observation for race and ethnicity data collection from SNAP regulations. After careful review of the rule's intent and provisions, FNS believes that the promulgation of this rule will increase the accuracy of data collected on the race and ethnicity of SNAP households by reducing errors in data collection caused by inaccurate visual observation. While this rule does provide for the collection of racial and ethnic data of SNAP households, as required by Federal law, it does not change any eligibility criteria.

Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. We are unaware of any current Tribal laws that could be in conflict with this rule.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; 5 CFR part 1320) requires OMB approve all collections of information by a Federal agency before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number under the Paperwork Reduction Act of 1995.

Information collection activities associated with this rule are approved under existing OMB Control Numbers. OMB Control Number 0504-0064 (expiration 02/29/2024) includes burden estimates associated with the collection of race and ethnicity data on SNAP applications. OMB Control Number 0504-0094 (expiration 07/31/2023) includes burden estimates associated with race and ethnicity data reporting on the form FNS-101, "Participation in Food Programs—by Race". The proposed changes in this rule do not introduce any new or changed information collection requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

E-Government Act Compliance

The Department is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 7 CFR Part 272

Civil rights, Claims, Grant programs—social programs, Reporting and recordkeeping requirements, Unemployment compensation, Wages.

Accordingly, 7 CFR part 272 is amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

■ 1. The authority citation for part 272 continues to read as follows.

Authority: 7 U.S.C. 2011-2036.

■ 2. In § 272.6, revise the third sentence in paragraph (g) to read as follows:

§ 272.6 Nondiscrimination compliance.

(g) * * * The State agency must develop alternative means of collecting the ethnic and racial data on households when the information is not provided voluntarily by the household on the application form.

Cynthia Long,
Administrator, Food and Nutrition Service.
[FR Doc. 2022-13058 Filed 6-24-22; 8:45 am]
BILLING CODE 3450-30-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30 and 32

[NRC-2015-0017]

RIN 3150-AJ54

Items Containing Byproduct Material Incidental to Production

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule and draft guidance; request for comment.

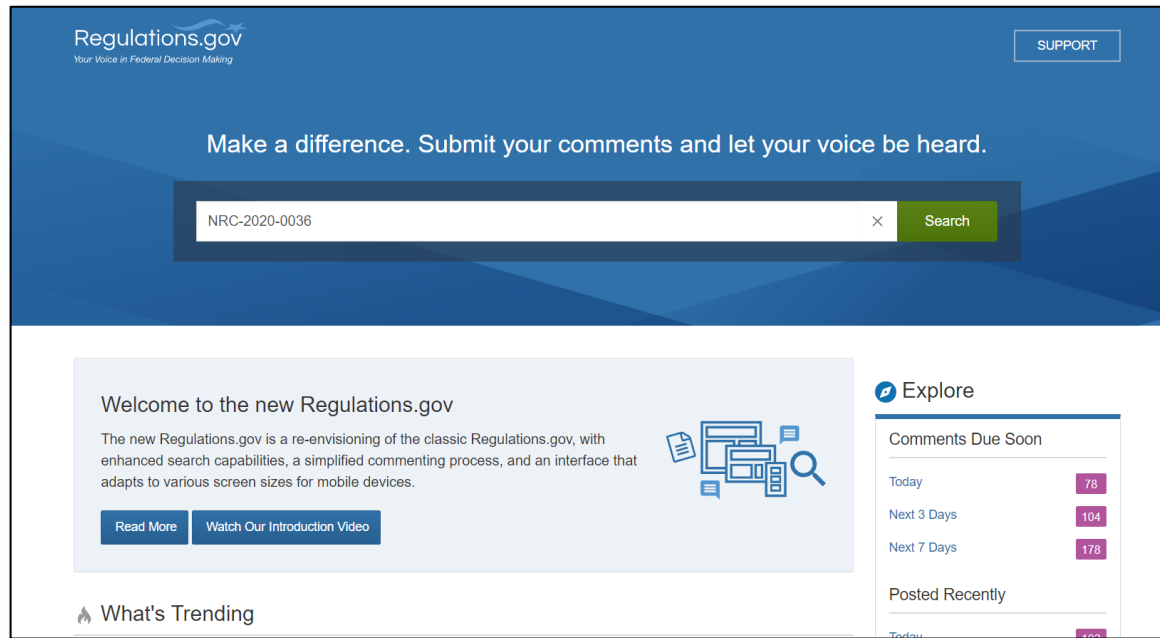
SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations by adding a new class exemption from licensing and associated distribution requirements. This new class exemption would create a path for licensing current and future products that contain byproduct material incidental to their production. This rulemaking would resolve a petition for rulemaking submitted by GE Osmonics, Inc., that requested changes to the regulations to allow distribution of polycarbonate track etched membranes. The NRC plans to hold a public meeting to promote full understanding of the proposed rule and facilitate public comments.

DATES: Submit comments by September 12, 2022. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject); however, the NRC encourages electronic comment submission through the Federal rulemaking website.

• **Federal rulemaking website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2015-0017. Address questions about NRC dockets to Dawn Forder; telephone: 301-415-3407; email: Dawn.Forder@nrc.gov. For technical questions contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

Where to Find Information



Go to <https://www.regulations.gov>
and search for docket ID **NRC-2015-0017**

Next Steps

- Public Comment Period ends: September 12, 2022
- Review and develop responses to public comments as part of final rule

Public Feedback and Questions

How did we do?

- NRC Public Meeting Feedback form (QR code):



- The public meeting feedback form can also be accessed on the meeting details page:

<https://www.nrc.gov/pmns/mtg?do=details&Code=20220731>

References

- SECY-87-186A, “Distribution of Radioactive Gems Irradiated in Reactors to Unlicensed Persons (Follow-up to SECY-87-186),” October 5, 1987 (ADAMS Accession No. ML092400170)
- Presidential Memorandum, “Plain Language in Government Writing,” ([63 FR 31885](#); June 10, 1998)
- FRN for PRM-30-65 Receipt and Request for Comment [NRC-2011-0134] ([76 FR 36386](#); published June 22, 2011)
- GE Osomics—Polymer Track Etch Membrane [10 CFR 32.1](#)—Manufacture and Distribution Product Safety Information, March 20, 2012 (ADAMS Accession No. ML120800277)
- FRN for PRM-30-65 Docket Closure [NRC-2011-0134] ([77 FR 56793](#); September 14, 2012)
- NRC Agreement State Program Policy Statement ([82 FR 48535](#); October 18, 2017)
- FRN for the Regulatory Basis ([86 FR 7819](#); February 2, 2021)
- Draft Guidance Document to NUREG-1556, Volume 8, Revision 1, “Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Exempt Distribution Licenses,” dated June 2022 (ADAMS Accession No. ML21256A291)
- Regulatory Analysis (ADAMS Accession No. ML22160A404)
- Environmental Assessment (ADAMS Accession No. ML22160A406)

Acronyms

ADAMS	Agencywide Documents Access and Management System
CFR	Code of Federal Regulations
FRN	Federal Register Notice
ICBMIP	items containing byproduct material incidental to production
NMSS	Office of Nuclear Material Safety and Safeguards
NPV	net present value
NRC	Nuclear Regulatory Commission
PRM	Petition for Rulemaking
SECY	Document from the NRC staff to inform or seek decision from the Commission
SRM	Staff Requirements Memorandum