

## **PUBLIC MEETING SUMMARY**

### **Proposed Rule on the Requirements for the Expanded Definition of Byproduct Material (Also Known as the NARM Rulemaking)**

**August 22, 2006**

NRC's William Oldstead High-Level Waste Hearing Facility  
Pacific Enterprise Plaza, Building No. 1  
3250 Pepper Lane  
Las Vegas, NV 89120

**PURPOSE:** To solicit public comments on the proposed rule during the public comment period from July 28 to September 11, 2006.

#### **MEETING SUMMARY:**

On August 22, 2006, the U.S. Nuclear Regulatory Commission (NRC) staff held a public meeting from 9:00 am to 12:00 noon (Pacific Time) to solicit public comments on the Proposed Rule: Requirements for the Expanded Definition of Byproduct Material. Information packets were available to participants. These contained: a copy of the proposed rule, draft regulatory analysis, and draft environmental assessment; agenda; NARM rulemaking slides; instructions on how to submit comments; a public meeting feedback form; a map of the Agreement States; a copy of the time-limited waiver issued by the staff shortly after the Energy Policy Act (EPA) was signed; and a notice of website availability. The public meeting opened with an introduction, security announcement, and opening remarks, followed by a short presentation summarizing the proposed rule. The meeting was then opened for public comments on the proposed rule to be given orally to the NRC staff. In addition to this meeting summary, a transcript of the meeting will be posted on the NRC website at <http://ruleforum.llnl.gov/>.

Representatives from the Council on Radionuclides and Radiopharmaceuticals (CORAR), the American Association of Physicists in Medicine (AAPM), PETNET Pharmaceuticals, Inc., the Health Physics Society (HPS), the American Society for Therapeutic Radiation and Oncology, the Organization of Agreement States, the State of Nevada, the U.S. Environmental Protection Agency, Lincoln County, NV, and a member of the public attended the public meeting. HPS, CORAR, AAPM, and PETNET presented their preliminary comments and plan to submit comments in writing prior to the end of the public comment period.

HPS comments were: (1) NRC was engaging in an excellent rulemaking. (2) NRC's rule should also consider public health and safety, and not just security, with regard to identifying other naturally occurring radioactive material (NORM) that poses a similar risk as radium-226. However, HPS did not disagree with NRC's conclusion that there are no other NORM radionuclides that should be included in this rulemaking. (3) New values for annual limit on intake (ALI) and derived air concentration (DAC) for nitrogen-13 and oxygen-15 should be developed.

CORAR comments were: (1) CORAR wanted specific values included in the final rule. Contacted Vanderbilt University to calculate ALI and DAC. The values are almost identical to NRC's preliminary values included in the statements of consideration. (2) NRC should include a "grandfather clause" for Part 30 cyclotron operators and engineers. CORAR wants these individuals to be able to continue with their activities as authorized users similar to the proposed provision in Part 35. (3) The rule should include a "categorical exemption" for financial assurance since a small self-contained cyclotron does not create a lot of activated radioactive material.

AAPM comments were: (1) NRC's has made the correct decision on what to regulate and what not to regulate regarding the accelerator-produced radioactive material. (2) NRC should include ALI and DAC within the regulation. (3) Clarify the meaning of "noncommercial distribution" and add definition of such. (4) Clarify the meaning of the phrase "sufficient quantities" in the existing regulations for decommissioning. (5) Is any specific action needed under the waiver.

PETNET comments were: (1) Elevate the compatibility category to ensure a higher degree of consistency among States. (2) Sampling requirements are costly, and self-contained cyclotrons may not need to have such extensive sampling especially for sampling concrete floor, ceiling, and walls because self-contained cyclotrons minimize activation products in the surrounding area. (3) NRC should "grandfather" cyclotron operators and engineers.

In addition, a question was asked during the public meeting about any impact to the medical community due to early termination of the waiver from the requirements of the Energy Policy Act granted to Federal facilities; i.e., if waiver is terminated, could Federal facilities still accept radioactive drugs from companies that are still covered under the waiver. Another question was asked regarding what defines weaponization.