

PUBLIC SUBMISSION

As of: 10/25/17 4:40 PM
Received: October 24, 2017
Status: Pending_Post
Tracking No. 1k1-8zeg-slao
Comments Due: December 18, 2017
Submission Type: Web

Docket: NRC-2017-0198
Guidance Document for Alternative Disposal Requests

Comment On: NRC-2017-0198-0001
Revision of the Guidance Document for alternative Disposal Requests

Document: NRC-2017-0198-DRAFT-0002
Comment on FR Doc # N/A

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2017
OCT 25 PM 4:43

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10/19/2017
82 FR 48727

General Comment

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In this guidance (ML16326A063) under Background, page 9 of 38, in second paragraph, it stated, "NRC staff will not approve exempt distribution licenses if there is not an intended use of the byproduct material."

The NRC does issue exempt distribution licenses under 10 CFR 32.11 for gemstone distribution. The byproduct material contained in the gemstone were incidental or unintentional (e.g., residual contamination).

The statement in page 9 of the guidance (quoted above) is in conflict over current NRC practice in regard to 10 CFR 32.11.

SUNSI Review Complete
Template = ADM - 013
E-RIDS= ADM-03

Add= R.L. Gladney (FX179)