

Proposed Rules

Federal Register

Vol. 68, No. 199

Wednesday, October 15, 2003

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[Docket No. PRM-40-29]

Terrence O. Hee, Ion Technology; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemakings; notice of receipt.

SUMMARY: The Commission seeks public comment on a petition for rulemaking filed August 7, 2003, by Terrence O. Hee, Ion Technology (the petitioner), docketed PRM-40-29. The petition requests amendment of the NRC's regulations regarding unimportant quantities of source material to exempt end users of a catalytic device containing thorium from the NRC's licensing requirements. The petitioner asserts that this device, in conjunction with a patented new methodology, could substantially reduce air pollution chemicals from mobile and stationary combustion processes.

DATES: Submit comments by December 29, 2003. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number (PRM-40-29) in the subject line of your comments. Comments on petitions submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking web site. Personal information will not be removed from your comments.

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

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your

comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking website to Carol Gallagher (301) 415-5905; email cag@nrc.gov.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays. (Telephone (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to this petition may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by email to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or e-mail: MTL@nrc.gov.

SUPPLEMENTARY INFORMATION:

The Petitioner

The petitioner, Terrence O. Hee, (Ion Technology), has U.S. distribution rights to a catalytic device containing thorium. The petitioner states that the device is part of a "new technology for the reduction of air pollution chemicals" produced by mobile and industrial

combustion processes, and gives two reasons for submitting this petition: (1) To contribute to the cleaning up of the air, and (2) a monetary interest.

Background

The petitioner states that 10 CFR 40.13 (c), Unimportant quantities of source material, currently would not exempt each end user of a catalytic device containing thorium from having to obtain an NRC license to possess such a device. The petitioner asserts that there are potentially millions of users for this device, and that obtaining "an individual license for each application would prove to be burdensome for the state agencies issuing the individual licenses and to those wishing to use the devices."

Proposed Action

The current regulations at 10 CFR 40.13(c) exempt from licensing requirements certain uses of thorium (e.g., in incandescent gas mantles, vacuum tubes, welding rods, electric lamps, personnel neutron dosimeters). Also exempted is source material contained in products such as glazed ceramic tableware, piezoelectric ceramic, and glassware. The petitioner proposes to add an exemption to this section of the Commission's regulations for catalytic devices containing thorium, and suggests the following language:

Any patented catalyst used in the treatment of fuel, gas or air streams for combustion processes, or other processes provided that the thorium content does not exceed 6 percent by weight. The weight percentage to be calculated for either a homogeneous mixture or as a coating on a substrate base, with the base and the coating being considered the same as a homogeneous mixture, and the finished product is constructed in a manner that will prevent the exposure of the public to any radiation during the normal application and use of this technology.

Rationale

The Petitioner offers the following rationale in support of its petition:

(1) The "environmental and quality of life benefits" derived from the application of this technology are "currently enjoyed by the citizens of Japan." The petitioner goes on to state that this technology is proposed for license in China as a way to reduce air pollution;

(2) Implementation of these devices can reduce the cost of air emissions