



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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## **NRC REQUESTS PUBLIC COMMENT ON PROPOSED CHANGES TO DEFINITION OF CONSTRUCTION FOR MATERIALS APPLICANTS**

The Nuclear Regulatory Commission is seeking public comment on proposed changes to its regulations for nuclear materials licenses that would change the meaning of “construction” and “commencement of construction” and allow applicants for some materials licenses to conduct certain site-preparation activities before a license is issued.

The proposed changes would apply to the licensing and approval processes for byproduct, source and special nuclear material licenses and irradiators. They would make the definition of construction and commencement of construction consistent with NRC regulations for nuclear power plant applicants and licensees as amended in 2007. Currently, applicants for uranium recovery, fuel cycle facilities and other materials facilities must apply for exemptions to conduct site preparation activities similar to those that power plant applicants are allowed to perform.

The proposed rule would allow applicants to perform site preparation activities that do not implicate radiological health and safety or common defense and security considerations. Such activities include exploration; site clearing; grading; installation of drainage, erosion and other environmental mitigation measures; and construction of temporary roads and support buildings.

The proposed rule does not include a “limited work authorization” provision similar to that in NRC regulations for nuclear power plants, because recent exemption requests by materials applicants would be satisfied by the revised definition of construction. However, the agency welcomes public comment on whether the final rule should include such a provision.

The proposed rule was published July 27 in the *Federal Register*, and is available online at <http://edocket.access.gpo.gov/2010/pdf/2010-18344.pdf>. Comments will be accepted through Sept. 27, and may be submitted over the federal rulemaking website, <http://www.regulations.gov> by using Docket ID NRC-2010-0075. They may also be mailed to Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001, ATTN: Rulemakings and Adjudications Staff, or emailed to [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov).

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