NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** UNITED STATES OF AMERICA**If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** Nuclear Regulatory Commission (NRC) [1926]**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Irradiated products containing byproduct material; Environmental protection (ICS code(s): 13.020); Domestic safety (ICS code(s): 13.120); Radiation protection (ICS code(s): 13.280); Protection against dangerous goods (ICS code(s): 13.300) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Items Containing Byproduct Material Incidental to Production; (9 page(s), in English) |
| **6.** | **Description of content:** Proposed rule and draft guidance; request for comment - The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations by adding a new class exemption from licensing and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. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety; Protection of the environment |
| **8.** | **Relevant documents:** 87 Federal Register (FR) 38012, 27 June 2022; Title 10 Code of Federal Regulations (CFR) Parts 30 and 32:<https://www.govinfo.gov/content/pkg/FR-2022-06-27/html/2022-13599.htm><https://www.govinfo.gov/content/pkg/FR-2022-06-27/pdf/2022-13599.pdf>This proposed rule and draft guidance; request for comment is identified by Docket Number NRC-2015-0017. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/NRC-2015-0017/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point by or before [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 12 September 2022. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket/NRC-2015-0017/document) on Regulations.gov if received within the comment period.Items Containing Byproduct Material Incidental to Production; Regulatory basis; request for comment published 2 February 2021 identified by Docket Number [NRC-2015-0017](https://www.regulations.gov/docket/NRC-2015-0017/document):<https://www.govinfo.gov/content/pkg/FR-2021-02-02/html/2021-02158.htm><https://www.govinfo.gov/content/pkg/FR-2021-02-02/pdf/2021-02158.pdf> |
| **9.** | **Proposed date of adoption:** To be determined**Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 12 September 2022 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** <https://members.wto.org/crnattachments/2022/TBT/USA/22_4694_00_e.pdf> |