Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements

FSME/DILR

The staff conducted a systematic re-evaluation of the exemptions from licensing in 10 CFR Parts 30 and 40, which govern the use of byproduct and source materials. A major part of the effort was an assessment of potential and likely doses to workers and the public under these exemptions. The assessment of doses associated with most of these exemptions was published as NUREG-1717, "Systematic Radiological Assessment of Exemptions for Source and Byproduct Material," June 2001. NUREG-1717 also includes dose assessments for certain devices currently used under a general or specific license that had been identified as candidates for use under exemption. The results of this study have been considered in the development of a rulemaking plan, "Exemptions from Licensing and Distribution of Byproduct Material; Licensing and Reporting Requirements," which was provided to the Commission in SECY-02-0196 (November 1, 2002). The rulemaking plan called for revisions to the exemptions from licensing in Part 30, some general licenses in Part 31, and the requirements for exempt distribution in Part 32. The staff proposed that the results of the systematic reevaluation of the exemptions for the regulation of source material would be addressed in a separate rulemaking addressed in SECY-01-0072, "Draft Rulemaking Plan: Distribution of Source Material to Exempt Persons and to General Licensees and Revision of 10 CFR 40.22, 'General License,'" April 25, 2001. The staff has compiled supplemental information to SECY-01-0072, as directed by the Commission. The SRM on SECY-02-0196 was issued on November 17, 2003. The Commission directed the staff to proceed with rulemaking, but disapproved the inclusion of certain issues in the rulemaking. About half the issues approved by the Commission are in this rulemaking. The proposed rule was published on January 4, 2006 (71 FR 275). The first rule was published in the *Federal Register* on October 16, 2007, and was effective as of December 17, 2007. The other issues will be in another rulemaking.

Project Considerations: The Exemptions Working Group evaluated the requirements related to exemptions and certain generally licensed devices, identified a number of issues for consideration in rulemaking, and developed recommendations for improving the regulatory framework for both the Part 30 exemptions from licensing for byproduct material and the Part 40 exemptions for source material. Recommendations for Part 40 were coordinated with the Part 40 Rulemaking Working Group. The working group includes members from FSME, NMSS, OGC, RES, OE, ADM, OIS, and the Agreement States (CO).

Selected Major Milestones and Schedules				
Major Milestones	**Original Target Date**	**Revised Date**	**Completion Date**	**NRC Responsibility**
Proposed rule 1 to EDO	May 2005	August 2005	August 2005	FSME/DILR/RBA
Proposed rule 1 published			January 2006	FSME/DILR/RBA
Final rule 1 to EDO	January 2007	June 2007	July 2007	FSME/DILR/RBA
Proposed rule 2 to EDO	May 2007	August 2008		FSME/DILR/RBA