

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. A final rule on this subject is before the Commission in SECY-12-0099. 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.

The staff has completed the rulemaking on byproduct material in two parts. The first proposed rule was published in the *Federal Register* on January 4, 2006 (71 FR 275), and the final was published in on October 16, 2007 (72 FR 58473). The final rule was effective as of December 17, 2007. The second proposed rule was published in the *Federal Register* on June 24, 2010 (75 FR 36211). The second final rule was published July 25, 2012 (77 FR 43666).

Selected Major Milestones and Schedules				
Major Milestones	Original Target Date	Revised Date	Completion Date	NRC Responsibility
Proposed rule 1 published			January 2006	FSME/DILR/RBA
Final rule 1 published			October 2007	FSME/DILR/RBA
Proposed rule 2 published			June 2010	FSME/DILR/RBA
Final rule 2 published			July 2012	FSME/DILR/RBB