

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20, 30, 40, and 70

[NRC-2025-1568]

RIN 3150-AL61

Exemptions from Materials Licensing

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend several regulations for byproduct, source, and special nuclear material by expanding how certain nuclear material can be safely used without a license. This proposed action would be responsive to the NRC's mission to enable safe, efficient, and reliable licensing and consistent with several Executive orders. These changes would be deregulatory in nature, eliminating the need to obtain licenses for certain materials uses and quantities.

DATES: Comments must be submitted electronically using <https://www.regulations.gov> no later than 11:59 p.m. midnight eastern time on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: Submit your comments, identified by Docket ID NRC-2025-1568, at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, call or email the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternative instructions.

You can read a plain language description of this proposed rule at <https://www.regulations.gov/docket/NRC-2025-1538>. For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Denise Edwards, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-7204, email: Denise.Edwards@nrc.gov.

SUPPLEMENTARY INFORMATION:

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2025-1568 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-1568.

- **NRC's Agencywide Documents Access and Management System**

(ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdresource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- **NRC's PDR:** The NRC Public Document Room (PDR), where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

Comments must be submitted electronically using <https://www.regulations.gov> no later than 11:59 p.m. eastern time on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. Please include Docket ID NRC-2025-1568 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission

On May 23, 2025, President Donald J. Trump signed Executive Order (E.O.) 14300, “Ordering the Reform of the Nuclear Regulatory Commission.” Section 5, “Reforming and Modernizing the NRC’s Regulations,” directs the NRC to undertake a review and wholesale revision of its regulations and guidance documents as guided by the policies set forth in section 2 of the E.O. This rulemaking is part of the NRC’s response to the direction in Section 5 of the E.O. because in conducting the wholesale review of its regulation, the NRC reexamined the regulations pertaining to the use of certain nuclear material without a license.

III. Rulemaking Procedure

Because the NRC considers this action to be noncontroversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the *Federal Register*. The direct final rule will become effective on **[INSERT DATE 75 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. However, if the NRC receives significant adverse comments on this direct final rule by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN**

THE FEDERAL REGISTER], then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in a subsequent final rule or as otherwise appropriate. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

3) The comment causes the NRC to make a change (other than editorial) to the rule.

For procedural information and the regulatory analysis, see the direct final rule published in the Rules and Regulations section of this issue of the *Federal Register*.

IV. Background

This rulemaking (1) proposes to amend the regulations pertaining to quantities of byproduct material that are exempt from licensing in title 10 of the *Code of Federal Regulations* (10 CFR) part 30, “Rules of General Applicability to Domestic Licensing of Byproduct Material,” specifically § 30.71 (“Schedule B”); and (2) expands the exemptions from licensing for Department of Energy (DOE) contractors. Exemptions for DOE contractors are in part 30, and also in 10 CFR part 40, “Domestic Licensing of Source Material”; and 10 CFR part 70, “Domestic Licensing of Special Nuclear Material,” specifically §§ 30.12, 40.11, and 70.11. The NRC has authority to issue licenses to persons for the use of radioactive material under the Atomic Energy Act of 1954, as amended (AEA). With respect to the revision to Schedule B, the exempt quantities of byproduct material, under section 81 of the AEA, the NRC also has authority to exempt certain classes or quantities of byproduct material from the requirements for a license. In considering its exemptions from licensing, the NRC is directed by the AEA to make a finding that the exemption of such classes or quantities of such material or such kinds of uses or users will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public. Consistent with this direction, the NRC has defined limits for such material by quantity (mass), radioactivity (activity), the material’s use, the person using the material, or a combination thereof.

The NRC has identified its regulations for exempt quantities in Schedule B as an area for regulatory improvement. Exempt quantity limits for exempt use in Schedule B were identical to other quantity limits in the NRC’s radiation protection regulations in 10 CFR part 20 until it was revised in 1991 (56 FR 23360; May 21, 1991). The NRC published changes to 10 CFR part 20 to reflect the adoption of recommendations of the International Commission on Radiation Protection (ICRP) Publication Nos. 26 and 30. At the time, the values in Schedule B were not revised because conformity was not

considered essential when 10 CFR part 20 was updated. In June 2001, the NRC conducted a technical evaluation of its exemptions, published in NUREG-1717, “Systematic Radiological Assessment of Exemptions for Source and Byproduct Materials.” This evaluation concluded that providing a cross-reference to appendix C to 10 CFR part 20 would continue to ensure reasonable assurance of adequate protection of public health and safety. Further changes were made due to the Energy Policy Act of 2005, which added additional byproduct material to the NRC’s jurisdiction. Schedule B was partially updated in a final rule, “Requirements for Expanded Definition of Byproduct Material; Final Rule” (72 FR 55864; October 1, 2007) to include radionuclides that were commonly used at that time. More recently, the NRC has received information that expanding the use of byproduct material under exemption should be pursued, following a comment letter from National Institutes of Health, dated December 15, 2020.

Next, based on licensing experience, the NRC also has identified its regulations granting exemptions to DOE contractors as an area for regulatory improvement. These regulations for byproduct, source, and special nuclear material are addressed in §§ 30.12, 40.11, and 70.11, respectively. Almost identical versions of these regulations have been in place since the existence of the Atomic Energy Commission (AEC) when the AEC would review its contractor activities for exemption (see e.g., 16 FR 3251; April 13, 1951; 21 FR 213; January 11, 1956; 29 FR 14401; October 20, 1964). When the AEC was reorganized in 1975, the NRC retained the responsibility to perform the review of the exemption requests for DOE contractors working in areas subject to the jurisdiction of the NRC.

V. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written

this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, “Plain Language in Government Writing,” published June 10, 1998 (63 FR 31885). The NRC requests comment on this proposed rule with respect to clarity and effectiveness of the language used.

VI. Paperwork Reduction Act

This proposed rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing collections of information were approved by the Office of Management and Budget, approval numbers 3150-0017, 3150-0020, and 3150-0009.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

VII. Executive Orders

The following are Executive orders (E.O.) that are related to this proposed rule:

A. Executive Order 12866: Regulatory Planning and Review (as amended by Executive Order 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs (OIRA) has determined that this proposed rule is a significant regulatory action under section 3(f) of E.O. 12866, though not economically significant under section 3(f)(1). Accordingly, the NRC submitted the proposed rule to OIRA for review. The NRC is required to conduct an economic analysis

in accordance with section 6(a)(3)(B) of E.O. 12866. More can be found in Section VII of the direct final rule, “Regulatory Analysis.”

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is tentatively determined to be a deregulatory action as defined by E.O. 14192. Details on the estimated costs of this proposed rule can be found in Section VII of the direct final rule, “Regulatory Analysis.”

C. Executive Order 14267: Reducing Anti-Competitive Regulatory Barriers

E.O. 14267 requires the NRC to identify anti-competitive regulations for rescission or modification. The NRC identified § 30.71 because of section 3(a)(iv) of the Executive order. The proposed modification of the regulation would support the objectives of E.O. 14267 by removing regulatory requirements that could create or facilitate licensure or accreditation requirements that unduly limit competition.

VIII. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

DOCUMENT	ADAMS ACCESSION NO. / WEB LINK / <i>FEDERAL REGISTER</i> CITATION
Related Documents	
Requirements for Expanded Definition of Byproduct Material, Final Rule, October 1, 2007	72 FR 55864
Standards for Protection Against Radiation, Final Rule, May 21, 1991	56 FR 23360
NUREG-1717, “Systematic Radiological Assessment of Exemptions for Source and Byproduct Materials,” June 2001	ML011980433 (package)
Letter from Catherine A. Ribaud, National Institutes of Health, December 15, 2020	ML20353A268 (package)
Licensing Requirements, Exemptions for Certain AEC Contractors, Final Rule, October 20, 1964	29 FR 14401
Licensing of Byproduct Material, Final Rule; January 11, 1956	21 FR 213

Radioisotope Distribution, Final Rule, April 13, 1951	16 FR 3251
Agreement State Program Policy Statement, October 18, 2017	82 FR 48535
Presidential Memorandum, "Plain Language in Government Writing," June 10, 1998	63 FR 31885
NRC Regulatory Analysis, Public Website	https://www.nrc.gov/about-nrc/regulatory/rulemaking/regulatory-analysis
Executive Orders	
Executive Order 12866, "Regulatory Planning and Review," October 4, 1993	58 FR 51735
Executive Order 14192, "Unleashing Prosperity Through Deregulation," February 6, 2025	90 FR 9065
Executive Order 14215, "Ensuring Accountability for All Agencies," February 24, 2025	90 FR 10447
Executive Order 14300, "Ordering the Reform of the Nuclear Regulatory Commission," May 29, 2025	90 FR 22587

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at <https://www.regulations.gov> under Docket ID NRC-2025-1568. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: 1) navigate to the docket folder (NRC-2025-1568); 2) click the "Subscribe" button; and 3) enter an email address and click on the "Subscribe" button.

List of Subjects

10 CFR Part 20

Byproduct material, Criminal penalties, Fusion, Hazardous waste, Licensed material, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalties, Radiation

protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear energy, Nuclear materials, Penalties, Radiation protection, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 40

Criminal penalties, Exports, Government contracts, Hazardous materials transportation, Hazardous waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Source material, Uranium, Whistleblowing.

10 CFR Part 70

Classified information, Criminal penalties, Emergency medical services, Hazardous materials transportation, Material control and accounting, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material, Whistleblowing.

Dated: <Month XX, 2026>.

For the Nuclear Regulatory Commission.

Jody Martin,
Secretary of the Commission.