November 4, 2026

Comments by Committee to Bridge the Gap (CBG) on
the Nuclear Regulatory Commission (NRC) Proposed & Direct Final Rule
***Exemptions from Materials Licensing* (NRC-2025-1568-0002)**

Introduction

NRC published its *Exemption from Materials Licence* (NRC-2025-1568-0002) action ("NRC's action") in the Federal Register on October 5, 2026 as a direct final action because "NRC considers this action to be noncontroversial."[1] However, this rule – like other similar rules in the past – is extremely controversial, and should not be finalized without the opportunity for the public to comment and the NRC to revise. NRC's action should be withdrawn, as it would cause significant and adverse effects, which the following text outlines.

Background

CBG has been working for over 55 years on improving protections from nuclear dangers and assisting communities near nuclear facilities and radioactively contaminated sites. Time and time again, CBG has seen NRC attempt to deregulate carcinogenic radioactive materials by claiming certain levels of radioactivity are low enough to be "Below Regulatory Concern." This would effectively create a loophole for the nuclear industry to harm the public with no penalty, allowing indeterminate amounts of radioactive materials to be loosed upon the world without any regulatory constraint.

This history of deregulation is playing out again. In 2020, CBG, along with the Natural Resources Defense Council (NRDC), Physicians for Social Responsibility-Los Angeles (PSR-LA), and San Francisco Bay Physicians for Social Responsibility (SFBayPSR"), submitted comments on the Nuclear Regulatory Commission's Request for Comment on *Proposed Interpretative Rule on Transfer of Very Low-Level Waste to Exempt Persons for Disposal* ("CBG et al. 2020 Comments") that describe the history up until that point in 2020:

> NRC has in the past unsuccessfully attempted to deregulate portions of the "low-level" radioactive waste stream. On August 29, 1986, and July 3, 1990, NRC issued policy statements declaring significant amounts of the waste stream to be "Below Regulatory Concern" (BRC). 51 Fed. Reg. 30,839 and 55 Fed. Reg. 27,522. These policy statements were intensely controversial, resulting in sixteen states passing laws and

[1] NRC, Exemptions from Materials Licensing NRC-2025-1568, Section III: Rulemaking Procedure, 10/05/2026.

> regulations against BRC, allowing waste deregulated by NRC as BRC to continue to be regulated as radioactive in those states. Eventually Congress in the Energy Policy Act of 1992 revoked the NRC BRC policies. NRC has several times since then considered reviving BRC under various names (e.g., "low activity waste") but in the face of significant public concern reversed course. Seemingly, the agency is now trying again, in the guise of "very low level waste," which the agency admits is a term found neither in statute or regulation, the subject of this purported "interpretative rulemaking."[2]

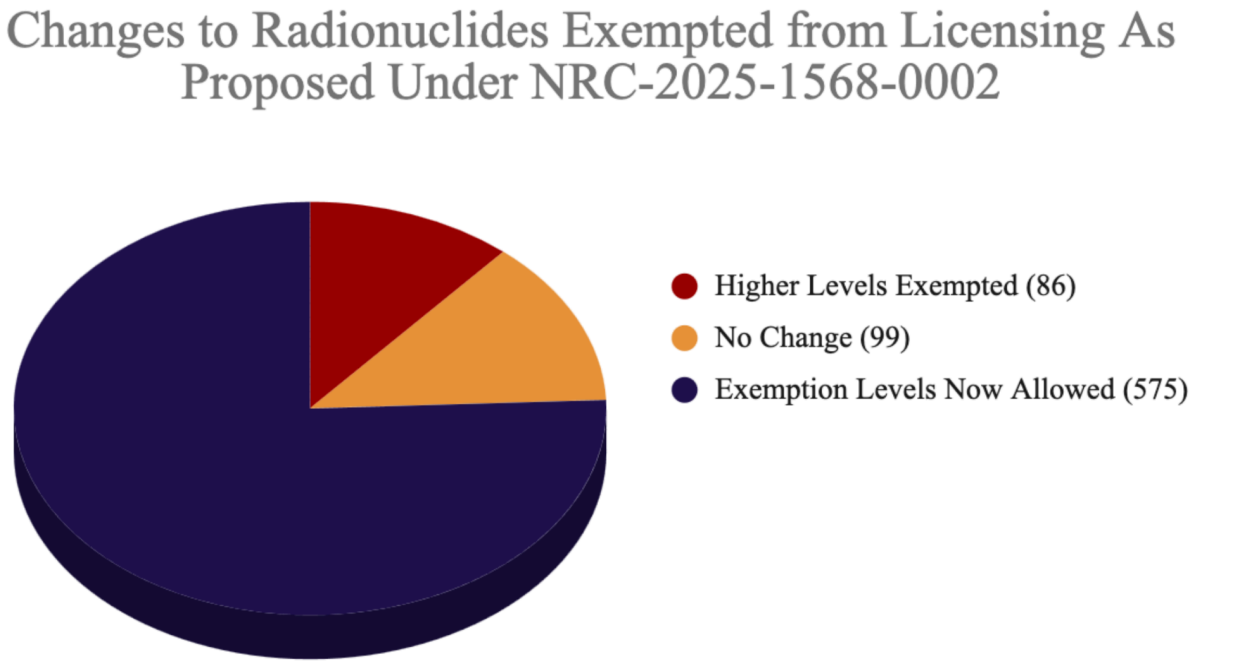
NRC is once again attempting to bring back the highly controversial and repeatedly rejected BRC, with a different name and a different angle of deregulation. As a California-based organization, it is pertinent to also note the Californian counties and cities with resolutions against BRC as of 1990: the counties of Alameda, San Luis Obispo, Santa Cruz, and San Francisco, and the cities Arcata and Oakland. Along with the sixteen states, these counties and cities are among those opposing exempting nuclear waste from regulation, and are further demonstration that the NRC's action is controversial and should not have been proposed at all, let alone as a final direct action.[3]

Breakdown of NRC's Action

NRC's action would exempt from licensing requirements a total of 760 radionuclides under a certain amount of radioactivity, adding 575 radionuclides to the original list (185 radionuclides have already had exemption thresholds, a concerning situation in its own right) and raising the exemption limit for 86 of the previously exempted radionuclides by 10s to 100s of times.[4] Before the rule, those 575 additional radioactive isotopes would need a licence regardless of their amount of radioactivity, but now certain amounts of radioactivity from all these radionuclides are allowed to be possessed, used, stored, and disposed without a license, adding to the cumulative burden of radioactive exposure that the general population already faces.[5]

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[2] NRDC, CBG, PSR-LA, and SFBayPSR Comments on NRC's Request for Comment on Proposed Interpretative Rule on Transfer of Very Low-Level Waste to Exempt Persons for Disposal. Fed. Reg. 13076-13079, July 20, 2020, page 6. (Citations in the original have been omitted.)
[3] National Research Council/National Academy of Sciences, *The Disposition Dilemma: Controlling the Release of Solid Materials from Nuclear Regulatory Commission-Licensed Facilities*, 2002, p. 43
[4] The 760 radionuclides come from 10 CFR 20, Appendix C—Quantities of Licensed Material Requiring Labeling, supplanting the list of radionuclides from 10 CFR 30.71 Schedule B, for all but 3 radionuclides.
[5] Francis M. Fota, Health Physicist, MSRS, RT(R), Understanding Your Radioactive Materials License, *Landauer*, July 30, 2024.



Description: NRC's action would add 575 radionuclides to the list of radionuclides that are exempt, under certain levels, from licensing requirements; the NRC action would also make 86 radionuclides license exemptions less protective, allowing higher levels to be unregulated. There would be a total of 760 radionuclides exempted from licensing requirements under certain limits, if NRC's proposal stands.

The 760 radionuclides that would have allowable unregulated levels under this proposal would be unregulated at levels far above the public dose limit of 100 millirem (this public dose limit is already too high, non-protective, and out of step with the most current science). 10 CFR 20 Appendix C – which is the list of 760 radionuclides that would replace the current list of 185 radionuclides with exempt levels in 10 CFR 30.71 Schedule B – is derived from one tenth of the 5 rem of annual exposure permitted for workers.[6] This amount of annual exposure to radioactivity is extremely significant: according to EPA's cancer risk coefficient, derived from the National Academies of Science, Engineering, and Medicine's latest BEIR report, 500 millirem of exposure per year, over a lifetime, amounts to 1 in 25 people getting an excess cancer.[7] CBG's comments from just earlier this year on NRC's Proposed Rule, "Reforming and Modernizing the NRC's Radiation Protection Framework" apply here:

> This is an immense, unacceptable risk, and far higher than the 1-in-a-million cancer risk level that is standard in other federal statutes and regulations including, but not limited

[6] See footnote 1 of Appendix C of 10 CFR 20 and table 1, columns 1 and 2, of appendix B to §§ 20.1001-20.2401.

[7] Calculated using the risk coefficient from National Academy of Sciences, *Health Risks from Exposure to Low Levels of Ionizing Radiation: BEIR VII Phase 2* (derived from Table 12D-3, for 100 mrem/year over a 70 year lifetime) and US Environmental Protection Agency, *Radiogenic Cancer Risk Models and Projections for the U.S. Population (Blue Book)*, EPA 402-R-11-001 (derived from Table 3-15, total cancer incidence, sex averaged, converting from 10,000 person-Gy to 1 person-rem over a 70 year lifetime).

> to, the Safe Drinking Water Act and the Comprehensive Environmental Response, Compensation, and Liability Act. As Ramona Trovato, then director of EPA's Office of Radiation and Indoor Air, put it, "radiation should not be treated as a privileged pollutant. You and I should not be exposed to higher risks from radiation sites than we should be from sites which had contained any other environmental pollutant."[8]

The Disastrous Costs and Slight Savings of Adopting NRC's Action

While NRC's proposal thoroughly evaluates the benefits to the agency's bottom line, the significant costs to the health of the public and the damage to the environment do not receive much attention. The benefits NRC claims are the time and money savings for contractors, NRC staff, and licensees: NRC boasts of a net savings of $6.1 million saved over 5 years, or $1.2 million per year.[9] For comparison, NRC's budget request for 2024 was $928 million; $1.2 million saved per year amounts to around 0.1% of the agency's annual budget.[10]

Compare those measly savings to the previously discussed 1 in 25 person cancer risk that would be produced by the 500 millirem dose level, under which NRC proposes to completely deregulate 760 isotopes. On a financial level alone, even with insurance, an individual's life savings can be spent entirely on cancer treatment. The additional lives that would needlessly be lost due to the NRC proposal are priceless. NRC does not analyze the costs to the public that this action would cause, nor the pathways through the environment, industry, and human bodies that the radionuclides could inadvertently traverse. CBG et al.'s 2020 comments illustrate how deregulation of these radioactive substances affect the supply chain:

> It should also be considered that once the radioactive waste has entered this regulatory black hole – meaning no entity will be accountable for it – other long held concerns are presented. For example, we expect there to be substantial potential for the waste to be recirculated into the commercial waste stream as recycled material, particularly radioactive metals that could be sold as scrap, but also radioactive tools that could be sold, or contaminated concrete and asphalt that could be recycled. The potential for radioactive metal, for example, that enter [sic] the consumer metal supply chain could and will pose a serious risk to public health. Imagine belt buckles, zippers, children's toys, braces, etc. could be made from metal recycled from radioactive reactor parts.[11]

This latest NRC proposal would allow radioactivity to be released into the environment and the public's homes without any regulatory review or accountability. Due to the "regulatory black hole" specifically produced by this proposal, critical details about where these radionuclides end

[8] CBG, Re: Committee to Bridge the Gap Comments on Docket ID NRC-2025-1140 — Proposed Rule, "Reforming and Modernizing the NRC's Radiation Protection Framework," RIN 3150-AL4, August 31, 2026, page 2. (Citations in the original have been omitted.)
[9] NRC, Exemptions from Materials Licensing NRC-2025-1568, Section VII. Part C. 3.,10/05/2026.
[10] Public Law 118–42, 118th Congress, Consolidated Appropriations Act, 2024, p. 190. The budget from 2024 is used here because NRC's action calculates savings in 2024 dollars.
[11] CBG et al. 2020 Comments, p. 18. (Citations in the original have been omitted.)

up, and at what levels, would be unknown. Without regulatory oversight and monitoring, radiation could reach levels far higher than the levels officially exempted by NRC's proposed rule. Unlucky individuals could and would be hit by multiple streams of different radionuclides from separate sources.

The 1-in-25 cancer risk, produced by exposure to levels of radiation that would be sweepingly deregulated by NRC's proposed rule, would be in addition to all the other sources of cancer risk that people are exposed to. The linear no-threshold (LNT) model – which has been repeatedly reaffirmed by the world's top scientific bodies, and which the NRC itself reaffirmed in 2021 and as recently as earlier this year – predicts that cancer risk increases linearly with the dose of radiation, even at very small doses. Every amount of radiation, no matter how small, adds to the cumulative cancer risk that a person is burdened with.

The time and money spent on regulating these substances is well-spent to protect the public from additional amounts of highly dangerous radioactivity. Unregulated nuclear waste is far more disastrous to the public than an additional 0.1% added to the NRC's annual budget.

The vast, damaging weakening of regulation of radioactive substances that NRC here proposes is deeply controversial; to suggest otherwise, as NRC does, is an affront to morality and to the historical record. The action should be withheld from going into effect, and it should never have been proposed as a direct final action with no opportunity to amend. If NRC's proposed rule goes into effect and is allowed to stand, it would cause highly significant and adverse effects. The American public has already repeatedly and clearly shown its strong opposition to the deregulation of so-called low-level radiation. The only conscionable choice is for NRC to withdraw this action in its entirety.

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