



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 6, 2006

ALL AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS

DRAFT TRANSITION PLAN AVAILABLE FOR INFORMATION (FSME-06-093)

Purpose: To provide States the draft Transition Plan that is currently undergoing review by the Commission.

Background: The United States Nuclear Regulatory Commission (NRC) has posted the draft of the transition plan for the regulation of "new byproduct material." New byproduct material consists of certain Naturally Occurring and Accelerator Produced (NARM) radioactive material now defined as byproduct material in the new paragraphs (3) and (4) of Section 11e. of the U.S. Atomic Energy Act of 1954, as amended. Paragraphs (3) and (4) were added to the Atomic Energy Act by Section 651(e) of the Energy Policy Act of 2005. The Energy Policy Act requires the Commission to publish a plan for the transition of authority to regulate the new byproduct material. The draft plan was developed by a Task Force of NRC and State staff members.

Discussion: The enclosed version of the draft transition plan is undergoing Commission review and is publicly available. We are not soliciting comment on this version. We await Commission direction on the plan, and once received, will forward the Commission approved version to you for comment. Based on your comments we will prepare the final version of the plan, and provide same to you well in advance of its publication.

As discussed most recently at the Organization of Agreement States' meeting in Mobile, Alabama, NRC staff intends to forward to you a sample letter that the Agreement State Governors could use to certify, to the Commission, that the State has an adequate program for the regulation of the new byproduct material, in accordance with the Energy Policy Act. We must await Commission direction on the transition plan currently before them so as to ensure that the letter contents reflect the Commission-approved plan. We will forward the letter to the Agreement States as soon as we are able.

If you have any questions on this correspondence, please contact me at (301) 415-3340 or the individual named below.

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Enclosure:
As stated

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