



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

March 21, 2007

ALL AGREEMENT AND NON-AGREEMENT STATES  
STATE LIAISON OFFICERS

**NRC REGULATORY ISSUE SUMMARY 2007-05, STATUS AND PLANS FOR  
IMPLEMENTATION OF NRC REGULATORY AUTHORITY FOR CERTAIN NATURALLY-  
OCCURRING AND ACCELERATOR-PRODUCED RADIOACTIVE MATERIAL  
(FSME-07-027)**

**Purpose:** To provide the Regulatory Issue Summary (RIS) that was dated March 20, 2007, on the status of NRC's efforts to implement the requirements of Section 651(e) of the Energy Policy Act of 2005 (EPAAct) on "Treatment of Accelerator-Produced and Other Radioactive Material as Byproduct Material." The RIS is currently being distributed to NRC materials licensees, all Radiation Control Program Directors, State Liaison Officers, and NRC's Advisory Committee on the Medical Uses of Isotopes. The RIS will also be available at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2007/>. As noted in FSME-07-023 (dated March 7, 2007), we would appreciate any assistance States may be able to provide in sharing this communication with licensees and/or registration holders, as appropriate. In particular, we encourage our Agreement State partners to distribute this RIS to manufacturers and distributors of the newly defined byproduct materials.

**Background:** On August 8, 2005, the President signed the EPAAct into law. Section 651(e) of the EPAAct expanded the definition of byproduct material as defined in Section 11e. of the Atomic Energy Act of 1954 (AEA), as amended. This change placed additional byproduct material under the NRC's jurisdiction as defined in section 11e.(3) and 11e.(4) of the AEA. The RIS informs recipients of the status of the NRC's efforts to implement the requirements of Section 651(e) of the EPAAct. Specifically, the RIS includes an update on the status of the final regulations, the waiver and current plans for waiver termination, the transition plan, and associated supportive activities (e.g. guidance development). The RIS also includes an enclosure which provides a list of Frequently Asked Questions associated with the implementation of the requirements of Section 651(e) of the EPAAct. Finally, please note that we are also establishing a "NARM Toolbox" at the NRC's Office of Federal and State Materials and Environmental Management Programs (FSME) web site at <http://nrc-stp.ornl.gov/narmtoolbox.html> with information on NARM related activities.

**Contents:** NRC Regulatory Issue Summary 2007-05, Status and Plans for Implementation of NRC Regulatory Authority for Certain Naturally-Occurring and Accelerator-Produced Radioactive Material.

**NRC Points of Contact:** If you have any questions regarding this RIS or this correspondence, please contact me or the individuals named below.

Andrew Mauer, FSME  
(301) 415-3962  
E-mail: [anm@nrc.gov](mailto:anm@nrc.gov)

Duane White, FSME  
(301) 415-6272  
E-mail: [dew2@nrc.gov](mailto:dew2@nrc.gov)

**/RA/**

Janet R. Schlueter, Director  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and  
Environmental Management Programs

Enclosure: As stated

FSME-07-027

- 2 -

March 21, 2007

Distribution: DCD (SP03)  
DMSSA RF

**SUNSI Review Complete**

- Publicly Available     Non-Publicly Available  
 Non-Sensitive         Sensitive

**ML070810423 Pkg.**

OFFICE	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA
NAME	ANMauer	DEWhite	PARathbun (JDeCicco for)	SWMoore	JRSchlueter
DATE	3/14/07	3/14/07	3/14/07	3/20/07	3/21/07

**OFFICIAL RECORD COPY**