



# NRC NEWS

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## NRC PUBLISHES FINAL RULE ON EXPANDED DEFINITION OF RADIOACTIVE BYPRODUCT MATERIAL

The Nuclear Regulatory Commission has published its final rule expanding the definition of radioactive materials subject to its regulatory authority, implementing provisions of the Energy Policy Act of 2005. The new regulations, published today in the *Federal Register*, become effective Nov. 30.

The Commission approved the rule by a 5-0 vote affirmed May 14, but directed the staff to incorporate several changes and to obtain approval from the Office of Management and Budget for information-collection requirements before publishing the rule.

The Energy Policy Act of 2005 expanded the definition of so-called "byproduct material" subject to NRC's authority to include discrete sources of radium-226, material made radioactive in a particle accelerator, and other radioactive material that the Commission determines could pose a threat to public health and safety or the common defense and security. Previously, these materials were regulated by the states.

Although the legislation made NRC's authority over these new materials effective immediately, the agency issued a waiver allowing states to continue to regulate them while the agency drafted regulations to implement the new requirements. The NRC soon will publish a transition plan for assuming the new authority over these materials. The 34 Agreement States - which regulate byproduct materials in their states under agreements with the NRC - will maintain authority over the new materials under their agreements with the NRC.

The text of the rule and other information about the NRC's plans for implementing its new authority are posted on the NRC Web site at this address:

<http://nrc-stp.ornl.gov/narmtoolbox.html>.

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