



# NRC NEWS

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## **NRC ISSUES TRANSITION PLAN FOR ASSUMING REGULATION OF ADDITIONAL RADIOACTIVE MATERIAL**

The Nuclear Regulatory Commission has published its transition plan for assuming regulatory authority over certain radioactive materials under provisions of the Energy Policy Act of 2005.

The act expanded the definition of “byproduct material” subject to NRC’s regulatory 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. Currently, most of these materials are regulated by the states.

Although the legislation made NRC’s authority over these new materials effective immediately when the bill was enacted in August 2005, the agency issued a waiver allowing states to continue to regulate them while the agency drafted regulations to implement the new requirements. A final rule on the expanded definition of byproduct material was approved by the Commission May 14 and published Oct. 1 in the *Federal Register*. Those regulations become effective Nov. 30. The governors of the 34 Agreement States that already regulate byproduct material under agreements with the NRC have submitted certifications that they are prepared to continue exercising regulatory authority over the new materials. Those certifications are currently before the NRC for approval.

Approximately 400 entities currently using these materials in non-Agreement States, the District of Columbia and U.S. territories will require new NRC licenses under this regulation. In these jurisdictions, the NRC waiver will be terminated in phases, and these applicants will have one year to apply for an NRC license. Current NRC licensees who also use these materials will have six months following waiver termination to apply for license amendments to cover the new material.

The transition plan and the final rule on the expanded definition of byproduct material are available on the NRC Web site at this address: <http://nrc-stp.ornl.gov/narmtoolbox.html> .

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