



# NRC NEWS

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## **NRC ASSUMES REGULATORY AUTHORITY OVER CERTAIN RADIOACTIVE MATERIALS IN FIVE STATES AND U.S. TERRITORIES**

The Nuclear Regulatory Commission is assuming regulatory authority over certain radioactive materials in five states, Guam, and some U.S. possessions, effective Sept. 30, under provisions of the Energy Policy Act (EPAct) of 2005.

The material in question consists of naturally occurring and accelerator-produced radioactive material (NARM), which had been under state authority until the EPAct included this material in the definition of "byproduct material" subject to the NRC's jurisdiction. The states affected by the current action are Vermont, West Virginia, Idaho, Missouri and South Dakota.

The NRC initially issued a waiver of its authority to allow the states to continue to regulate this material while the agency developed new regulations to implement the legislation. The final regulations became effective Nov. 30, 2007. At that time, the NRC terminated the waiver and assumed authority for NARM held by federal agencies and licensees in federally recognized Indian tribes, Delaware, Indiana, Wyoming, Montana, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. This current action is the second phase of waiver terminations.

The NRC's 35 Agreement States – which regulate radioactive materials under agreements with the NRC – retain regulatory authority over NARM under their existing agreements with the agency.

Current NRC licensees who also possess NARM in the five affected states, Guam, and all U.S. territories other than Puerto Rico and the U.S. Virgin Islands will have six months from the waiver termination date to apply for an amendment to their materials license to cover NARM in their possession. Users of NARM who do not currently hold NRC licenses will have a year from that date to apply for an NRC license.

The agency anticipates that the waivers for the remaining non-Agreement States – Connecticut, Virginia, New Jersey, Michigan, Alaska, and Hawaii – will be terminated in the third phase of the transition, which will occur on August 7, 2009. Should any of these states become an NRC Agreement State before that date, the waiver for that state will terminate when the agreement takes effect.

The 35 Agreement States are Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, and Wisconsin.

For more information on the EPA's provisions expanding the definition of byproduct material subject to NRC's jurisdiction, as well as the agency's transition plan for implementing those provisions, see the "NARM Toolbox" on the NRC Web site at <http://nrc-stp.ornl.gov/narmtoolbox.html>.

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