

From: [Maier, Bill](#)
To: [Quayle, Lisa](#)
Subject: FW: montana radiation regulations
Date: Friday, April 29, 2011 7:17:51 PM

From: Maier, Bill
Sent: Friday, April 29, 2011 7:13 PM
To: 'lslate@bdh-boz.com'
Cc: 'rkemp@mt.gov'; Quayle, Lisa
Subject: FW: montana radiation regulations

Dear Mr. Slate,

At your request during our telephone conversation of April 26th, I am sending this message to confirm the extent of the Nuclear Regulatory Commission's (NRC) regulatory authority over sources of ionizing radiation in the State of Montana.

The NRC's regulatory authority over the commercial use of radioactive material is derived from the Atomic Energy Act of 1954. That legislation as originally written gave the Atomic Energy Commission, which later was replaced by the NRC, regulatory authority over the non-military uses of special nuclear material (enriched uranium and plutonium), source material (unenriched uranium and thorium), and what was termed byproduct material, which at that time was defined as radioactive material generated as a byproduct of the nuclear fission process in a reactor.

The Energy Policy Act of 2005 amended the Atomic Energy Act of 1954 by expanding the definition of byproduct material to include both radioactive material generated by electrical accelerators and discrete sources of radium. Upon the enactment of this amendment, the NRC planned for the gradual assumption of regulatory authority over the newly classified byproduct material by immediately issuing waivers to its regulations for all users and then phasing out those waivers over several years to effect a manageable assumption of regulatory authority over the material. The waiver for users of the new material in Montana expired in August, 2007. At that time users of the accelerator-produced material or radium were required to apply for licenses with the NRC within a year's time. NRC full regulatory oversight of Nuclear Accelerator-Produced Radioactive Material (NARM) and radium in Montana was achieved in August, 2008.

However, the NRC's regulatory authority was extended only to the radioactive material product and not to the machines producing it. Similarly, the NRC has never had regulatory authority any beam-type ionizing radiation producing machine, X-ray or other type.

I hope this provides you with the information you were seeking.

Bill Maier
Regional State Liaison Officer
USNRC Region 4
612 E. Lamar Blvd.

Suite 400
Arlington, TX 76011-4125
Tel: 817-860-8267
e-mail: bill.maier@nrc.gov

From: Larry Slate [mailto:LSlate@bdh-boz.com]
Sent: Tuesday, April 26, 2011 2:28 PM
To: Maier, Bill
Subject: montana radiation regulations

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