

**NUCLEAR REGULATORY COMMISSION**

**[NRC-2023-0112]**

**Discontinuation of the State of New York's Sealed Source  
and Device Evaluation and Approval Authority**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Discontinuation of the State of New York's Regulatory Authority and  
Reassumption of U.S. Nuclear Regulatory Commission's Authority.

**SUMMARY:** Notice is hereby given that effective **[MSST INSERT DATE: 5 BUSINESS  
DAYS AFTER THE LETTER TO THE GOVERNOR]**, the U.S. Nuclear Regulatory  
Commission (NRC) has assumed regulatory authority to evaluate and approve sealed  
source and device (SS&D) applications in the State of New York and approved the  
Governor of the State of New York's request to relinquish this authority.

**DATES:** The NRC has assumed regulatory authority for evaluating and approving SS&D  
applications on **[MSST INSERT DATE: 5 BUSINESS DAYS AFTER THE LETTER TO  
THE GOVERNOR]**.

**ADDRESSES:** Please refer to Docket ID **NRC-2023-0112** when contacting the NRC  
about the availability of information regarding this document. You may obtain publicly  
available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and  
search for Docket ID **NRC-2023-0112**. Address questions about Docket IDs in  
Regulations.gov to Stacy Schumann; telephone: 301-415-0624; email:  
[Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals listed in the  
"For Further Information Contact" section of this document.

- **NRC's Agencywide Documents Access and Management System**

**(ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **NRC's PDR:** You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Robert Johnson, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-7314, email: [Robert.Johnson@nrc.gov](mailto:Robert.Johnson@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

Section 274b. of the Atomic Energy Act (AEA) of 1954, as amended, provides the authority for NRC to enter into agreements with States that allow the States to assume, and the NRC to discontinue, regulatory authority over specified AEA radioactive materials and activities. On October 15, 1962, New York entered a Section 274b. Agreement with the Atomic Energy Commission (the predecessor regulatory agency to the NRC) to regulate source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass. This Agreement also provides the State regulatory authority to evaluate and approve SS&D applications.

On May 9, 2023, the NRC received a letter from New York Governor Kathy Hochul (ADAMS Accession No. ML23131A254) requesting discontinuation of the State's regulatory authority to evaluate and approve SS&D applications and for reassumption of this authority by the NRC. The Commission approved the request and has notified the State of New York that effective [**MSST INSERT DATE: 5 BUSINESS DAYS AFTER THE LETTER TO THE GOVERNOR**], the NRC has reassumed authority to evaluate and approve SS&D applications within the State (ADAMS Accession No. ML23138A033). The State of New York will retain authority to regulate the manufacture and use of SS&Ds within the State in accordance with its Section 274b. Agreement with the NRC.

Dated: MONTH XX, 2023.

For the Nuclear Regulatory Commission.

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Brooke P. Clark  
Secretary of the Commission.