

March 21, 2007  
ALL AGREEMENT AND NON-AGREEMENT STATES  
STATE LIAISON OFFICERS

**NRC REGULATORY ISSUE SUMMARY 2007-05, STATUS AND PLANS FOR  
IMPLEMENTATION OF NRC REGULATORY AUTHORITY FOR CERTAIN NATURALLY-  
OCCURRING AND ACCELERATOR-PRODUCED RADIOACTIVE MATERIAL  
(FSME-07-027)**

**Purpose:** To provide the Regulatory Issue Summary (RIS) that is dated March 20, 2007, on

**Background:** On August 8, 2005, the President signed the EPAct into law. Section 651(e) of the EPAct expanded the definition of byproduct material as defined in Section 11e. of the Atomic Energy Act of 1954 (AEA), as amended. This change placed additional byproduct material under the NRC's jurisdiction as defined in section 11e.(3) and 11e.(4) of the AEA. The RIS informs interested parties of the status of the NRC's efforts to implement the requirements of Section 651(e) of the EPAct. Specifically, the RIS includes an update on the status of the final regulations, the waiver and current plans for waiver termination, the transition plan, and associated supportive activities (e.g. guidance development). The RIS also includes an

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rulemaking process, the NRC has been actively working with both Agreement States and non-Agreement States, through the Organization of Agreement States and the Conference of Radiation Control Program Directors.

In addition, the NRC staff has consulted other stakeholders, including NRC's Advisory Committee on the Medical Uses of Isotopes (ACMUI), other Federal agencies, professional organizations, and the medical community, regarding the rulemaking. On November 9, 2005, and August 22, 2006, the NRC held public meetings with stakeholders to discuss the rulemaking.

After receiving comments from the States and ACMUI on a draft of the proposed regulations, the NRC published the proposed regulations in the *Federal Register* (71 FR 42955) on July 28,



## **BACKFIT DISCUSSION**


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Enclosure 2  
RIS 2007-05





