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# NRC NEWS

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## NRC APPROVES FINAL RULE ON EXPANDED DEFINITION OF BYPRODUCT MATERIAL

The Nuclear Regulatory Commission has approved a final rule expanding the definition of radioactive materials subject to its regulatory authority, implementing provisions of the Energy Policy Act of 2005.

The Commission approved the rule by a 5-0 vote affirmed May 14. The final rule will be published in the *Federal Register* later this year, after the agency staff incorporates changes to the text directed by the Commission and obtains approval from the Office of Management and Budget for information-collection requirements.

The Energy Policy Act of 2005 expanded the definition of so-called "byproduct material" subject to NRC's 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. Previously, these materials were regulated by the states.

Although the legislation made NRC's authority over these new materials effective immediately, the agency issued a waiver allowing states to continue to regulate them while the agency drafted regulations to implement the new requirements. The NRC soon will publish a transition plan for assuming the new authority over these materials. The 34 Agreement States - which regulate byproduct material in their states under agreements with the NRC - are expected to maintain authority over the new materials under their agreements with the NRC.

The draft text of the final rule was posted on the NRC Web site last month at this address: <http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2007/secy2007-0062/2007-0062scy.pdf>. The Commission's Staff Requirements Memorandum, which details the edits and revisions directed by the Commission to be incorporated in the rule, will be posted at this address: <http://www.nrc.gov/reading-rm/doc-collections/commission/srm/2007/>.

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