



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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## **NRC APPROVES GOVERNOR CERTIFICATIONS FOR CONTINUED REGULATION OF NEW BYPRODUCT MATERIALS**

The Nuclear Regulatory Commission has approved certifications by the governors of the agency's 34 Agreement States that their states will continue to regulate certain radioactive materials placed under NRC's authority by the Energy Policy Act of 2005.

That law, signed by President Bush on Aug. 8, 2005, expanded the definition of "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 final rule implementing that authority takes effect Nov. 30.

In the certifications, the governors said their state programs for regulating radioactive material effectively cover the expanded definition of byproduct material and that they intend to continue regulating these materials. In approving the certifications, the NRC has determined that the state programs provide adequate protection of public health and safety and the environment, and that the existing agreements between NRC and these states cover the expanded definition of byproduct material. At the same time, the NRC is terminating the waivers for these states. Users of the newly added byproduct material currently licensed or registered by these states will continue to be subject to state regulatory authority.

"This is an important milestone in NRC's implementation of the Energy Policy Act of 2005 and reflects broad cooperation between our agency and our state partners in the effective regulation of radioactive material," said NRC Chairman Dale E. Klein.

The 34 Agreement States whose certifications were approved today are Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Iowa, Illinois, Kansas, Kentucky, Louisiana, Massachusetts, Maine, Maryland, Minnesota, Mississippi, Nebraska, Nevada, New

Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington and Wisconsin.

NRC will assume authority over the newly defined byproduct material in the 16 non-Agreement States, federal agencies and recognized Indian tribes, the District of Columbia, Puerto Rico and U.S. territories and possessions in stages, as set out in the agency's transition plan, which was published Oct. 19 in the *Federal Register*.

The transition plan, the state certifications and the NRC's approvals of the certifications are available on the NRC Web site at this address: <http://nrc-stp.ornl.gov/narmtoolbox.html>.

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