



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs

Telephone: 301/415-8200

Washington, D.C. 20555-0001

E-mail: [opa@nrc.gov](mailto:opa@nrc.gov)

Web Site: <http://www.nrc.gov>

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## **NRC'S DRAFT FINAL RULE ON EXPANDED DEFINITION OF BYPRODUCT MATERIAL AVAILABLE ON AGENCY WEB SITE**

The Nuclear Regulatory Commission staff has made the draft text of a final rule to expand the definition of byproduct material subject to NRC regulations available for public viewing on the agency's Web site.

The rule is now before the Commission for review. It will implement provisions of the Energy Policy Act of 2005, which gave NRC regulatory jurisdiction over 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. Currently, these materials are regulated by the states. They will continue to be regulated by the 34 "Agreement States" that regulate radioactive materials under formal agreements with the NRC.

A proposed rule to implement this authority was published July 28, 2006. The rulemaking process included public meetings and opportunities for public comment. The agency also sought and received public comment on the proposed rule. The effort involved intense cooperation with the Organization of the Agreement States, the Conference of Radiation Control Program Directors, and other stakeholder organizations.

The NRC is not seeking public comment on the draft text of the final rule. The agency has made the text available before Commission approval so that interested parties may examine it. The text, labeled SECY-07-0062, is available at this Web address:  
<http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2007/>.

Once the Commission approves the final rule and any changes or edits the Commission directs are incorporated, the final text will be published in the *Federal Register*. The rule will become effective 60 days after publication. The final transition plan for implementing the rule nationwide will be published on or before the date the rule becomes effective. The NRC is also preparing related guidance documents for licensees.

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