November 20, 2007

ALL AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS

PUBLICATION OF NUCLEAR REGULATORY COMMISSION GUIDANCE ON PRODUCTION
OF RADIOACTIVE MATERIALS USING AN ACCELERATOR (FSME-07-105)

Purpose: To inform the States that NUREG-1556, Volume 21, Consolidated Guidance About
Materials Licenses: Program-Specific Guidance About Possession Licenses for Production of
Radioactive Material Using an Accelerator, has been published. Volume 21 provides guidance
about possession licenses for production of radioactive material using an accelerator.

Background: As described in previous communications, the U.S. Nuclear Regulatory
Commission (NRC) is amending its regulations to include jurisdiction over certain radium
sources, accelerator-produced radioactive materials, and certain naturally-occurring radioactive
material (collectively known as NARM), as required by the Energy Policy Act of 2005 (EPAct),
which was signed into law on August 8, 2005. The rulemaking for this activity was noticed in
the Federal Register (72 FR 55864) on October 1, 2007. See SECY-07-0062, Final Rule:
Requirements for Expanded Definition of Byproduct Material, dated April 3, 2007, for
information on that rulemaking. The associated Staff Requirements Memorandum, dated
May 14, 2007, is publicly available on NRC’s website.

The new regulations for the expanded definition of byproduct material require new guidance
and resulted in a revision to: (1) NUREG-1 556, Volume 13, Program-Specific Guidance About
Commercial Radiopharmacy Licenses, and (2) NUREG-1556, Volume 9, Revision 2, Program
Specific Guidance About Medical Use Licenses. A new NUREG-1 556 volume, Volume 21, was
developed to address production of radioactive material using an accelerator. The guidance
documents were developed with State input and take advantage of State expertise in the
licensing of NARM and Ra-226.

Volume 21, was noticed in the Federal Register on May 29, 2007 (72 FR 29555) for a 30-day
public comment period which ended June 28, 2007. The final report of Volume 21 may be
found in NRC’s website at http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/ or
the “NARM Toolbox” at http://nrc-stp.ornl.gov/narmtoolbox.html. NUREG-1556, Volume 13 and
Volume 9, will be finalized in the near future.

Discussion: The guidance volumes were developed by a joint NRC - State working group.
After receiving comments from the States and the general public, NRC prepared a final version
of Volume 21. The Agreement States may use these NUREG volumes as a basis for their
regulatory guidance, as desired.
NRC Point of Contact: If you have any questions on this correspondence, please contact me at 301-415-7278 or the individual named below.

POINT OF CONTACT: Torre Taylor
INTERNET: TMT@NRC.GOV
TELEPHONE: (301) 415-7900
FAX: (301) 415-5369

/RA by Patrice M. Bubar for/

Dennis K. Rathbun, Director
Division of Intergovernmental Liaison and Rulemaking
Office of Federal and State Materials and Environmental Management Programs