



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

(FSME-07-105, November, Program, Radioactive Materials, Accelerator)
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 (EPA), 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
TELEPHONE: (301) 415-7900

INTERNET: TMT@NRC.GOV
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