



BACKGROUND

Office of Public Affairs

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Agreement States

The Nuclear Regulatory Commission licenses and regulates the civilian uses of radioactive material to ensure the protection of public health and safety. Under the Atomic Energy Act, as amended, the NRC can relinquish its authority over certain radioactive materials to state governments that sign agreements with the agency. As of September 2020, there are 39 Agreement States that issue licenses, conduct inspections and enforce safety regulations over the industrial, medical and academic uses of radioactive material.

The NRC maintains regulatory authority over all commercial nuclear power reactors, research reactors and nuclear fuel cycle facilities, even those located in Agreement States. The NRC also maintains regulatory authority over radioactive materials in states that do not have agreements, as well as U.S. territories, the District of Columbia and certain areas of “exclusive federal jurisdiction.” Those areas are mostly Native American reservations and military bases. The NRC’s materials oversight is conducted by its regional offices, supported by the Office of Nuclear Material Safety and Safeguards at agency headquarters.

States sign agreements with the NRC for several reasons. States already have jurisdiction over sources of radiation that are not regulated by the NRC, such as naturally occurring radioactive material (radon and radium), radiation-producing machines such as X-ray machines (both medical and industrial) and particle accelerators. So they already have expertise and regulatory experience. For many states, adding oversight over radioactive material is efficient and profitable, as they then collect the licensing fees. For the NRC, agreements allow the agency to leverage state expertise and resources to help protect public health and safety.

The Agreement State Application Process

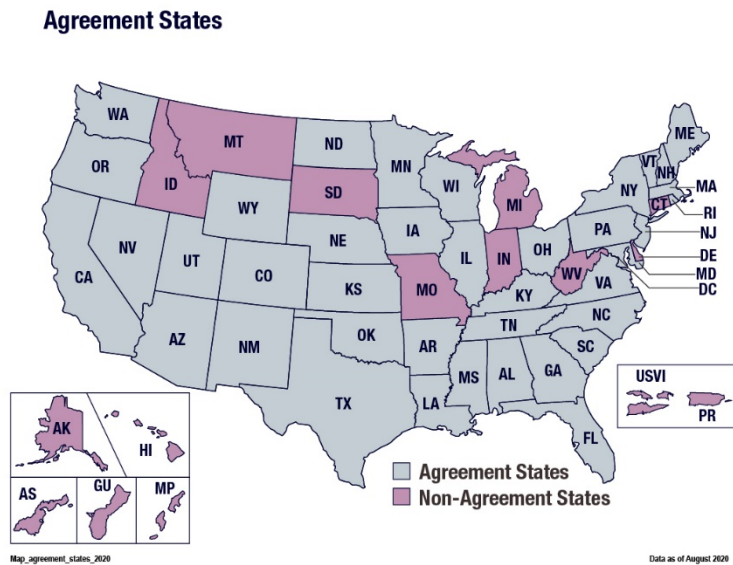
To start the process of becoming an Agreement State, the governor sends a Letter of Intent to the NRC stating that the state plans to request an agreement. The NRC staff creates a webpage that contains information about steps in the process and the progress the state makes in meeting these milestones. Links to documents submitted by the state are found on this webpage.

A state’s application includes legislation, regulations, procedures, information on qualified staff and a draft agreement. The NRC staff reviews these application materials to ensure that the state’s proposed radiation control program is adequate to protect public health and safety and compatible with the NRC’s radioactive materials program.

The governor then certifies the application materials and formally requests an agreement. The NRC staff prepares a draft assessment and proposed agreement, and requests Commission approval to publish them for public comment

Once approved by the Commission, the NRC publishes a *Federal Register* notice for four consecutive weeks announcing the public comment period. The NRC staff reviews and responds to all public comments, prepares a final staff assessment and agreement. Once the Commission approves the agreement, the Chairman and the governor sign it. At that point, regulatory authority over radioactive material and related licenses are transferred to the state.

Although the NRC no longer maintains regulatory authority over the radioactive material and activities covered under the agreement, it still performs an oversight role by periodically reviewing the state’s radiation control program to ensure continued adequacy to protect public health and safety, and compatibility with the NRC’s radioactive materials program.



Regulation and Oversight

The NRC and the states coordinate the regulation of radioactive materials through the [National Materials Program](#). Agreement State regulations on radioactive materials follow the same standards as the NRC’s regulations, though specific requirements may differ somewhat. The NRC retains a leadership and oversight role in the program through the Integrated Materials Performance Evaluation Process, or [IMPEP](#), which ensures uniform nationwide regulation by reviewing the regulatory performance of both the NRC and the states using a common set of performance criteria.

The IMPEP process employs a team of NRC and Agreement State staff to assess both Agreement State and NRC regional radioactive materials licensing and inspection programs. A team looks at common indicators that help them assess performance: technical staffing and training; the status and quality of inspections; technical quality of licensing actions; and the technical quality and response to incidents and allegations of violations. The IMPEP team also looks at compatibility requirements, a

state's sealed source and device evaluation program, low-level radioactive waste disposal and uranium recovery, as appropriate. On average, an Agreement State or NRC regional materials program is reviewed every four years.

The NRC also coordinates with states through two organizations. The Organization of Agreement States is a professional organization that includes the directors and staffs of Agreement State programs. The Conference of Radiation Control Program Directors includes the directors and staffs of regulatory programs from both Agreement and non-Agreement States. As such, the CRCPD provides a forum for the states to interact with the NRC and coordinate the regulation of radioactive materials that are not governed by the [Atomic Energy Act](#).

More information about the Agreement States and the National Materials Program, including individual state contacts and regulations, is available on the [NRC website](#).

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