

Fact Sheet on the National Materials Program

What is the National Materials Program?

The National Materials Program (NMP) is the broad collective framework within which both the U.S. Nuclear Regulatory Commission (NRC) and the Agreement States function in carrying out their respective regulatory programs for radioactive material. The mission of the NMP is to continually strengthen the partnership between the NRC and Agreement States to ensure protection of public health, safety, security, and the environment from the hazards associated with radioactive material.

Learn more: <https://www.nrc.gov/materials/nmp.html> and State Agreement (SA) -10, “Joint Oversight of the National Materials Program” ([ML19123A085](#))

How many Agreement States are there?

Today, 39 States have entered into Agreements with the NRC. The States of Connecticut and Indiana are in the initial stages of pursuing an Agreement with the NRC.

How does a State become an Agreement State?

Section 274 of the Atomic Energy Act of 1954, as amended, (AEA) provides a statutory basis under which the U.S. NRC transfers to the States portions of its regulatory authority to license and regulate byproduct materials; source materials; and certain quantities of special nuclear materials. The Governor of a State initiates this process by formally requesting an Agreement. The mechanism for the transfer of the NRC’s authority to a State is an Agreement signed by the Governor of the State and the Chairman of the Commission, in accordance with Section 274b of the AEA.

Learn more: SA-700, “Processing an Agreement” ([ML22138A414](#)), Handbook for Processing an Agreement ([ML22140A396](#)), and <https://www.nrc.gov/about-nrc/state-tribal/become-agreement.html#sa700>,

How does the NRC support Agreement States?

NRC conducts training courses and workshops; evaluates technical licensing and inspection issues from Agreement States; evaluates State rule changes; participates in activities conducted by the Conference of Radiation Control Program Directors, Inc.; and provides early and substantive involvement of the States in NRC rulemaking and other regulatory efforts. The NRC also coordinates with Agreement States the reporting of event information and responses to allegations reported to NRC involving Agreement States. The NRC and Agreement States jointly develop new regulations, regulatory guidance, and other regulatory initiatives.

Does the NRC review Agreement State Programs?

The NRC reviews each Agreement State program to ensure that they maintain a program that is adequate to protect public health and safety and compatible with NRC requirements as required by the AEA. This required review is performed through the Integrated Materials Performance Evaluation Program (IMPEP) approximately every 4 – 5 years with a team of NRC and

Agreement State technical staff. The NRC's materials program is also reviewed using the IMPEP process.

Learn more: <https://www.nrc.gov/materials/toolboxes/impep.html>

What does “compatible with NRC requirements” mean?

An Agreement State program is compatible with the NRC's regulatory program when the State program does not create conflicts, duplications, gaps, or other conditions that jeopardize an orderly pattern in the regulation of agreement material (source, byproduct, and small quantities of special nuclear material as identified by Section 274b. of the AEA) on a nationwide basis. Compatibility is important to ensure that regulatory requirements are consistently implemented across the country. Compatibility requirements apply to all aspects of the Agreement State program including inspection, licensing, regulations, legislation, incident response, and staffing and training. Compatibility requirements are reviewed as part of IMPEP.

Learn more: <https://www.nrc.gov/materials/toolboxes/regulation.html> and Management Directive 5.9, “Adequacy and Compatibility of Program Elements for Agreement State Programs” ([ML18081A070](#))

I am an NRC licensee. What communications will I receive when my State becomes an Agreement State?

Communications from both the Agreement State and NRC include multiple press releases, public meetings, letters transmitting State specific information regarding inspection, licensing, regulations, etc., and federal register notices.

What happens to my license if my State becomes an Agreement State?

On the effective date of the Agreement, the NRC will electronically transfer those NRC licenses that the State will regulate under its authority. The NRC and the State will make arrangements so that there will be no interference of licensed activities or the processing of license applications. Some of the differences for licensees that are now under the State's authority include, but are not limited to, the following:

- Changes to fees: most Agreement States' fees are different than NRC fees.
- Inspections: Agreement State will perform inspections in accordance with their process and procedures; the Agreement State inspection procedures must be compatible¹ with the NRC's.
- Licensing: most noticeable will be the changes to the appearance and content of the license as Agreement States' regulations have different alphanumeric listings for radioactive materials types and use, however their procedures for performing licensing actions must be compatible with the NRC's.

¹ the term “compatibility” is described in the Agreement State Program Policy Statement as, “a compatible program consists of program elements necessary to sustain an orderly pattern of regulation of agreement material.”

- Regulations: Agreement State regulations must be compatible with the NRC's, i.e., some must be essentially identical, however the Agreement States are allowed to have flexibility with certain categories of regulations in that they can be more restrictive, e.g., reporting requirements.
- Enforcement: financial penalties may be different.

How long does it take to become an Agreement State?

The entire Agreement application process typically take 3 to 5 years from the time the governor submits a Letter of Intent to the NRC to the time the Agreement goes into effect. During the first 2 to 3 years, the State is working to develop its application in addition to qualifying its staff. The actual time required for the NRC to review an application depends on the resolution of issues unique to each Agreement. The effective date of the Agreement is usually selected jointly by the NRC and the State and is often based on the fee billing cycle to avoid duplicate fees for affected licensees.

Can an Agreement State terminate their Agreement?

Yes, an Agreement State can terminate their Agreement at any time if requested by the governor of the State.

Will the NRC always have licensees?

Yes, the NRC will always have licensees because certain authorities, activities or facilities cannot be transferred to the Agreement States, such as federal institutions (e.g., Air Force or Veteran's hospitals) or import/export licensees.

Where can I learn more about the NMP and Agreement States?

The NRC's public website contains a wealth of information about the NMP and Agreement State program: <https://www.nrc.gov/about-nrc/state-tribal.html>. Please also see the State Communication Portal at <https://scp.nrc.gov/>.