

What You Need to Know About Jurisdictional Determination

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Basic Tools

- **NMSS Interim Procedure SA-500 “Jurisdictional Determinations”**
- NUREG-1556 volume 19 (dated June 2016)
- Legal counsel



SA-500 Overview



ACTIVITIES RESERVED
TO NRC



OFFSHORE WATERS



CO-MINGLED MATERIALS



DOE AND ITS PRIME
CONTRACTORS



FEDERAL OWNED OR
CONTROL LANDS WITHIN
AN AGREEMENT STATE



STATE JURISDICTION



APPENDIX A – HOW TO
DETERMINE EXCLUSIVE
FEDERAL JURISDICTION



APPENDIX B:
RECOMMENDED
PROCEDURE FOR
LICENSEES TO OBTAIN
JURISDICTION
DETERMINATIONS

State Jurisdiction Covered in SA-500

Non-Federal licensees in areas of non-exclusive federal jurisdiction

Radiographers on reactor sites in Agreement States

Calibration standards for off-site monitors around reactors.

Activities aboard naval vessels under construction at shipyards prior to commissioning

Decommissioned federal facilities after base closures and decommissioned naval vessels

Non-federal licensees operating in State's territorial waters.

Surface and subsurface mineral rights are owned by different parties, jurisdiction will be based on the surface ownership.

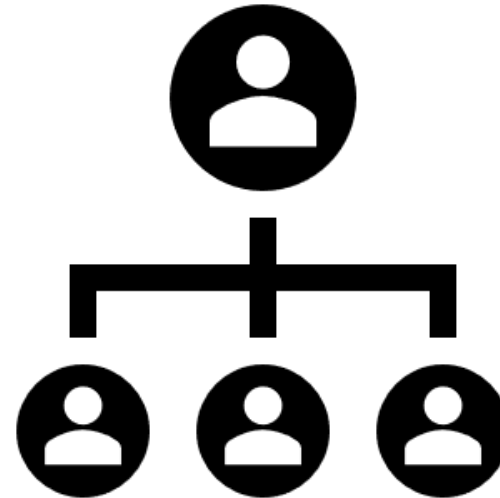
Land that is not an area of exclusive federal jurisdiction on federally owned or controlled land

Radioactive material in transit

Basic Rules

Who is the licensee?

- Federal agencies – NRC
- DOE and its prime contractors – NRC
 - Specific review process
- Federally-recognized tribes
 - Dependent sovereign nations
 - NRC has jurisdiction while on their reservation/tribal lands
 - Agreement State has jurisdiction while not on their reservation/tribal lands
- Everyone else – “where” becomes the deciding factor



Basic Rules

Where is the work being performed?

- Determine the pedigree of the land
 - Federal statutes and treaties
 - Legal decisions
 - Jurisdictional status can change
 - Certain rights to property can be sold to another party (i.e., mineral rights)
- Jurisdiction of Land
 - Areas of exclusive federal jurisdiction – NRC
 - Areas of other jurisdiction – Agreement State
- Agreement State has jurisdiction in territorial water out to three geographic miles from low tide on coastline and navigable waters within the State
 - Special rules for Great Lakes and Gulf of Mexico



Basic Rules

Need assistance?

**Contact NMSS/MSST
who will work with the
NRC's Office of General
Counsel**



Some Interesting Situations

- Atmospheric testing with aircraft
- Well logging
- Passage through tribal lands



Future Items for SA-500



- Fuel cycle facilities
- Outer Space
- Service contractor work inside the protected area at Part 50 and 52 facilities

Thank you!