



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET SW SUITE 23T85  
ATLANTA, GEORGIA 30303-8931**

March 27, 2000

United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Ocean Service, Center for Coastal Environmental  
Health and Biomolecular Research  
ATTN: John A. Bemiss, Radiation Safety Officer  
219 Fort Johnson Road  
Charleston, SC 29412-9110

Dear Mr. Bemiss:

This is in response to your letter of January 14, 2000, to Thomas R. Decker requesting guidance on the licensing issues arising out of the construction of a new facility adjacent to the one currently occupied by the National Ocean Service. You indicate that this new facility, the Marine Environmental Health Research Facility (MERL), will be financed and owned by the federal government upon completion. You further indicate that the land upon which the facility will be situated is owned by the State of South Carolina. You state that occupants of the building will include the National Ocean Service, the National Institute of Standards and Technology (NRC licensees), the Medical University of South Carolina, the South Carolina Department of Natural Resources and the University of Charleston, South Carolina (South Carolina licensees). Given the different agencies and the fact that the facility, though financed and owned by the federal government, is situated on state owned property, you seek guidance regarding whether the NRC or the State of South Carolina will have jurisdiction over the facility. You also discussed this issue with Carolyn Evans our regional counsel during a telephone conversation on February 2, 2000, and this letter is a follow up to that conversation.

The controlling factor in this case is ownership of the land on which the facility is built. Since the land is owned by the State of South Carolina, it is our view that the Nuclear Regulatory Commission (NRC) will have jurisdiction over the possession and use of radioactive materials by federal occupants at the MERL facility. Non-federal occupants will come under the jurisdiction of the State of South Carolina with regard to the possession and use of radioactive materials at the facility.

If you have any additional questions regarding the foregoing, do not hesitate to contact me.

Sincerely,

***/RA/***

Charles M. Hosey, Deputy Director  
Division of Nuclear Materials Safety

cc: Virgil R. Autry, Director  
Division of Radioactive Waste Management  
Bureau of Solid & Hazardous Waste  
Dept. of Health & Environmental Control  
2600 Bull Street  
Columbia, SC 29201

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E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO