

February 8, 2007

ALL AGREEMENT AND NON-AGREEMENT STATES

TRANSITION OF SEALED SOURCE OR DEVICE REGISTRATION CERTIFICATES FOR NARM FROM STATE JURISDICTION TO NRC JURISDICTION (FSME-07- 011)

Purpose: To discuss the transition of the sealed source and device (SSD) registration certificates for certain naturally occurring and accelerator-produced radioactive materials (NARM) from State jurisdiction to NRC jurisdiction. A response to this letter is requested by 45 days from the date of this letter

Background: As discussed in Section E of the draft transition plan that was approved by the Commission for the orderly transition of regulatory authority resulting from the expanded definition of byproduct material, the NRC will assume jurisdiction over certain SSD registration certificates for NARM. In order to ensure an orderly transition of this aspect of the transition plan, the NRC is requesting that each State provide the NRC point of contact with the information requested below.

Discussion: Prior to the Energy Policy Act of 2005 (EPAct), the States had jurisdiction over NARM, including the new byproduct material as now defined in Sections 11e.(3) and 11e.(4) of Atomic Energy Act, which includes discrete sources of Radium-226 and material that has been radioactive by use of a particle accelerator. State authority also included the evaluation of radiation safety information on SSDs containing NARM, and the registration of such SSDs for distribution. The EPAct provided NRC with the authority to regulate this newly defined byproduct material. The NRC is beginning to prepare for the orderly transition of this aspect of the transition plan. The first step in preparing for the transition is to identify the licensees who will be affected by the transition. Next, we intend to notify the affected holders of active SSD registrations in the States, of the impending transition of authority. It is anticipated that the transition of authority will occur in conjunction with the final rulemaking.

1. Radiation Safety Evaluations for Exempt Distribution Devices containing NARM

This aspect of the transition plan has the potential to impact every State. The NRC will assume regulatory authority over all radiation safety evaluations and registrations of exempt distribution devices containing the new byproduct material that previously may have been licensed by the States. The assistance of the States is needed to ensure that NRC has the appropriate information to affect this transition.

* This information request has been approved by OMB 3150-0029, expiration 06/30/07, and OMB 3150-0200, expiration 06/30/2009. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0163), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Action: Provide the NRC point of contact with all radiation safety evaluations and registrations of exempt distribution devices containing the new byproduct material. We also need the name, address, and license number of those licensees who are authorized by the State to distribute exempt products containing NARM. Enclosed for your information is a listing of the exempt distribution devices containing NARM that are currently listed in the Sealed Source and Device Registry. Please note that the information listed in the Enclosure is based upon voluntary submissions by the States and, consequently, may not be complete.

2. Radiation Safety Evaluations for Generally and Specifically Licensed Devices containing NARM

The transition affects the States differently, as described below, depending on their SSD authority.

a. Agreement States that have SSD Authority:

Most Agreement States' Section 274b. Agreements provide for the Commission to discontinue its authority for the evaluation of radiation safety information on SSDs containing byproduct materials, and for the registration of the SSDs for distribution. An Agreement State whose Section 274b. Agreement provides for the Commission to discontinue its SSD authority shall retain this authority and responsibility for SSDs containing the new byproduct material, after the waiver expires on August 8, 2009, or on earlier waiver termination by the Commission.

Action: Continue to ensure that such evaluations are included within the Sealed Source and Device Registry.

b. Agreement States that do not have SSD Authority and Non-Agreement States:

After the waiver expires on August 8, 2009, or on earlier waiver termination by the Commission, NRC will assume regulatory authority over radiation safety evaluations and registration of SSDs containing the new byproduct material in non-Agreement States, and in Agreement States whose Section 274b. Agreements do not provide for the Commission to discontinue its authority for radiation safety evaluations and registration of SSDs containing byproduct material.

Action: Provide the NRC point of contact with all radiation safety evaluations and registrations for SSDs containing the new byproduct material, which are not contained within the Enclosure, which was compiled from the Sealed Source and Device Registry. We need the name, address, and license number of those licensees who are licensed by the State to distribute generally and specifically licensed SSD products containing NARM.

If you have any questions regarding the implementation of the transition plan, please contact Andrew Mauer at 301-415-3962. Responses to this request should be provided to the NRC point of contact named below.

POINT OF CONTACT: John Jankovich
TELEPHONE: (301) 415-7904

INTERNET: JPJ2@NRC.GOV
FAX: (301) 415-5369

Janet R. Schlueter, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
Sealed Source and Device Registry
Certificates for Products that Contain NARM

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/RA/

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Distribution: DCD (SP03)
 DMSSA RF
 J Jankovich, FSME/DMSSA

SUNSI Review Complete

- Publicly Available Non-Publicly Available
- Non-Sensitive Sensitive

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Currently the Sealed Source and Device Registry lists the following registration certificates for products that contain NARM:

1. Exempt Distribution Sources and Devices containing NARM

<u>Vendor</u>	<u>Isotope/s</u>	<u>Reg. Certificate No.</u>
Hochiki America Corp.	Ra-226	CA-355-D-104-E
Medi-Physics, Inc.	Co-57, Y-88, Na-22	IL-136-S-294-E
	Co-57, Na-22	IL-136-S-296-E
	Co-57, Na-22,	IL-136-S-298-E
	Co-57	IL-136-S-302-E
	Co-57	IL-136-S-304-E
	Co-57	IL-136-S-305-E
	Co-57	IL-136-S-306-E
	Co-57, Y-88	IL-136-S-307-E
	Co-57, Y-88	IL-136-S-308-E
	Co-57	IL-136-S-839-E
	Co-57	IL-136-S-840-E
Medi-Physics, Inc.	Rb-81	CA-448-D-101-U
Statitrol Corp.	Ra-226	CO-618-D-105-E
	Ra-226	CO-618-D-106-E
	Ra-226	CO-618-D-804-E
	Ra-226	CO-8187-D-801-E
	Ra-226	CO-8187-D-802-E
Test-ER, Inc.	Co-57	IL-8124-S-801-E
Unitec, Inc.	Ra-226	KS-8062-D-802-E
Universal Security Instruments, Inc.	Ra-226	MD-657-D-102-E

2. Generally and Specifically Licensed Sources and Devices containing NARM

<u>Vendor:</u>	<u>Isotope/s</u>	<u>Reg. Certificate No.</u>
ABB, Inc.	Ra-226	CA-109-D-809-G
ABB, Inc.	Ra-226	OH-109-D-803-S
		OH-109-D-830-S
Alnor Instrument Co.	Ra-226	IL-129-D-800-G
Alnor Instrument Co.	Ra-226	IL-700-D-101-S

Enclosure

<u>Vendor</u>	<u>Isotope/s</u>	<u>Reg. Certificate No.</u>
American Nuclear Products	Ra-226	MO-705-S-101-S
Cardinal Health #419 LLC	Ra-226	OH-8142-D-802-S OH-8142-D-803-S OH-8142-D-804-S
Central Scientific Co.	Ra-226	IL-849-S-802-S
Conam Inspection, Inc.	Ra-226	OK-717-S-101-S
DICKEY-john Corp.	Ra-226	IL-129-D-800-G
Entronic Corp.	Ra-226	TX-870-D-801-S
Etrac, Inc.	Ra-226	TN-314-S-101-S
E.W. Sundall	Ra-226	IL-884-D-801-S
Fire Alert Co.	Ra-226	CO-289-D-102-S CO-289-D-801-S CO-8181-D-801-S
Fyrex, Inc.	Ra-226	CO-727-D-101-S CO-8182-D-801-S
Gamma Industries, Inc.	Ra-226 Ra-226	TX-300-S-917-S TX-300-S-930-S
Gearhart-Owen Industries	Ra-226	TX-306-S-101-S
General Nuclear Corp.	Ra-226	TX-894-S803-S
Glowall	Ra-226	PA-895-D-801-S
GNI Inc.	Ra-226 Ra-226 Ra-226 Ra-226	TX-333-S-121-S TX-333-S-124-S TX-333-S-134-S TX-333-S-135-S
Heary Bros. Lightning Protection	Ra-226	NY-731-D-101-S
Industrial Nucleonics Corp.	Ra-226	OH-387-D-101-S
Intenetics Isotope Products Laboratories	Ra-226 Ra-226 Ra-226 Ra-226 Ra-226 Ra-226 Ra-226 Ra-226 Ra-226	UT-735-D-101-S CA-0406-D-101-S CA-0406-S-118-S CA-0406-S-122-S CA-0406-S-126-S CA-0406-S-135-S CA-0406-S-152-S CA-0406-S-160-S CA-0406-S-175-S

<u>Vendor</u>	<u>Isotope/s</u>	<u>Reg. Certificate No.</u>
	Ra-226	CA-0406-S-177-S
	Ra-226	CA-0406-S-187-S
	Ra-226	CA-0406-S-188-S
LKB Instruments, Inc.	Ra-226	MD-741-S-102-S
Louis Reid, Jr.	Ra-226	CO-743-D-101-S CO-8183-D-801-S
Mar-Chem, Inc.	Ra-226	SC-350-D-101-G
MDS Nordion	Ra-226/Be Ra-226	CN-196-S-163-S NR-220-S-811-S
Medi-Physics, Inc.	Ra-226	IL-136-S-290-S
	Ra-226	IL-136-S-827-S
	Ra-226	IL-136-S-828-S
	Ra-226	IL-136-S-829-S
	Ra-226	IL-136-S-848-S
	Ra-226	IL-136-S-849-S
	Ra-226	IL-136-S-850-S
Mottler Instrument Corp.	Ra-226	NJ-749-D-101-S
NATCO	Ra-226	OK-804-S-808-S OK-804-S-809-S OK-804-S-810-S
North American Scientific, Inc.	Ra-226	CA-510-S-111-S
	Ra-226	CA-510-S-113-S
	Ra-226	CA-510-S-128-S
Notifier Corp.	Ra-226	NE-755-D-101-S
Nuclear Chicago Corp.	Ra-226	IL-959-D-801-S IL-959-D-802-S IL-959-D-804-S CA-959-D-803-S MS-959-S-806-S
Nycomed Amersham	Ra-226	IL-136-S-290-S IL-136-S-827-S IL-136-S-828-S IL-136-S-829-S IL-136-S-848-S IL-136-S-849-S IL-136-S-850-S
Ohmart/Vega Corp.	Ra-226	OH-522-D-212-S
	Ra-226	OH-522-D-900-S
	Ra-226	OH-522-D-901-S

<u>Vendor</u>	<u>Isotope/s</u>	<u>Reg. Certificate No.</u>
Pacific Air Industries	Ra-226	CA-526-D-101-S
Packard Instrument Co.	Ra-226 Ra-226	CA-529-S-103-S IL-529-D-107-B
Radiation Materials Co.	Ra-226	MA-961-S-801-S
Radium Chemical Co.	Ra-226	NY-763-S-101-S NY-763-S-102-S NY-763-S-103-S NY-763-S-104-S NY-763-S-105-S NY-763-S-106-S
Rosemount	Ra-226	IL-412-D-139-S
QSA Global, Inc.	Ra-226	MA-1059-S-873-S MA-1059-S-876-S MA-1059-S-877-S MA-1059-S-878-S MA-1059-S-881-S
SENTEC	Ra-226	NC-8046-D-801-S
SIE, Inc.	Ra-226	TX-578-D-101-S
Seaman Nuclear Corp.	Ra-226	WI-578-D-107-S
Sargent-Welch Scientific Co.	Ra-226	IL-771-S-101-S
Searle Analytic, Inc.	Ra-226	IL-777-S-101-S
Soiltest, Inc.	Ra-226	IL-610-D-101-S IL-610-D-104-S IL-8127-D-101-S
Statitrol Corp.	Ra-226 Ra-226 Ra-226 Ra-226	CO-618-D-801-G CO-618-D-801-S CO-618-D-802-G CO-618-D-803-S
Stock Equipment Co.	Ra-226	OH-8072-D-802-S
Stock Equipment Co.	Ra-226	FL-0620-D-101-B FL-0620-D-102-B FL-0620-D-103-B FL-0620-D-105-S FL-8137-D-801-B FL-8137-D-802-B FL-8137-D-803-B FL-8137-D-805-S OH-620-D-106-S

<u>Vendor</u>	<u>Isotope/s</u>	<u>Reg. Certificate No.</u>
Texas Instruments, Inc.	Ra-226	TX-632-D-101-G
Thermo Measure Tech	Ra-226	CA-634-D-839-B CA-634-D-841-S TX-634-D-158-S TX-634-S-165-S TX-634-D-852-S
Troxler Electronic Labs, Inc.	Ra-226	NC-646-D-805-S NC-646-D-809-S NC-646-D-810-S NC-646-D-811-S NC-646-D-819-S
Unitec, Inc.	Ra-226	KS-8062-D-802-S
United Engineers	Ra-226	OK-785-D-101-S
U.S. Nuclear Corp.	Ra-226	CA-652-S-101-S CA-652-S-103-S CA-652-S-103-S CA-652-S-104-S
U.S. Radium Co.	Ra-226	NJ-654-D-101-S NJ-654-S-102-S FL-654-S-831-S
Val-Tron, Inc.	Ra-226	CO-660-D-801-S

<u>Vendor</u>	<u>Isotope/s</u>	<u>Reg. Certificate No.</u>
Victoreen, Inc.	Ra-226	OH-666-D-108-S OH-666-D-109-S OH-666-D-110-S
Vigor, Bergeon Bestfit	Ra-226	NY-789-D-101-S