



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

August 27, 2001

Ms. M.M. Palacios, MS
Fountainebleu Village
Apt. 1206
Guaynabo, Puerto Rico 00969

SUBJECT: CLARIFICATION RESPONSE TO PERSONAL INQUIRY

Dear Ms. Palacios:

Thank you for your letter dated July 31, 2001, in regard to a Commonwealth of Puerto Rico Department of Health's letter, dated June 29, 2001. In the letter, Mrs. M. Toro, who is the Director for the Radiological Health Division, requested information pertinent to applications for Commonwealth of Puerto Rico, Department of Health, Commission for Radiation Control Radioactive Materials licenses. The letter appears to provide some confusing information, in that it incorporated items pertinent to the jurisdiction of the Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended and the Energy Reorganization Act of 1974, as amended. Let me assure you that the NRC's jurisdiction over the materials described in these Acts in Puerto Rico is unchanged.

Based on a conversation with Mrs. Toro, it is our understanding that the Commonwealth of Puerto Rico, Department of Health, Radiological Health Division, is well aware of their regulatory authority, which includes naturally occurring and cyclotron produced isotopes, and does not include any byproduct material, source material, or special nuclear material as defined by 10 CFR 30, §40, and §70 respectively. In order to clarify this issue, Mrs. Toro informed us that she will send another letter to these applicants informing them that they need only respond for naturally occurring and cyclotron produced isotopes. Mrs. Toro indicated that the confusion occurred because at the time the regulations were approved, the Commonwealth of Puerto Rico intended to apply for Agreement State status. The Commonwealth of Puerto Rico currently has no intention of pursuing Agreement State status. Mrs. Toro further stated that until the local regulations are amended, they will continue to refer to NRC regulated radionuclides.

If you have any questions, please call J. Henson at (404) 562-4731 or 800-577-8510, or contact him via Internet electronic mail at jlh@nrc.gov.

Sincerely,

/RA/

Douglas M. Collins, Director
Division of Nuclear Materials Safety

cc: Commonwealth of Puerto Rico

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