

February 8, 2007

David Allard, Director  
Bureau of Radiation Protection  
Department of Environmental Protection  
Rachel Carson State Office Bldg.  
P.O. Box 8469  
Harrisburg, PA 17105-8469

Dear Mr. Allard:

We have reviewed the Pennsylvania Order to implement increased controls for certain licensees that possess certain radioactive materials in quantities of concern, received by our office on January 19, 2007. The Order was reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) Order EA-05-090. We discussed our review of the Order with Ronald Hamm on February 7, 2007.

As a result of our review, we have no comments. We have determined that the Pennsylvania Order meets the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200. We note that Pennsylvania has included Radium-226 as being subject to increased controls, which is under the regulatory jurisdiction of Pennsylvania. The NRC is considering what actions may be necessary in response to the Energy Policy Act and does not have any views at this time on the appropriateness of including Radium-226 in the table of radionuclides subject to increased controls.

This letter is posted on the FSME website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the comments, the compatibility and health and safety categories, or the NRC Order used in the review, please contact Kathleen Schneider, State Regulation Review Coordinator at 301-415-2320 (email: [kxs@nrc.gov](mailto:kxs@nrc.gov)) or Andrew Mauer at 301-415-3962 (email: [anm@nrc.gov](mailto:anm@nrc.gov)).

Sincerely,

**IRA By S.W. Moore\**

Scott W. Moore, Deputy Director  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and  
Environmental Management Programs

Enclosures:  
As stated

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