December 3, 2007

Joe Vranka, Manager
Radiation Control Program
Hazardous Material Waste Management Division
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Dear Mr. Vranka:

I request your assistance in effecting the transfer of jurisdiction over certain sealed source and device (SSD) registration certificates from Colorado to the U.S. Nuclear Regulatory Commission (NRC). The subject certificates are those that find the sources and devices registered as suitable for distribution to persons whose subsequent possession, use, transfer, and disposal are exempted from licensing and regulatory requirements of the NRC under 10 CFR Parts 30 and 40 (exempt distribution).

The assumption of jurisdiction by NRC over these certificates is in accordance with the provisions of the Energy Policy Act of 2005 (EPAct), since the NRC final rule on the Expanded Definition of Byproduct Material became effective on November 30, 2007. Under section 274 of the Atomic Energy Act of 1954, as amended, NRC has retained the regulatory authority to prepare and maintain registration certificates finding SSDs containing byproduct material suitable for licensing for exempt distribution.

The EPAct expanded the definition of byproduct material to include certain naturally occurring or accelerator produced radioactive materials (NARM). The implementation of the expanded definition discontinued the authority of States to prepare or maintain registration certificates finding SSDs containing the newly defined byproduct material suitable for licensing for exempt distribution. NRC assumed regulatory authority over all radiation safety evaluations and registrations of exempt distribution sources and devices containing the new byproduct material that may previously have been issued by the States.

Enclosed is a list of the SSD registration certificates previously issued by Colorado over which NRC assumed authority and responsibility. In assuming authority over these SSDs, we need the information in your files that was used in the safety evaluation that supports each SSD certificate. We recommend that you retain a copy of the files for your records.

Please assemble and package the complete files, or copies thereof, for transfer by express carrier service to the NRC point of contact named below. NRC will pay for the reasonable costs of copying and transport. If you have any questions regarding this matter, please address them to the NRC point of contact.

POINT OF CONTACT: Dr. John Jankovich INTERNET: JPJ2@NRC.GOV
TELEPHONE: (301) 415-7904 FAX: (301) 415-5369

Delivery Address:

Mail Stop T-8E24
US Nuclear Regulatory Commission
11545 Rockville Pike,
Rockville, MD 20852

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

Enclosure:
List of Certain Sealed Source
and Device Registry Certificates

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

ML073310516

OFC	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA
NAME	RLBlanton:tyh	William Ward for JOwens	RLewis	JRSchlueter
DATE	11/29/07	12/03/07	/ /07	12/03/07

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