



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

(FSME-11-074, July, Other, RIS, Military Radium)

July 27, 2011

ALL AGREEMENT AND NON-AGREEMENT STATES STATE LIAISON OFFICERS

**FEDERAL REGISTER NOTICE –NRC JURISDICTION FOR MILITARY RADIUM  
(FSME-11-074)**

**Purpose:** This letter is to inform you that the U.S. Nuclear Regulatory Commission (NRC) has published a *Federal Register* notice (FRN) that provides an opportunity to comment on a draft Regulatory Issue Summary (RIS) that clarifies those discrete sources of radium-226 under military control that are subject to NRC regulation.

**Background:** The Energy Policy Act of 2005 expanded the definition in the Atomic Energy Act of 1954, as amended, of byproduct material to include discrete sources of radium-226, discrete sources of naturally occurring radioactive material and accelerator-produced radioactive material for use for a commercial, medical, or research activity. The NRC has received recent inquiries from the military services regarding the scope of the NRC's jurisdiction over discrete sources of radium-226 used by the military for military operations.

**Discussion:** The draft RIS clarification defines with greater specificity the term "military operations" as it is used to delineate that radium-226 subject to NRC jurisdiction. The RIS also describes acceptable regulatory approaches to adequately implement NRC's regulatory requirements for contamination and items and equipment containing radium-226. A general plan of implementation for use with the military services is also given. Through the FRN, the NRC is seeking comment from interested parties on the clarity and utility of the proposed RIS.

The FRN requests **comments to be submitted by September 6, 2011**.<sup>123</sup> The FRN is available at: <http://www.gpo.gov/fdsys/pkg/FR-2011-07-08/html/2011-17165.htm>.

If you have any questions regarding this correspondence, please contact me at (301)415-3340, or the Office of Federal and State Materials and Environmental Management Programs staff member named below.

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***/RA/ by James G. Luehman for***

Terrence Reis, Acting Director  
Division of Materials Safety  
and State Agreements  
Office of Federal and State Materials  
and Environmental Management Programs

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<sup>1</sup> This information request has been approved by OMB 3150-0029 expiration 11/30/2013. 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](mailto:infocollects@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), 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.

<sup>2</sup> This information request has been approved by OMB 3150-0200, expiration 08/03/2011. 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](mailto:infocollects@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0200), 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.

<sup>3</sup> This information request has been approved by OMB 3150-0163, expiration 01/31/2013. 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](mailto: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.