

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) or Andrew Mauer at 301-415-3962 (email: 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

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) or Andrew Mauer at 301-415-3962 (email: 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

Distribution:

DIR RF (7-9)

DCD (SP05)

DWhite, RSAO

MOrendi

KHsueh, ASPO

SUNSI Review Complete

Publicly Available

Non-Publicly Available

Non-Sensitive

Sensitive

[PA] File

DOCUMENT NAME: D:\NRC\Regs\PA letter 2-8-07.wpd Incoming Document#: ML070190550

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure

"N" = No copy

OFFICE	SAISB	SAISB	SAISB	OGC	SAIS:BC	MSSA:DD
NAME	AMauer	KHsueh	KSchneider	FCameron	PRathbun	SMoore
DATE	01/25/07*	01/25/07*	01/25/07*	02/06/07*	02/07/07*	02/08/07*

ML 070380172

OFFICIAL RECORD COPY