



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

August 24, 2006

ALL AGREEMENT AND NON-AGREEMENT STATES

**REQUEST FOR INFORMATION ON PRODUCTS AND ITEMS CONTAINING RADIUM-226
(STP-06-078)**

Purpose: To request* additional information on products and items containing Radium-226. This information will be used to establish the technical basis needed to develop the final rule on the expanded definition on byproduct material. There is a statutory deadline to publish the final rule in February 2007. The timeframe for this information request is 30 days from the issuance of this letter.

All information should be submitted to:

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Background: The Energy Policy Act of 2005 required the U.S. Nuclear Regulatory Commission (NRC) to expand the definition of byproduct material. Specifically, the NRC was to use model State regulations, to the extent practicable, in developing this expanded definition. SECY 06-0069, "Proposed Rule: Requirements for Expanded Definition of Byproduct Material," was a proposed rulemaking, developed by both the NRC staff and Agreement State representatives, that provided the basic regulatory framework for regulating additional byproduct material as defined in the Energy Policy Act of 2005.

The intent of this rulemaking was to establish some type of exemptions for certain products and items containing Radium-226. However, during the developmental stages of this rulemaking, the staff was unable to develop the necessary technical basis to support an exemption due to insufficient technical data, such as type and number of products, activity levels, concentrations, and doses. Without the technical data to support exemptions, the staff recommended using a general license approach in regulating certain products and items containing Radium-226. The general license would be granted to any person to acquire, receive, possess, use, or transfer Radium-226 contained in five categories: 1) antiquities; 2) luminous items installed in aircraft; 3) no more than 100 luminous items no longer installed in aircraft; 4) no more than 50 items of other luminous products including timepiece hands and dials; and 5) small Radium-226 sources containing no more than 37 kBq (1 microcurie).

* This information request has been approved by OMB 3150-0029, expiration 06/30/07 and OMB-3150-0200, expiration 06/30/2009. 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, 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.

The Office of Nuclear Regulatory Research (RES) is leading this effort to obtain the information needed to form the technical basis for the final rule. RES is using a contractor, Oak Ridge Associated Universities (ORAU), to inquire about the specific information needed on Radium-226.

Requested Information:

1. Timepieces Containing Radium-226
 - a. Provide radium activity levels and estimate radiological doses for possessors/users of intact timepieces for watches and clocks.
 - b. Provide radium content and estimate the radiological dose from watches and clocks available as individual components (watch hands, watch faces, dials, etc.).
 - c. Provide radiological dose estimates for workers conducting repairs on radium timepieces.
2. Products and Items Containing Radium-226
 - a. Identify the different types of antiquities and estimate numbers of products and items that are in the public domain, by whom and how they are possessed (individual members of the public vs. museums).
 - b. Estimate radium content for the various antiquities and conduct a radiological dose estimate for individuals handling the items as well as members of the public that would be exposed in a museum setting (individual possession vs. museums).
 - c. Identify items that may have been thought to use source material instead of concentrated uranium. For example, name(s) seems to imply radium but may have only used natural uranium ore.
 - d. Estimate radium content and estimate the radiological dose to persons exposed to watches and clocks containing Radium-226 which are available through antique stores, Ebay, etc., including products that may qualify under the proposed exemption.
 - e. Provide radium content and estimate the radiological dose from luminous devices (and non-luminous devices if such exist) used in aircraft, and other surplus military vehicles available to the public.
 - f. Provide dose estimates for small radium sources and products containing no more than 37 kBq (1 microcurie) as proposed in 10 CFR 31.12(a)(5).
 - g. Identify other products or devices containing radium (content, activity levels, doses) that may currently not be subjected to licensing, for example, lighting rods, wires used for static elimination, or that may not comply (or there is insufficient information to determine compliance) with the proposed rule criteria for generally licensed devices (10 CFR 32.51) or exempt products such as smoke detectors.

NRC Point of Contact: If you have any questions regarding this request for information, contact the individual named below.

POINT OF CONTACT: Doris Lewis
TELEPHONE: 301-415-0256

INTERNET: del1@nrc.gov
FAX: 301-415-5033

If you have questions regarding this correspondence, please contact me or the individual named below.

POINT OF CONTACT: Shawn Rochelle Smith
TELEPHONE: 301-415-2620

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FAX: 301-415-3502

/RA by Kathleen Schneider for/

Janet R. Schlueter, Director
Office of State and Tribal Programs

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