

MARCH 24, 2000

ALL AGREEMENT STATES
MINNESOTA, OKLAHOMA, PENNSYLVANIA, WISCONSIN

**PROGRAM MANAGEMENT INFORMATION: TECHNICAL CONFERENCING FORUM -
REQUEST FOR COMMENTS ON PRE-DECISIONAL DRAFT FINAL RULE ON REVISIONS
TO 10 CFR PARTS 30, 31, 32, AND 170 FOR CERTAIN GENERALLY LICENSED
INDUSTRIAL DEVICES CONTAINING BYPRODUCT MATERIALS (SP-00-024)**

In All Agreement States letters SP-97-084, dated December 9, 1997, and SP-99-019, dated March 26, 1999, we described that the Nuclear Regulatory Commission's (NRC) primary means of distribution of pre-decisional and other documents of interest to Agreement States is the electronic subsystem that has been established for sole use by the Agreement States. This subsystem is under the Technical Conference Forum (TCF) of the NRC Home Page. The TCF subsystem can only be accessed by the Agreement States having an unique user name and password, which were last updated via All Agreement States letter SP-97-027.

On July 26, 1999, NRC published a proposed rule entitled, "Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material." The NRC staff has drafted the Federal Register (FR) notice of the final rule and has posted it on the TCF website for Agreement State review. Also posted is a related action, a draft FR notice which would revise the NRC's Enforcement Policy to include separate base civil penalty amounts for loss, abandonment, or improper disposal of sealed sources and devices containing NRC-licensed material. The draft FR notices can be accessed through the TCF subsystem at <http://techconf.llnl.gov/cgi-states/topics>, using your appropriate user name and password.

Please note that there have been revisions to the Compatibility designations as a result of comments received on the proposed rulemaking. NRC staff agrees that there are significant transboundary implications of these regulations. The revisions to part 32 and most of the revisions to § 31.5 are classified as Category B and the revision to § 31.5 to add specifics of a registration requirement are classified as Category C. Through this action, existing provisions of § 31.5 are also being reclassified from Category D to Category B.

These draft documents are being provided for review to allow the States an opportunity to be aware of the NRC plans, and provide any comments. In addition, note that NRC development and review are continuing, and that these documents may change before being sent into NRC office concurrence. The comments received from the States will be addressed in the package presented to the Commission. Your review and comments are invited on these draft FR notices by April 24, 2000. Please provide comments to the extent you can either through the TCF or to the individual named below.

Due to its pre-decisional nature, this document is exempt from public disclosure under NRC rules. We request that you limit distribution to your staff and not release the document publicly. If this document is released, please inform me or the individual named below within 24 hours.

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/ RA /

Frederick C. Combs, Deputy Director
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