

March 17, 2000

MEMORANDUM TO: Paul Lohaus, Director  
Office of State Programs

FROM: Donald A. Cool, Director  
Division of Industrial and  
Medical Nuclear Safety, NMSS

SUBJECT: POSTING FOR AGREEMENT STATE COMMENT:  
FINAL RULE: REVISIONS TO PARTS 30, 31, 32, 170, AND 171,  
REQUIREMENTS FOR CERTAIN GENERALLY LICENSED  
INDUSTRIAL DEVICES CONTAINING BYPRODUCT MATERIAL

Please forward the attached draft Federal Register notices to the Agreement States for review and comment. The first document is an initial draft of the Federal Register notice for the final rule. The other is a draft Federal Register notice revising the Enforcement Policy to include separate base civil penalty amounts for loss, abandonment, or improper disposal of sealed sources and devices containing NRC-licensed material.

These draft documents are provided to allow the States an opportunity to be aware of the NRC plans, and provide any comments. The documents are predecisional, and should not be released by the States. In addition, the States should note that NRC development and review are continuing, and that these documents may change before being sent into NRC office concurrence. The States should also note that the comments received from the States will be addressed in the package presented to the Commission.

In order to meet our schedule to the Commission, the comment period needs to end by April 24, 2000.

Attachments: As stated.

cc w/atts: J. Blaha  
M. Virgilio  
W. Kane

CONTACT: Catherine R. Mattsen, NMSS/IMNS  
(301) 415-6264

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Distribution: WITS No. 199800071

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IMNS/Central File DMendiola  
NMSS R/F CGallagher  
NRC Central File CPoland

(O:\MATTSENGL2\F\States\OSPMEM.wpd) memo to P Lohaus requesting Agreement State review of draft final General License Rule and change to Enforcement Policy \*See previous concurrence

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