

March 29, 2001

ALL AGREEMENT STATES
MINNESOTA, PENNSYLVANIA, WISCONSIN

**PROGRAM MANAGEMENT INFORMATION: EARLY IMPLEMENTATION OF FINAL RULE
CONCERNING AGREEMENT STATE REQUIREMENTS FOR MATERIAL TRANSFER
REPORTS (STP-01-028)**

The December 18, 2000 Federal Register (65 FR 79184) featured the final rule "Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material." The rule requests that Agreement States require distributors to provide information consistent with this rule within 6 months following the effective date of the final action (see Enclosure). The effective date of this rule for the Nuclear Regulatory Commission (NRC) was February 16, 2001.

NRC is concerned that the efficiency of its registration program will be negatively impacted by not receiving appropriate contact names, titles, and phone numbers, and not getting serial numbers of devices in a timely manner. It is likely that there will be a greater number of instances where a registration request does not get to the appropriate person for response, as well as more cases where follow up of a device is required by the NRC when responses are not received. There will also be more effort involved on the part of registrants, when they have to provide device specific information (serial numbers), rather than simply verifying information that the NRC provides.

We appreciate your aid in implementing this program within 6 months of the effective date of February 16, 2001 for the NRC.

If you have any questions regarding this correspondence, please contact me at (301) 415-3340 or the individual named below:

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/RA/

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Enclosure:
As stated

STP-01-028

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EXCERPT FROM RULE

Concerning Agreement States changing requirements for material transfer reports, "Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material" from the Federal Register (65 FR 79184) published December 18, 2000 specifies:

As discussed above, revised § 32.52(a) and (b) would add the following information to the existing distributors' quarterly transfer reporting requirements: the serial number and model number of the device, the date of transfer, the name and license number of the reporting company, and the specific reporting period. The revisions also require the name, title, and phone number of a general licensee's "responsible individual" rather than simply a contact and specify that the address of the general licensee be the mailing address for the location of use. According to NRC Management Directive (MD) 5.9, "Adequacy and Compatibility of Agreement State Programs," NRC regulations that should be adopted by an Agreement State for purposes of compatibility should be adopted in a time frame such that the effective date of the State requirement is no later than 3 years after the effective date of NRC's final rule. MD 5.9 also provides that some circumstances may warrant that the States adopt certain regulations in less than the recommended 3-year time frame or that the effective dates for both NRC licensees and Agreement State licensees be the same. The Commission believes it is important to the implementation of this program, and to Agreement State programs, to begin receiving the additional information in the distributors' quarterly transfer reports as soon as possible. The Commission requests Agreement States to require distributors to provide all the information consistent with this rule (§ 32.52(a) and (b)) within 6 months following the effective date of this final action. Agreement States have the flexibility to adopt this provision through rulemaking, license conditions, or other legally binding requirements.

The reference to "responsible individual," as contained in § 32.52(a)(1)(ii) and (b)(1)(ii), is defined as: "the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements."