



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

August 22, 2006

ALL AGREEMENT STATES, NEW JERSEY, PENNSYLVANIA, VIRGINIA

INFORMATION: COMMUNICATIONS REGARDING RE-REVIEW OF GENERALLY LICENSED (GL) DEVICE RULES (STP-06- 076)

Purpose: To provide information on the U.S. Nuclear Regulatory Commission (NRC) letters being sent to several Agreement State programs regarding the results of an unsolicited re-review of the GL rule by NRC staff.

Information: NRC staff has completed the re-review of 15 Agreement State GL Device proposed and final rule packages previously reviewed by NRC prior to February 2004. Of the 15, twelve of the States had provisions in their respective GL rules that had at least some components that were less restrictive than the NRC regulations. The letters containing the results of the re-review are ready to dispatch to the 15 affected States, and will be sent this month.

If an Agreement State is less restrictive than the NRC, the State will be asked to address the areas where the rule is less restrictive. Revision should be submitted to STP for review in accordance with STP Procedure SA-201, "Review of State Regulatory Requirements." We are requesting that when a final version of the regulation is adopted in response to these comments, it be provided to NRC. Additional guidance for regulation submittals can be found on the STP Regulation Toolbox at: <http://nrc-stp.ornl.gov/regtoolbox.html>.

The staff will factor the determinations on a regulation that is less restrictive into the assessment of the compatibility findings during Integrated Materials Performance Evaluation Program (IMPEP) reviews.

If the State has the essential elements of the NRC's rules, but is more restrictive than the NRC's program, staff will hold in abeyance any determination on those rules and compatibility of those rules. A State's more restrictive requirements will continue to be held in abeyance until the Commission determines the course of action on the Organization of Agreement States' (OAS) Petition for Rulemaking and related Florida Request.

To provide advanced notice of the unsolicited review, this information was discussed during the August 15, 2006, OAS/Conference of Radiation Control Program Directors, Inc. conference call. The NRC performed this activity due to an omission in the regulatory review process conducted by NRC in the initial reviews.

Point of Contact: If you have any questions regarding this correspondence, please contact me or the individual named below.

STP CONTACT: Jenny Tobin
TELEPHONE: (301) 415-2328

INTERNET: JCT1@NRC.GOV
FAX: (301) 415-3502

/RA by Dennis K. Rathbun for/
Janet R. Schlueter, Director
Office of State and Tribal Programs

STP-06-076

Distribution: DCD (SP03) PDR (YES)
DIR RF

SISP Review Complete

: Publicly Available ☐ Non-Publicly Available
: Non-Sensitive ☐ Sensitive

DOCUMENT NAME: E:\Filenet\ML062340600.wpd

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	STP		STP		STP: DD		STP:D	
NAME	JTobin:mfr		KSchneider		DKRathbun		JSchlueter	
DATE	8/21/06		8/21/06		8/21/06		8/22/06	

OFFICIAL RECORD COPY