

August 17, 2007

Mr. William A. Passetti, Chief
Bureau of Radiation Control
Florida Department of Health
4052 Bald Cypress Way, Bin C21
Tallahassee, Florida 32399-1741

Dear Mr. Passetti:

I am responding to a Florida Department of Health letter dated June 3, 2005, requesting that the U.S. Nuclear Regulatory Commission (NRC) change the compatibility category of 10 CFR Part 31.5(c)(13)(i) from "Category B" to "Category C." The NRC docketed your request as a Petition for Rulemaking (PRM) 31-5 and published a notice of receipt in the *Federal Register* (70 FR 75423) on December 20, 2005. This notice also addressed a petition for rulemaking filed by the Organization of Agreement States, Inc. (OAS) dated June 27, 2005.

We have completed our evaluation of PRM-31-5 and have decided to grant the petition, in so far as the NRC will address the issues and concerns raised in your petition by incorporating them into the General License (GL) rulemaking, initiated this month, rather than starting a new rulemaking. As in all rulemakings, the Commission will solicit and consider public comments during the proposed rule phase of the rulemaking before determining the approach that will be the basis for the final rule. Your petition and the public comments we have received on your petition, will be evaluated as part of this rulemaking.

NRC will continue to hold in abeyance compatibility determinations in this area until the final rule on general licenses is published and the Agreement State implementation date becomes effective.

The NRC appreciates the State of Florida's input and views regarding NRC's General License Device regulations. If you have any questions, please contact Charles L. Miller, Director, Office of Federal and State Materials and Environmental Management Programs at (301) 415-7197.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

cc: Paul S. Schmidt, Chair
Organization of Agreement States, Inc.

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Executive Director
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Organization of Agreement States, Inc.

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| DATE | 08/09/07 | 08/09/07 | 08/10/07 | 08/10/07 | 08/10/07 | 08/10/07 |
| OFC | NSIR | OGC | TechEd | FSME | EDO | |
| NAME | PHolahan | FCameron | CPoland | CMiller (Gpangburn for) | LAReyes | |
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