

December 28, 2004

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

**REQUEST FOR COMMENTS ON REGULATORY ISSUE SUMMARY ABOUT THE PERFORMANCE- BASED APPROACH FOR ASSOCIATED EQUIPMENT IN 10 CFR 34.20 (STP-04-085)**

We have posted a draft Regulatory Issue Summary (RIS) 2005-XX, "Performance-Based Approach for Associated Equipment in 10 CFR 34.20" that will supercede Information Notice 96-20, "Demonstration of Associated Equipment Compliance with 34.20" (April 4, 1996). The RIS explains the performance-based approach for 10 CFR 34.20, "Performance requirements for industrial radiography equipment."

A working group comprised of individuals from three Agreement States and the U.S. Nuclear Regulatory Commission (NRC) reviewed a Petition for Rulemaking filed by the Amersham Corporation (PRM-34-5), and recommended that the intent of the request could be accomplished without rulemaking. The Commission approved the staff's recommendation to deny the petitioner's request, subject to the staff revising guidance and inspection procedures, and issuing a RIS, so as to align NRC's guidance and practice with the applicable regulations. The inspection and licensing guidance will conform to the information in the RIS and will be issued after the RIS is finalized.

Within 30\* days from the date of this letter, please review the RIS and provide comments to improve the technical content of the RIS. You should send your comments to the point of contact indicated below.

The draft RIS is predecisional and is available only at the Agreement State area of the NRC Technical Conference Forum <http://techconf.llnl.gov/cgi-states/topics>. The draft RIS is marked: "PREDECISIONAL DRAFT INFORMATION - FEDERALLY PROTECTED - NOT FOR PUBLIC DISCLOSURE." Due to its predecisional nature, this draft is exempt from public disclosure under NRC rules. Therefore, we request that you limit distribution to your staff and not release the draft publicly. If this draft is released, please inform me or the contact named

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\* This information request has been approved by OMB 3150-0029, expiration 06/30/07. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to [infocollects@nrc.gov](mailto:infocollects@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

below within 24 hours. For additional information about distribution and use of predecisional information, please see All Agreement States letters SP-99-019 and SP-99-027 available at the Agreement State web site, <http://www.hsrp.ornl.gov/nrc/home.html>.

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

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Paul H. Lohaus, Director  
Office of State and Tribal Programs

STP-04-085

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\*See previous concurrence

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