



Organization of Agreement States

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To: Lohaus, STP

March 15, 2005

Martin J. Virgilio, Deputy Executive Director
Materials, Research and State Programs
Office of the Executive Director of Operations
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

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Dear Mr. Virgilio:

This correspondence is in response to your letter dated February 4, 2005 concerning the Organization of Agreement States (OAS) plans for the development of a petition for rulemaking for the reevaluation of 10 CFR 34.41 (a). The OAS Executive Board will be submitting a petition for rulemaking based on proposed regulatory language developed by the Texas Department of State Health Services (TDSHS). The petition for rulemaking will be a coordinated joint effort of the OAS and the Conference of Radiation Control Program Directors (CRCPD).

The OAS is establishing a timeline of September 30, 2005 to submit the petition for rulemaking to the NRC for consideration. It is OAS's and other parties' understanding that the NRC will continue to hold in abeyance all compatibility findings for Agreement States pertaining to the interpretation of 10 CFR 34.41 (a) during Integrated Materials Performance Evaluation Program (IMPEP) evaluations until the petition for rulemaking process has been completed.

I would like to thank you and your office for the opportunity to work collaboratively with the NRC in the development of concise and consistent health and safety regulations.

If you have any questions or need any additional information, please contact me at 501-661-2173.

Sincerely,

Jared W. Thompson, Chair
Organization of Agreement States

cc: Ed Bailey, Chairperson, CRCPD
Richard Ratliff, TDSHS
Paul Lohaus, STP, NRC
Alice Rogers, OAS Secretary

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Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico,
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