

July 20, 2005

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

**NOTICE OF COMPATIBILITY RESOLUTION ON REPORTING REQUIREMENTS FOR
PERSONS GENERALLY LICENSED TO SERVICE AND INSTALL GL DEVICES
(STP-05-057)**

U.S. Nuclear Regulatory Commission (NRC) staff has prepared the enclosed Compatibility Resolution CR-05-01 dealing with 10 CFR Parts 31.6 and 150.20 regarding the reporting requirements of persons generally licensed to service and install Generally Licensed (GL) devices. The Conference of Radiation Control Program Directors, Inc., (CRCPD), in their Suggested State Regulation (SSR) Part C, "Licensing of Radioactive Material," combined the requirements of the NRC Sections 150.20, "Recognition of Agreement State Licenses," and 31.6, "General License to Install Devices Generally Licensed in 31.5," under SSR Sections C.90a(i) and C.90a(ii), "Reciprocal Recognition of Licenses, Licenses of Byproduct, Source, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass." The word "notwithstanding" links the two Sections [C.90a(i) to C.90a(ii)] which led to confusion over how Section C.90a(ii) should be interpreted. The NRC staff analyzed the linkage and concluded that the use of the word "notwithstanding" disconnects the requirements in each Section such that the requirements in the first Section [C.90a(i)] do not apply to the second Section [C.90a(ii)].

Please note that we have a Petition For Rulemaking from the Organization of Agreement States (OAS) currently under review by NRC staff, and a request from OAS and the State of Florida to change the Compatibility Category assigned to sections of the GL rule. Staff is examining whether there may be need for additional guidance to Agreement States regarding the status of some Agreement State GL rules during the interim time the NRC will require to complete action on the Petition and request. We will correspond separately with you on this issue in the near future.

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

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/RA/

Paul H. Lohaus, Director
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Enclosure:
Compatibility Resolution CR-05-01

STP-05-057

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