

August 18, 2006

ALL AGREEMENT STATES, NEW JERSEY, PENNSYLVANIA, VIRGINIA

**NOTICE OF COMPATIBILITY RESOLUTION ON CLARIFICATION OF OFFSHORE WATERS
(STP-06-074)**

Purpose: To provide Agreement State Programs with the enclosed Compatibility Resolution CR-06-01, which deals with the use of the term "offshore waters" in 10 CFR 31.6.

Background: The Compatibility Resolution document addresses an issue relating to the Conference of Radiation Control Program Directors, Inc. (CRCPD) and their Suggested State Regulations (SSR) Part C "Licensing of Radioactive Materials." The SSR Subparagraph C.90a.(ii) does not include "offshore waters," but grants a general license to persons that are specifically licensed by the U.S. Nuclear Regulatory Commission (NRC) or an Agreement State to manufacture, transfer, install, or service Generally Licensed (GL) devices. Subparagraph C.90a.(ii) states that the general license applies to the above referenced activities when conducted "in this State." There has been uncertainty as to the acceptability of the SSR wording for coastal Agreement States since 10 CFR 31.6 is designated as Compatibility Category B. The NRC staff analyzed this issue and has concluded that it is not necessary for a coastal Agreement State to explicitly reference its offshore jurisdiction when adopting Subparagraph C.90a.(ii) of the SSR in order to meet the Compatibility Category B designation assigned to 10 CFR 31.6.

Contents: The CR-06-01 document was prepared as a result of the review of the State of Rhode Island regulations concerning general licensing; NRC staff identified this interpretation of Rhode Island's omission of term "offshore waters" as a generic concern.

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

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Enclosure:
Compatibility Resolution CR-06-01

STP-06-074

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***See previous concurrence.**

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