



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 6, 2014

Ms. Ruth E. McBurney
Executive Director
Conference of Radiation Control
Program Directors, Inc.
1030 Burlington Lane, Suite 4B
Frankfort, KY 40601

Dear Ms. McBurney:

We have reviewed the proposed changes to Part V, *Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material*, received by our office on May 30, 2014. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules in 10 CFR Part 37. We discussed our review of the regulations with Bruce Hirschler on August 4, 2014.

As a result of our review, we have five comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that the Conference of Radiation Control Program Directors' (CRCPD) regulations meet the compatibility and health and safety categories of the equivalent NRC regulations may only be made based on a review of the final CRCPD regulations. However, we have determined that if your proposed regulations were adopted, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure [SA-200](#), "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review and federal concurrence. As requested in FSME Procedure [SA-201](#), "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Materials Safety and State Agreements, FSME.

R. McBurney

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If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Ms. Kathleen Schneider, State Regulation Review Coordinator, at (301) 415-2320 (Kathleen.Schneider@nrc.gov) or Ms. Monica Ford at (610) 337-5214 (Monica.Ford@.nrc.gov).

Sincerely,

/RA/

Laura A. Dudes, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
Compatibility Comments

cc: Bruce Hirschler, OED, CRCPD

Cheryl Rogers, WI, Chair
SSR Council, CRCPD

COMPATIBILITY COMMENTS ON CRCPD SR-V PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	V.3	37.5	PART 37	B	<p>Definition: Approved individual</p> <p>CRCPD needs to change the reference in V.3 – Definitions “Approved individual” to read “...for unescorted access in accordance with V.8 – V.14 and who has completed...”</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 37.5 Definition: Approved individual.</p>
2	V.11	37.27(c)	Part 37	B	<p>Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material</p> <p>CRCPD lists incorrect contact information in V.11c.i. and ii. V.11c.i and ii. should read “i. For the purpose of complying with this Part, licensees shall use an appropriate method listed in V.4 to submit to the U.S. Nuclear Regulatory Commission, Director, Division of Facilities and Security, 11545 Rockville Pike, Rockville, Maryland 20852-2738, ATTN: Criminal History Program, Mail Stop T-03B46M, one completed, legible standard fingerprint card (Form FD–258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material. Copies of these forms may be obtained by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by calling 1–301-415-7513, or by email to FORMS.Resource@nrc.gov.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Guidance on submitting electronic fingerprints can be found at http://www.nrc.gov/site-help/esubmittals.html.</p> <p>ii. Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to "U.S. NRC." (For guidance on making electronic payments, contact the Security Branch, Division of Facilities and Security at 301-415-7513.) Combined payment for multiple applications is acceptable. The U.S. Nuclear Regulatory Commission publishes the amount of the fingerprint check application fee on the NRC's public Web site. (To find the current fee amount, go to the Electronic Submittals page at http://www.nrc.gov/site-help/e-submittals.html and see the link for the Criminal History Program under Electronic Submission Systems.)"</p> <p>CRCPD needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p>
3	V.27	37.77(a)-(d)	Part 37	B	<p>Advance notification of shipment of category 1 quantities of radioactive material</p> <p>CRCPD needs to change the introduction paragraph in V.27 to read "... each licensee shall provide advanced notification to the Agency and to the governor of a State..."</p> <p>CRCPD needs to change V.27a.i. to read "The notification to the Agency and to the office of ... is available on the U.S. Nuclear Regulatory Commission website at ..."</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Notifications to the Agency must be made in accordance with V.4 [or insert Agency requirement if different from V.4].”</p> <p>CRCPD needs to change V.27a.iii. to read “A notification delivered by any means other than mail must reach the Agency at least ...”</p> <p>CRCPD needs to change V.27c.i. to read “...but not later than commencement of the shipment, to the governor of the State or the governor’s designee and to the Agency.”</p> <p>CRCPD needs to change V.27c.ii. to read “... in accordance with paragraphs (b) and (c)(i) of this section. The licensee shall also immediately notify the Agency of any such changes.”</p> <p>CRCPD needs to change V.27d. to read “...send a cancellation notice to the governor of each State or to the governor’s designee previously notified and to the Agency. The licensee...”</p> <p>CRCPD needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 37.77(a)-(d).</p>
4	V.29	37.81(a)-(f)	Part 37	B	<p>Reporting of events</p> <p>CRCPD needs to change V.29a. to read “The shipping licensee shall notify the appropriate LLEA and the Agency within 1 hour...”</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 37.81(a)-(f).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
5	V.29	37.81(g)	Part 37	C	<p>Reporting of events</p> <p>CRCPD needs to remove the following from V29g. "In addition the licensee shall provide one copy of the written report addressed to the Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001."</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 37.81(g) & (h).</p>