

March 30, 2011

Ruth 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 the Conference of Radiation Control Program Directors (CRCPD) Suggested State Regulations Parts A, D, and J, received by our office on February 16, 2011. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 19, 20, 30, 31, 32, 34, 35, 36, 39, 40, 61, 70, 71, and 150. We discussed our review of the regulations with you on March 30, 2011.

As a result of our review, we have 18 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 CRCPD Suggested State Regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final CRCPD Suggested State 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](#).

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. 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.

This letter will be posted on the FSME website: <http://nrc-stp.ornl.gov/rulemaking.html>.

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 Kathleen Schneider, State Regulation Review Coordinator at (301) 415-2320 (kathleen.schneider@nrc.gov) or Monica Orendi at 610-337-5214 (monica.orendi@nrc.gov).

Sincerely,

/RA/

Terrence Reis, Acting Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures:
As stated

COMPATIBILITY COMMENTS ON *CRCPD PARTS A, D, AND J*
PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	A.2	20.1003	10 CFR Part 20	A	<p>Definition: Committed Effective Dose Equivalent</p> <p>CRCPD has the wrong symbol in the equation. The equation needs a sigma and should read $(H_{E, 50} = \sum W_T H_{T, 50})$.</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1003 definition Committed effective dose equivalent.</p>
2	A.2	20.1003	10 CFR Part 20	A	<p>Definition: Occupational Dose</p> <p>CRCPD needs to remove the words “or not” after the word whether in their definition on Occupational Dose. These words change the meaning of the definition.</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1003 definition Occupational Dose.</p>
3	A.2	20.1003	10 CFR Part 20	A	<p>Definition: Public Dose</p> <p>CRCPD needs to remove “[cite appropriate Part G regulation]” and replace it with “G.40 of these regulations” in the definition of Public dose.</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1003 definition Public dose.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
4	A.2	71.4	10 CFR Part 71	[B]	<p>Definition: A₂</p> <p>The CRCPD definition of A₂ needs to be rewritten to state “means the maximum activity of radioactive material other than special form material, LSA, and SCO material, permitted in a Type A package.”</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 definition A₂.</p>
5	A.2	71.4	10 CFR Part 71	[B]	<p>Definition: Package</p> <p>The CRCPD definition of Package in Part A omits items (1), (2), and (3) as listed in the 10 CFR 71.4 definition of Package, from their A.2 definition of Package.</p> <p>CRCPD needs to add the above listed sections to their A.2 definition of Package in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 definition Package.</p>
6	A.2	34.3 and 35.2	10 CFR Parts 34 and 35	C and B (respectfully)	<p>Definition: Radiation Safety Officer</p> <p>CRCPD needs to footnote their definition of Radiation Safety Officer from Part A.2 to indicate that this term has different definitions for different parts. CRCPD also has this definition listed in their Parts E and G which are compatible with NRC’s definitions but are not the same as the CRCPD definition in Part A. These different definitions can cause confusion. If the definition in Part A is used solely in connection with machine produced radiation, then that information should also be noted in the footnote.</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>CRCPD needs to make the above change in order to avoid duplications, conflicts and gaps and meet the Compatibility Category C and B of the 10 CFR 34.3 and 35.2 (respectfully) definition Radiation Safety Officer.</p>
7	D.1301	20.1301 (a), (b), (c)	10 CFR Part 20	<p>Dose Limits for individual Members of the Public</p> <p>CRCPD needs to remove “[cite appropriate reference from Part G of these regulations]” from D.1301 a.i. and a.ii. and replace it with “G.40”.</p> <p>Also CRCPD omits an equivalent section to 10 CFR 20.1301(c). CRCPD needs to add an equivalent section to D.1301.</p> <p>CRCPD needs to make the above changes in order to meet the Compatibility Category A designation of 10 CFR 20.1301(a), (b), and (c).</p>
8	D.1302	20.1302(a), (b)	10 CFR Part 20	<p>Compliance with Dose Limits for Individual Members of the Public</p> <p>CRCPD needs to change D1302a. to read “ The licensee or registrant shall make or cause to be made surveys of radiation levels in unrestricted <i>and controlled</i> areas and radioactive materials in effluents...”</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 20.1302(a) and (b).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
9	D.1401	20.1401	10 CFR Part 20	C	<p>General Provisions and Scope</p> <p>CRCPD needs to remove the “or” after D1402 b.ii. and place it at the end D1402 b.i.</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 20.1401.</p>
10	D.1403	20.1403	10 CFR Part 20	C	<p>Criteria for License Termination Under Restricted Conditions</p> <p>CRCPD needs to rewrite D1403 d. to state “The licensee has submitted a decommissioning plan or license termination plan to the Agency indicating the licensee’s intent to decommission in accordance with this Part and Part C, and specifying ...”</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 20.1403.</p>
11	D.1404	20.1404	10 CFR Part 20	C	<p>Alternate Criteria for License Termination</p> <p>CRCPD Needs to add “and Part C’ between “with this section” and “and specifying” in D.1401 a.iv.</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 20.1404.</p>
12	D.1703	20.1703	10 CFR Part 20	H&S	<p>Use of Individual Respiratory Protection Equipment</p> <p>CRCPD needs to remove “Except as provided in D.1703a.ii” since such language is not needed for compatibility and also because D1703a.ii does not exist.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					CRCPD needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 20.1703.
13	D.1801	20.1802	10 CFR Part 20	H&S	<p>Control of Material Not in Storage</p> <p>CRCPD needs to add the words “a controlled or” between “material that is in” and “an unrestricted area” in D.1801b.</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category H&S assigned to 10 CFR 20.1802.</p>
14	D.1902	20.1902	10 CFR Part 20	A	<p>Posting Requirements</p> <p>CRCPD needs to remove “[not required to use the word GRAVE, this may be omitted]” from D.1902c.</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1902.</p>
15	D.1903	20.1903	10 CFR Part 20	D	<p>Exceptions to Posting Requirements</p> <p>CRCPD has a wrong reference in D.1903. CRCPD needs to remove the reference to G.40 and replace it with G.75.</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category D designation assigned to 10 CFR 20.1903.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
16	D.2001	20.2001	10 CFR Part 20	C	<p>General Requirements (Waste Disposal)</p> <p>CRCPD needs to remove D.2001 b.v. since this makes their regulation less restrictive than NRC's regulation.</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 20.2001.</p>
17	D.2006	20.2006	10 CFR Part 20	B	<p>Transfer for Disposal and Manifests</p> <p>CRCPD needs to replace "in Part A.2 of these regulations" with "in Part M" in D.2006 a.i.</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 20.2006.</p>
18	J.11	19.11	10 CFR Part 19	C	<p>Posting of Notices to Workers</p> <p>CRCPD states in J.11 d. "Agency documents posted pursuant to J.11 a.iv. shall be posted within 5 working days after receipt of ... if any, shall be posted within five working days after dispatch from the licensee or registrant." Both "five working days" listed in this sentence are incorrect and need to be changed to read "two working days".</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 19.11.</p>