



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

June 27, 2014

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

Dear Ms. McBurney:

We have reviewed the final revision to Part T, *Transportation of Radioactive Material*, of the Suggested State Regulations (SSR), received by our office on April 1, 2014. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Part 71. We discussed our review of the regulations with Bruce Hirschler on June 24, 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. We have determined that if these regulations are revised, 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."

The Conference of Radiation Control Program Directors (CRCPD) will need to resubmit Part T to address changes necessary for the implementation of this amendment. We are not able to provide federal concurrence until the comments have been addressed.

We request that when you revise your regulations to address our comments, 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 location of any changes made by the CRCPD, in response to our comments and provide a copy to 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 Kathleen Schneider, State Regulation Review Coordinator, at (301) 415-2320 (Kathleen.Schneider@nrc.gov) or Dr. Janine F. Katanic, CHP, at (817) 200-1151 (Janine.Katanic@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:
As stated

cc: Bruce Hirschler, CRCPD
Earl Fordham, WA
Cheryl Rogers, WI

COMPATIBILITY COMMENTS ON FINAL CRCPD PART T REGULATIONS

SSR SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	T.1.d.	10 CFR 71.0(d)	N/A	D	<p>Purpose and scope</p> <p>Part T, T.1.d., the statement “General licenses for which no package approval is required are issued in T.4.c and T.7. through T.10” should state “issued in T.8 through T.10.” T.4.c. should not be included because it is an exemption and T.7. should not be included because it refers to an NRC approved package.</p> <p>T.1.d. refers to T.21, which no longer exists in SSR Part-T and should be corrected for the proper reference.</p> <p>CRCPD SSR Part T needs to make the above changes to 10 CFR 71.0(d) in order to avoid conflicts, duplications, and gaps in an orderly regulatory scheme.</p>
2	T.14.q.	10 CFR 71.43(h)	N/A	NRC	<p>General standards for all packages</p> <p>T.14.q. incorporates 10 CFR 71.43(h), which is Compatibility Category NRC. This section needs to be removed from CRCPD SSR Part T.</p> <p>CRCPD SSR Part T needs to make the above change in order to meet the Compatibility Category NRC designation assigned to 10 CFR 71.43.</p>
3	T.14.	10 CFR 71.87	N/A	[B]	<p>Routine determinations</p> <p>Part T, T.14., in two places, T.14.j. refers to the levels prescribed in paragraph “i(i).” However, in both instances. T.14.j. should refer to paragraph “i” or “T.14.i” (which includes T.14.i. and T.14.ii.) and not refer to only “i(i).”</p> <p>T.14.l. says that the contamination levels</p>

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					<p>not exceed 10 times the levels “prescribed in this section” but this could lead to confusion if it does not specify that the radiation levels not to be exceeded are the levels “prescribed in T.14.i.”</p> <p>T.14. Table III, the column heading says “Maximum Permissible Units” but should say “Maximum Permissible Limits.”</p> <p>CRCPD SSR Part T needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 71.87.</p> <p>Comment revised from September 22, 2011 letter.</p>
4	T.19.	10 CFR 71.97	N/A	B	<p>Advance notification of shipment of irradiated reactor fuel and nuclear waste</p> <p>T.19 has included “irradiated reactor fuel” in the title of this section. Agreement States do not have the regulatory authority for irradiated reactor fuel under their 274b. agreement and “irradiated reactor fuel” should be deleted from this title.</p> <p>T.19.a. provides a footnote as well as a parenthetical providing information on how to obtain the list of the names and mailing addresses for governor’s/Tribal officials/designees; however, these do not match nor do they contain all of the alternate means to obtain the information. T.19 should provide the three means listed in 10 CFR 71.97(c)(3) to obtain the list of names and mailing addresses of governors/Tribal officials/designees.</p> <p>T.19.c. refers to the advance notification “required by T.19.a.” However, the</p>

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					<p>advance notification is required by T.19.a. as well as T.19.b. Therefore, T.19.c. should refer to both “T.19.a. and T.19.b.”</p> <p>T.19.d. refers to the advance notification “required by T.19.a.” However, the advance notification is required by T.19.a. as well as T.19.b. Therefore, T.19.d. should refer to “T.19.a and T.19.b.”</p> <p>T.19.d.iii. refers to sending the notification to the “Agency” but the footnote provides NRC NSIR as the “Agency.” Therefore, the T.19.d.iii. footnote should refer to “the Agency” and not to NRC’s Office of Nuclear Security and Incident Response.</p> <p>T.19.e. refers to the advance notification provided “pursuant to T.19.a.” However, the advance notification is provided pursuant to T.19.a. as well as T.19.b. Therefore T.19.e. should refer to “T.19.a and T.19.b.”</p> <p>CRCPD SSR Part T needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 71.97.</p>
5	Appendix A Table A-2	Appendix A Table A-2	N/A	[B]	<p>Table A-2</p> <p>Part T, Appendix A, Table A-2, in the first column, footnote (b) is missing from the following entries: Ag-108m, Am-242m, and Am-243.</p> <p>CRCPD SSR Part T, Appendix A, Table A-2 needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 71, Appendix A.</p>

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The following comments are editorial in nature.					
1	T.2.	10 CFR 71.4	N/A	[B]	<p>Definitions: “Package”</p> <p>In the definition of “package” the phrases “§ 71.73” and “§71.19” should be written “10 CFR 71.73” and “10 CFR 71.19,” respectively.</p>
2	T.2.	10 CFR 71.4	N/A	[B]	<p>Definitions: “Special Form Radioactive Material”</p> <p>In the definition of “special form radioactive material” the phrases “§ 71.75” and “§71.4” should be written “10 CFR 71.75” and “10 CFR 71.4,” respectively.</p>
3	Rationale	N/A	N/A	N/A	<p>There are several errors in the Rationale document with respect to numbering of sections:</p> <ul style="list-style-type: none"> - Section T.11., “General License: Plutonium-Berllium Special Form Material,” first paragraph, last sentence, should say “This new section was renumbered to T.10” as opposed to T.11. - Section T.12., “Exemption from Classification as Fissile Material.” This section was deleted, is “Reserved,” and should be T.11. - Sections T.13., T.14., T.15., T.16., T.17., T.18., T.19., T.20. and T.21. are each numbered incorrectly and should be re-numbered T.12., T.13., T.14., T.15., T.16., T.17., T.18., and T.19., T.20., respectively.