



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

November 13, 2015

Ms. Ruth E. McBurney, CHP 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 E, *Radiation Safety Requirements for Industrial Radiographic Operations*, of the Suggested State Regulations (SSR), received by our office on August 26, 2015. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules in 10 CFR Part 34. We discussed our review of the regulations with Bruce Hirschler on November 12, 2015.

As a result of our review, we have nine comments related to compatibility and four editorial 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 Office of Nuclear Material Safety and Safeguards (NMSS) 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 E 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 NMSS 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 NMSS.

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 Michelle Beardsley, State Regulation Review Coordinator, at (610) 337-6942 ([Michelle.Beardsley@nrc.gov](mailto:Michelle.Beardsley@nrc.gov)) or Kathy Dolce Modes, at (215) 872-5804 ([Kathy.Modes@nrc.gov](mailto:Kathy.Modes@nrc.gov)).

Sincerely,

*/RA/  
CEinberg for Piccone*

Josephine M. Piccone, Director  
Division of Material Safety, State, Tribal  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
Compatibility Comments

cc: Bruce Hirschler, CRCPD  
William Irwin, VT, Chair

**COMPATIBILITY COMMENTS ON CRCPD REVISED PART E**

SSR SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	E.3	10 CFR 34.3	N/A	B	<p><b>Associated Equipment</b></p> <p>E.3 needs to include the phrase: “J” tube and collimator when it is used as an exposure head.”</p> <p>This was in the footnote, but this footnote had a strikethrough deletion.</p> <p>CRCPD SSR Part E, E.3, needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 34.3.</p>
2	E.3	10 CFR 34.3	N/A	C	<p><b>Radiographic Operations</b></p> <p>E.3 substitutes the phrase “performed with a radiographic exposure device” for “associated with the presence of radioactive sources in a radiographic exposure device.”</p> <p>CRCPD SSR Part E, E.3, needs to use the phrase “associated with the presence of radioactive sources in a radiographic exposure device” in order to meet the Compatibility Category C designation assigned to 10 CFR 34.3.</p>

3	E.3	10 CFR 34.3	N/A	C	<p><b>Shielded Position</b></p> <p>E.3 substitutes the phrase “that, by the manufacturer’s design, is the proper location for storage of the sealed source” for “where the sealed source is secured and restricted from movement.”</p> <p>CRCPD SSR Part E, E.3, needs to use the phrase “where the sealed source is secured and restricted from movement” in order to meet the Compatibility Category C designation assigned to 10 CFR 34.3.</p>
4	E.5(g)	10 CFR 34.13(g)	N/A	C	<p><b>Specific License for Industrial Radiography</b></p> <p>E.5(g) does not request the information for “potential designees responsible for ensuring that the licensee’s radiation safety program as implemented in accordance with approved procedures.”</p> <p>CRCPD SSR Part E, E.5(g), needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 34.13(g).</p>
5	E.17(e)	10 CFR 34.43(e)	N/A	B	<p><b>Training</b></p> <p>E. 17e contains an error in the reference. Replace “Except as provided in E. 17e.iv” with “Except as provided in E. 17e.iii” because there is no E.17e.iv listed.</p> <p>CRCPD SSR Part E, E.17, needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 34.43(e).</p>

6	E.17(f)	10 CFR 34.43(f)	N/A	B	<p><b>Training</b></p> <p>E.17(f) allows for oral examination whereas 10 CFR 34.43(f) specifies a written test. E.17(f) needs to delete the option for an oral examination.</p> <p>CRCPD SSR Part E, E.17, needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 34.43(f).</p>
7	E.18(a)(iv)	10 CFR 34.45(a)(4)	N/A	C	<p><b>Operating and Emergency Procedures</b></p> <p>E.18(a)(iv) uses the term “sources of radiation” instead of the terms “radiographic exposure devices, transport and storage containers and sealed sources.”</p> <p>CRCPD SSR Part E, E.18(a)(iv), needs to use the phrase “radiographic exposure devices, transport and storage containers and sealed sources” in order to meet the Compatibility Category C designation assigned to 10 CFR 34.45(a)(4).</p>
8	E.18(a)(vi)	10 CFR 34.45(a)(6)	N/A	C	<p><b>Operating and Emergency Procedures</b></p> <p>E.18(a)(vi) discusses transporting equipment. 10 CFR 34.45(a)(6) discusses transporting sealed sources. The replacement of the words “sealed sources” with the word “equipment” could cause confusion as the word “equipment” might be considered associated equipment and not sources of radiation.</p> <p>CRCPD SSR Part E, E.18(a)(vi)., needs to make the above changes in order to meet the Compatibility Category C designation assigned to 10 CFR 34.45.</p>

9	E.32(b)	10 CFR 34.79(b)	N/A	C	<p><b>Records of Training and Certification</b></p> <p>E.32(b) allows the on the job performance record to list items observed by the RSO <i>or designee</i> whereas 10 CFR 34.79(b) includes only the RSO. The CRCPD SSR is less restrictive than 10 CFR 34.79(b).</p> <p>CRCPD SSR Part E, E.32(b), needs to delete the phrase “or designee” in order to meet the Compatibility Category C designation assigned to 10 CFR 34.79(b).</p>
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SSR SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS	
The following comments are editorial in nature.					
1	E.3 E.5(l and m) E.15(c) E.17(c) E.19	10 CFR 34.3 10 CFR 34.13 10 CFR 34.41(c) 10 CFR 34.43(c) 10 CFR 34.46	N/A	B C B B B	<p><b>Definitions: Off-shore platform.</b></p> <p><b>Specific license for industrial radiography.</b></p> <p><b>Conducting Radiographic operations.</b></p> <p><b>Training</b></p> <p><b>Supervision of radiographers' assistants</b></p> <p>Please capitalize the "S" in States, use parentheses for the beginning phrase, and bracket the entire section as follows:</p> <p>[(For States who authorize this activity)...&lt;standard regulation citation&gt;....]</p> <p><b>COMMENT STANDS FROM NRC LETTER DATED August 6, 2015/ML14202A040.</b></p>

2	E.3  E.8	10 CFR 34.3  10 CFR 34.23	N/A	B	<p><b>Definitions: Associated Equipment and Exposure Head.</b>  <b>Locking of radiographic exposure devices, storage containers and source changers.</b></p> <p>Footnotes should match with a superscript number at the end of the sentence referencing the source. Begin with 1 and continue numerically throughout the paper.</p> <p>CRCPD needs to replace the footnotes by asterisk with numeric footnotes.</p> <p>In accordance with the SSRCR Style Manual, a numerical designation should be used for footnotes intended to be part of the regulations. The asterisk should be replaced by a numerical designation since the intent is for the footnote to be part of the regulation.</p> <p><b>COMMENT STANDS FROM NRC LETTER DATED August 6, 2015/ML14202A040.</b></p>
3	E.5(h)	10 CFR 34.13(h)	N/A	C	<p><b>Licensing and Registration Requirements for Industrial Radiography Operations.</b></p> <p>E.5h. does not include the following text:  “and the qualifications of the person(s) authorized to do the leak testing.”</p> <p>NOTE: This issue is described in CR-02-02. This has not been resolved in rulemaking or in NUREG-1556 Vol 2. Per CR-02-02, this is not a significant issue and will be judged as compatible.</p>



4	E.17(c)(ii)	10 CFR 34.43(c)(ii)	N/A	B	<b>Training.</b>  E. 17(c)(ii) has a typographical error. Previously this section allowed for an oral or written examination for a radiographer's assistant whereas 10 CFR 34.43(c) specifies a written test. The sentence states "written or examination." The "or" should be removed; it should refer to a written examination.
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