



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

February 28, 2022

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 revisions to the Suggested State Regulations (SSRs) in Parts A- "General Provisions", D- "Standards for Protection Against Radiation", J- "Notices, Instructions, and Reports to Workers", and O- "Decommissioning", received by our office on January 24, 2022. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 19 and 20, and the applicable Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2002-1, 2002-2, 2006-3, 2007-3, 2008-1, 2011-1, 2013-1, 2015-5, 2020-3, and 2021-1, as applicable. We discussed our review of the regulations with Bruce Hirschler on February 17, 2022.

As a result of our review:

- 1) We have no comments related to compatibility on Part O, and therefore give federal concurrence on that part.
- 2) We have 15 comments related to compatibility on Parts A, D, and J. These are 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 your regulations were revised to incorporate our comments and without other significant change, they would meet the compatibility and health and safety categories established in the 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."

We request that a copy of the revised regulations be provided to us for review and federal concurrence. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and submit to [AgreementStateRegs.Resource@nrc.gov](mailto:AgreementStateRegs.Resource@nrc.gov).

The State Regulation Status (SRS) Data Sheet summarizes our knowledge of the status of other CRCPD Suggested State Regulations, as indicated. Please let us know if you note any inaccuracies or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

If you have any questions regarding the review results, 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 301-415-0275 ([michelle.beardsley@nrc.gov](mailto:michelle.beardsley@nrc.gov)) or Stephen Poy at 301-415-7135 ([stephen.poy@nrc.gov](mailto:stephen.poy@nrc.gov)).

Sincerely,



Signed by Anderson, Brian  
on 02/28/22

Brian C. Anderson, Chief  
State Agreement and Liaison Programs Branch  
Division of Materials Safety, Security, State  
and Tribal Programs  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
CRCPD SRS Data Sheet

SUBJECT: CRCPD Revised SSRs for Parts A, D, J, and O DATE February 28, 2022

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CRCPD File

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OFFICE	NMSS/MSST	NMSS/MSST	OGC	NMSS/MSST
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DATE	02/24/22	02/28/22		02/28/22

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**COMPATIBILITY COMMENTS ON CRCPD REVISED SUGGESTED STATE  
REGULATIONS (SSRs) PARTS A, D, and J**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	Part A 2	20.1003	2002-2	A	<p><b>Definitions: Occupational dose</b></p> <p>CRCPD's definition of occupational dose includes the following statement: "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties for the licensee or registrant involve exposure to sources of radiation, whether or not the sources of radiation are in the possession of the licensee, registrant, or other person.</p> <p>CRCPD needs to a) remove the phrase "for the licensee or registrant" after the term assigned duties and b) replace the phrase "sources of radiation, whether or not the sources of radiation are in the possession of the licensee, registrant, or other person" with the phrase "radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person" such that the above statement reads, "Occupational dose means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person."</p> <p>CRCPD needs to make the change indicated above to meet the Compatibility Category A designation assigned to 10 CFR 20.1003.</p> <p><b>Comment modified from NRC letter dated March 30, 2011, ML110610117</b></p>
2	D.1301	20.1301(a) and (c)	2002-2	A	<p><b>Dose limits for individual members of the public</b></p> <p>In Part D 1301, in the equivalent to 10 CFR 20.1301 (a)(1) and (a)(2), it states, "The total effective dose</p>

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					<p>equivalent to individual members of the public from the licensed or registered operation does not exceed 1 millisievert (0.1 rem) in a year, exclusive of the dose contribution from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with [cite appropriate reference from Part G of these regulations],”</p> <p>And</p> <p>“The dose in any unrestricted area from external sources exclusive of the dose contributions from patients administered radioactive material and released in accordance with [cite appropriate reference to Part G of these regulations]”,</p> <p>The appropriate reference to 10 CFR 35.75 (Part G.40) needs to replace the phrase, “cite appropriate reference from Part G of these regulations.”</p> <p>CRCPD needs to make the change indicated above to meet the Compatibility Category A designation assigned to 10 CFR 20.1301(a) and (c).</p> <p><b>Comment modified from NRC letter dated March 30, 2011, ML110610117</b></p>
3	A.2	20.1003	2007-3	H&S	<p><b>Definition: Accelerator-produced radioactive material</b></p> <p>CRCPD needs to change their definition of “Accelerator-produced material” to “Accelerator-produced radioactive material”</p> <p>CRCPD needs to make the change indicated above to meet the Compatibility Category H&amp;S designation assigned to 10 CFR 20.1003.</p>
4	Part D 2001	20.2001 (a)(4)	2007-3	B	<p><b>General requirements</b></p> <p>CRCPD Part D 2001 states, “As</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>authorized pursuant to D.2002, D.2003, D.2004, or D.2005.” CRCPD needs to include D.2008 such that the above reads, “As authorized pursuant to D.2002, D.2003, D.2004, D.2005, or D.2008.”</p> <p>CRCPD needs to make the change indicated above to meet the Compatibility Category B designation assigned to 10 CFR 20.2001.</p>
5	A.2	20.1003	NA	A	<p><b>Definition: Public Dose</b></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> <p><b>Comment stands from NRC letter dated March 30, 2011, ML110610117.</b></p>
6	D.1302	20.1302(a), (b)	NA	H&S	<p><b>Compliance with Dose Limits for Individual Members of the Public</b></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&amp;S designation assigned to 10 CFR 20.1302(a) and (b).</p> <p><b>Comment stands from NRC letter dated March 30, 2011, ML110610117.</b></p>
7	D.1401	20.1401	NA	C	<p><b>General Provisions and Scope</b></p> <p>CRCPD needs to remove the “or” after D1401 b.ii. and place it at the end D1401 b.i.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>CRCPD needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 20.1401.</p> <p><b>This comment stands from NRC letter dated March 30, 2011, ML110610117. In order to resolve this comment, CRCPD needs to submit the equivalent provision for our review.</b></p>
8	D.1403	20.1403	NA	C	<p><b>Criteria for License Termination Under Restricted Conditions</b></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> <p><b>Comment stands from NRC letter dated March 30, 2011, ML110610117. In order to resolve this comment, CRCPD needs to submit the equivalent provision for our review.</b></p>
9	D.1404	20.1404	NA	C	<p><b>Alternate Criteria for License Termination</b></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> <p><b>Comment stands from NRC letter dated March 30, 2011, ML110610117. In order to resolve this comment, CRCPD needs to submit the equivalent provision for our review.</b></p>
10	D.1703	20.1703	NA	H&S	<p><b>Use of Individual Respiratory Protection Equipment</b></p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<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> <p>CRCPD needs to make the above change in order to meet the Compatibility Category H&amp;S designation assigned to 10 CFR 20.1703.</p> <p><b>Comment stands from NRC letter dated March 30, 2011, ML110610117.</b></p>
11	D.1902	20.1902	NA	A	<p><b>Posting Requirements</b></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> <p><b>Comment stands from NRC letter dated March 30, 2011, ML110610117.</b></p>
12	D.1903	20.1903	NA	D	<p><b>Exceptions to Posting Requirements</b></p> <p>CRCPD has a wrong reference in D.1903. CRCPD needs to remove “[cite appropriate Part G regulation]” and replace it with “G.40 of these regulations”.</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> <p><b>Comment modified from NRC letter dated March 30, 2011, ML110610117.</b></p>
13	D.2001	20.2001	NA	C	<p><b>General Requirements (Waste Disposal)</b></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</p>



STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>change in order to meet the Compatibility Category C designation assigned to 10 CFR 20.2001.</p> <p><b>Comment stands from NRC letter dated March 30, 2011, ML110610117.</b></p>
14	D.2006	20.2006	NA	B	<p><b>Transfer for Disposal and Manifests</b></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> <p><b>Comment stands from NRC letter dated March 30, 2011, ML110610117.</b></p>
15	J.11	19.11	NA	C	<p><b>Posting of Notices to Workers</b></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> <p><b>Comment stands from NRC letter dated March 30, 2011, ML110610117.</b></p>

**CRCPD STATE SUGGESTED REGULATION STATUS SHEET**

**Note: Even if federal concurrence has been granted, some regulations may have been amended after that date. See current RATS ID sheets for those affected regulations: [https://scp.nrc.gov/rss\\_regamendents.html](https://scp.nrc.gov/rss_regamendents.html)**

<b>CRCPD PART/ TITLE</b>	<b>NRC REGULATIO N-10 CFR Parts</b>	<b>PROPOSED /FINAL</b>	<b>FEDERAL CONCURRENCE GIVEN? Yes/No DATE OF DOCUMENT/ADAMS ML# of Package</b>	<b>COMMENTS</b>
*A-General Provisions	19, 20, 30, 31, 32, 34, 35, 36, 39, 40, 61, 70, 71, and 150.	Proposed- comments  Revised- comments	No 3/30/11 ML110610112  No 02/28/22 ML22026A343	The submitted Part A SSRs were updated to reflect the changes related to 10 CFR Parts 19 and 20 through RATS ID 2021-1.
B- Regulation of Radiation Machine Facilities and Assoc. Healthcare Professionals	N/A			
C- Licensing of Radioactive Material	30, 31, 32, 40, 70	Final; no comments  Proposed; Comments  Final; No Comments	Yes 5/12/10 ML101040766  No 05/01/19 ML19044A444  Yes 8/26/21	

February 28, 2022

			ML21235A111	
*D- Standards for Radiation Protection	20	Proposed; Comments	No 3/30/11 ML110610112	The submitted Part D SSRs were updated to reflect the changes through RATS ID 2021-1.
		Revised; Comments	No 02/28/22 ML22026A343	
E- Radiation Safety Requirements for Industrial Radiography Operations	34	Final; no comments	Yes 2/22/16 ML16036A047	The submitted Part E SSRs were updated to reflect the changes through RATS ID 2020-1.
		Revised; no comments	Yes 12/13/21 ML21330A073	
F- Medical Diagnostic and Interventional X-Rays and Imaging Systems	N/A			
G- Use of Radionuclides in the Healing Arts	35	Proposed; comments	No 4/1/10 ML100600666	
H- Radiation Safety Requirements for non-medical radiation generating devices	N/A			
*J- Notices, Instructions and Reports to Workers, Inspections	19	Proposed; comments	No 3/30/11 ML110610112	The submitted Part J SSRs were updated to reflect the changes through RATS ID 2020-3.
		Revised; comments	No 02/28/22 ML22026A343	

February 28, 2022

N- Regulation and Licensing of TENORM	N/A			
*O- Decommissioning	30, 40, 70	Final; no comments  Revised; no comments	Yes 11/13/00 ML003770059  Yes* 02/28/22 ML22026A343	The submitted Part O SSRs were updated to reflect the changes related to 10 CFR Part 20* through RATS ID 2011-1.
Q- Licensing and Radiation Safety Requirements for Irradiators	36	Proposed; no comments  Revised; no comments  Final; no comments	No 7/11/15 ML051930005  Yes 12/13/21 ML21330A073  Yes 2/3/22 ML22026A430	The submitted Part Q SSRs were updated to reflect the changes through RATS ID 2020-1.
R- Control of Radiation "Radon"	N/A			
S- Requirements for Financial Assurance	30, 40, 70		3/24/05	
T- Transportation of Radioactive Material	71	Final; no comments	Yes 9/9/14 ML14093A159	
U- Licensing Requirements for Uranium and Thorium Processing and related radioactive materials	40	Final; no comments	Yes 4/16/15 ML15077A212	

February 28, 2022

V- Physical Protection of Category I & II Quantities of Radioactive Materials	37	Final; no comments  Revised; comment  Final; No comments	Yes 11/19/14 ML14294A568  No 12/13/21 ML21330A073  Yes 2/3/22 ML22026A430	The submitted Part V SSRs were updated to reflect the changes through RATS ID 2021-2.
W- Radiation Safety Requirements for Well Logging Operations and Subsurface Tracer Studies	39	Proposed; comments  Revised; Comments  Final; No comments	No 1/30/15 ML14279A456  No 12/13/21 ML21330A073  Yes 2/3/22 ML22026A430	The submitted Part W SSRs were updated to reflect the changes through RATS ID 2020-1.
X- Therapeutic Radiation machines	N/A			
Z- Medical Credentialing	N/A			

February 28, 2022