



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

December 13, 2021

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 E- "Radiation Safety Requirements for Industrial Radiography Operations", Q- "Licensing and Radiation Safety Requirements for Irradiators", V- "Physical Protection of Category 1 and 2 Quantities of Radioactive Materials", and W- "Radiation Safety Requirements for Well Logging Operations and Subsurface Tracer Studies", received by our office on November 18, 2021. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 34, 36, 37, and 39, and the applicable Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2011-2, 2015-2, 2015-4, 2015-5, 2018-3, 2019-1, 2020-1, and 2021-2. We discussed our review of the regulations with Bruce Hirschler on December 7, 2021.

As a result of our review:

- 1) We have no comments related to compatibility on Parts E and Q, and therefore give federal concurrence for those parts (we have one comment that is not related to compatibility on Part Q).
- 2) We have three comments related to compatibility on Parts V and W, and two comments not related to compatibility on Part W.

The above comments 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 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 a copy of the revised regulations be provided to us for review and federal concurrence. As requested in Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and submit to 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).

Sincerely,



Signed by Anderson, Brian
on 12/13/21

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

Enclosures:

1. Compatibility and Non-Compatibility
Comments
2. CRCPD SRS Data Sheet

cc: Bruce Hirschler, SSR CR Publication
Manager CRCPD

SUBJECT: LETTER TO R. MCBURNEY RE: CRCPD REVISED SSRS FOR PARTS E, Q, V,
AND W DATE December 13, 2021

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OFFICE	NMSS/MSST	OGC	NMSS/MSST
NAME	MBeardsley	NA	BAnderson
DATE	12/06/2021	NA	12/13/2021

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**COMPATIBILITY COMMENTS ON CRCPD REVISED SUGGESTED STATE
REGULATIONS (SSRs) PARTS V and W**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	V.11.c	37.27(c)(1)	2019-1	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 Part V.11.c: a.) omits the phrase, “shall use an appropriate method listed in § 37.7”; and b.) lists an incorrect mailbox number. The mailbox has been changed to “T-07D04M”, See STC-20-067</p> <p>CRCPD needs to make the changes indicated above to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p>
2	W.13	39.13	NA	H&S	<p>Specific licenses for well logging</p> <p>CRCPD Part W omits an equivalent provision to 10 CFR 39.13(a). Part W needs to include an equivalent to 10 CFR 39.13(a) which states, “a) The applicant shall satisfy the general requirements specified in § 30.33 of this chapter for byproduct material, in § 40.32 of this chapter for source material, and in § 70.23 of this chapter for special nuclear material, as appropriate, and any special requirements contained in this part.”</p> <p>CRCPD needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 39.13.</p> <p>This comment stands from NRC letter dated January 30, 2015/ML14279A456.</p>
3	W.104	39.33(a)	NA	C	<p>Radiation detection instruments</p>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>CRCPD section W.104a states, "To satisfy this requirement, the radiation survey instrument must be capable of measuring 0.02 mSv (2 mrem) per hour through at least 0.01 sievert (1 rem) per hour. (changed to match ind. radiography)" 10 CFR 39.33(a) states, "must be capable of measuring 0.001 mSv (0.1 mrem) per hour through at least 0.5 mSv (50 mrem) per hour."</p> <p>The 2 mrem/hour is less restrictive than the 0.1 mrem/hr. CRCPD needs to change the lowest level of measurement capability to "0.001 mSv (0.1 mrem) per hour".</p> <p>CRCPD needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 39.33(a).</p>

COMMENTS NOT RELATED TO COMPATIBILITY

STATE SECTION/SUBJECT	COMMENT
Q.5/ Commencement of construction	<p>Section Q.5 omits the language, "Commencement of construction as defined in § 36.2 may include non-construction activities if the activity has a reasonable nexus to radiological safety and security."</p> <p>10 CFR 36.15 is designated as Compatibility Category D and does not affect compatibility.</p>
W.51/ Use of sealed source in a well without surface casing	<p>W.51 states that the procedure must be approved by the Agency whereas NRC allows approval by the Commission or an Agreement State. Although a Compatibility Category D, SR-W should consider accepting procedures approved by the Agency, the Commission, or another Agreement State</p> <p>10 CFR 39.51 is designated as Compatibility Category D and does not affect compatibility.</p>
W.402b./Radioactive contamination control	<p>EDITORIAL COMMENT: W.402b.ii. states "Cause the decontamination in accordance with any agreement as required by W.4." The phrasing "cause the decontamination" is confusing and should be</p>

revised for clarification. The intent appears to be that the licensee can initiate or commence decontamination procedures in accordance with an agreement required by W.4. or can take steps to assure that decontamination is performed in accordance with an agreement required by W.4.” The intent should be clarified to avoid conflict and confusion.

10 CFR 39.69 is designated as Compatibility Category C.

This comment stands from NRC letter dated January 30, 2015/ML14279A456.

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

CRCPD PART/ TITLE	NRC REGULATIO N-10 CFR Parts	PROPOSED /FINAL	FEDERAL CONCURRENCE GIVEN? Yes/No DATE OF DOCUMENT/ADAMS ML# of Package	COMMENTS
A- General Provisions	19, 20, 30, 31, 32, 34, 35, 36, 39, 40, 61, 70, 71, and 150.	Proposed- comments	No 3/30/11 ML110610112	
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 ML21235A111	
D- Standards for Radiation Protection	20	Proposed; comments	No 3/30/11 ML110610112	
*E- Radiation Safety Requirements for Industrial Radiography Operations	34	Final; no comments	Yes 2/22/16 ML16036A047	

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		Revised; no comments	Yes 12/13/21 ML21330A073	The submitted Part E SSRs were updated to reflect the changes through RATS ID 2020-1.
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	
N- Regulation and Licensing of TENORM	N/A			
O- Decommissioning	30, 40, 70	Final; no comments	Yes 11/13/00 ML003770059	
*Q- Licensing and Radiation Safety	36	Proposed; no comments	No 7/11/15 ML051930005	

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Requirements for Irradiators		Revised; no comments	Yes 12/13/21 ML21330A073	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 ML??	
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	
*V- Physical Protection of Category I & II Quantities of Radioactive Materials	37	Final; no comments Revised; comment	Yes 11/19/14 ML14294A568 No 12/13/21 ML21330A073	The submitted Part V SSRs were updated to reflect the changes through RATS ID 2021-2.

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_regamendments.html

CRCPD PART/ TITLE	NRC REGULATIO N-10 CFR Parts	PROPOSED /FINAL	FEDERAL CONCURRENCE GIVEN? Yes/No DATE OF DOCUMENT/ADAMS ML# of Package	COMMENTS
*W- Radiation Safety Requirements for Well Logging Operations and Subsurface Tracer Studies	39	Proposed; comments Revised; comments	No 1/30/15 ML14279A456 No 12/13/21 ML21330A073	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			