

April 12, 2002

Ms. Patricia Gorman
Deputy Director
Conference of Radiation Control
Program Directors, Inc.
205 Capital Avenue
Frankfort, KY 40601

Dear Ms. Gorman:

We have reviewed the revised final Part P to the Suggested State Regulations for the Control of Radiation (SSRCR), "Contingency Planning for Response to Radioactive Material Emergencies," adopted by the Board on February 8, 2001. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Sections 30.4, 30.32, 32.72, 30.72 Schedule C and 40.31 (j). In addition, we reviewed our June 12, 2000 letter to you that enclosed 10 comments and your revised Rationale dated April 20, 2001. We also discussed our review of the regulations with Bruce Hirschler, CRCPCD, and Ken Weaver, State of Colorado, on March 30, 2001.

After reviewing your letter dated February 9, 2001, and after review by the Office of Nuclear Material Safety and Safeguards' Division of Industrial and Medical Nuclear Safety (NMSS/IMNS), we have four additional comments and four editorial suggestions. 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 a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if Part P were adopted, incorporating the comments and without other significant change, it would meet the compatibility and health and safety categories established in Office of State and Tribal Programs (STP) Procedure SA-200.

STP understands that although this SSRCR has been published as final, the SR-12 Working Group is considering modifications to Part P and some of these comments may have already been addressed by the working group. We request your review and evaluation of these comments and will work with you to address the comments as efficiently as possible.

If you have any questions regarding the comments, the compatibility and health categories, or any of the NRC regulations used in the review, please contact me or John Zabko at (301) 415-2308 or JGZ@NRC.GOV.

Sincerely,

/RA Kathleen N. Schneider Acting for/
Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

Patricia Gorman

April 12, 2002

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**COMMENTS ON FINAL SSR PART P
AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES**

State Regulation or SSR	NRC Regulation or SSR	Category	Subject and Comments
P.3	Not defined	None	<p>Section contains a definition for “general emergency.” The recommendation is to delete the definition, but if the definition is included, it should be consistent with the description in Appendix 1 of NUREG-0654, “Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants.” This description states that a general emergency is for events that involve actual or imminent degradation of radioactive material with the potential for loss of containment, <u>and releases can reasonably be expected to exceed EPA Protective Action Guidance exposure levels offsite for more than the immediate site area.</u> As demonstrated in NUREG-1140, we do not believe releases of this magnitude are possible at irradiator or radiopharmaceutical facilities.</p>
P.3	10 CFR 30.4	A	<p><u>Definitions</u></p> <p>The definition of “immediate” states that it may be specified in writing by the licensee. This is a category “A” item, the licensee should not be able to redefine this term.</p>
P.11(b)	10 CFR 30.32 (i)(3)(vii)	D H&S	<p><u>Applications for Specific Licenses</u></p> <p>This section fails to convey the idea that licensees should notify offsite response organizations first, and then the regulatory agency second. We suggest that the regulation include a provision that licensees notify the State agency immediately after notifying appropriate offsite response organizations consistent with 30.32 (i)(3)(viii).</p>

State Regulation or SSR	NRC Regulation or SSR	Category	Subject and Comments
Appendix A	10 CFR 30 Appendix A	D H&S	<p>The following are missing from the table:</p> <ol style="list-style-type: none">1) The threshold for Germanium-68.2) The threshold for Mixed Corrosion Products is missing.3) The threshold for Irradiated Material, Solid Noncombustible is missing.4) The row for Iodine-124 should be listed as Iodine-125.5) The column values for Iron-55 and Iron 59 are shifted to the left and don't appear in the correct columns.

Editorial Suggestions

1. Section P.1 states that the purpose is to prepare to respond to events involving the release of radioactive material. The regulation isn't just for any release. The purpose is to prepare for serious events involving licensed radioactive material for which responses by offsite response organizations (such as fire, police, and medical organizations) might be needed. Please see the summary for the final rule in 54 FR 14051 (April 7, 1989). This comment applies to the Rational for Part P as well.
2. The second paragraph on page 2 of the Rational states that Appendix A contains the quantities that could be released from the site. This is incorrect. Appendix A contains the possession limits that require consideration of an emergency plan.
3. The seventh paragraph on page 2 of the Rational states that Part P may relate to licensees responsible for an offsite radioactive material transportation accident. It should also note that the Alert and Site Area Emergency classifications are for emergencies at the site only. Another classification (i.e., transportation emergency) should be used for emergencies miles away from the site. See Information Notice 93-07.
4. In P.11(b), Applications for Specific Licenses, the term "immediately" should be deleted and the licensees should be required to notify everyone promptly, but no later than one hour after declaring an emergency, consistent with 30.32 (i)(3)(viii).