

February 3, 2003

Mr. Ron Fraass
Executive Director
Conference of Radiation Control
Program Directors, Inc.
205 Capital Avenue
Frankfort, KY 40601

Dear Mr. Fraass:

We have reviewed the proposed revisions to Part D "Standards for the Protection Against Radiation" and Part J "Notices, Inspections and Reports to Workers; Inspections" and the applicable parts of Part A "General Provisions" that support Part J and D of the Suggested State Regulations for the Control of Radiation (SSRCR), adopted by the Board on November 21, 2002. The SSRCR were received by this office on December 10, 2002. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Sections 19 and 20. We discussed our review of the regulations with Shawn Seeley, Chair of the SSRCR Part D committee on January 15, 2003.

As a result of our review, we have one comment and one editorial suggestion 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. Also, to fully incorporate the CFR amendments mentioned in the rationale for Part D, the CRCPD will need to address all the required changes in the other SSRCR Parts. These other changes have been summarized in the enclosure.

Under our current procedure, a finding that an SSRCR meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final SSRCR. However, we have determined that if Parts A, D, and J were adopted, incorporating the comments and without other significant changes, it would meet the compatibility and health and safety categories established in Office of State and Tribal Programs (STP) Procedure SA-200.

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,

IRA By Josephine M. Piccone

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

February 3, 2003

Mr. Ron Fraass
Executive Director
Conference of Radiation Control
Program Directors, Inc.
205 Capital Avenue
Frankfort, KY 40601

Dear Mr. Fraass:

We have reviewed the proposed revisions to Part D "Standards for the Protection Against Radiation" and Part J "Notices, Inspections and Reports to Workers; Inspections" and the applicable parts of Part A "General Provisions" that support Part J and D of the Suggested State Regulations for the Control of Radiation (SSRCR), adopted by the Board on November 21, 2002. The SSRCR were received by this office on December 10, 2002. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Sections 19 and 20. We discussed our review of the regulations with Shawn Seeley, Chair of the SSRCR Part D committee, on January 15, 2003.

As a result of our review, we have one comment and one editorial suggestion 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. Also, to fully incorporate the CFR amendments mentioned in the rationale for Part D, the CRCPD will need to address all the required changes in the other SSRCR Parts. These other changes have been summarized in the enclosure.

Under our current procedure, a finding that an SSRCR meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final SSRCR. However, we have determined that if Parts A, D, and J were adopted, incorporating the comments and without other significant changes, it would meet the compatibility and health and safety categories established in Office of State and Tribal Programs (STP) Procedure SA-200.

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,

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs

Distribution:
DIR RF (2-296)
CRCPD File

DCD (SP02) PDR (YES)

Response to Incoming Document: ML 023460075

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML030350126.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

| OFFICE | STP | OGC | STP:DD | STP:D |
|--------|-----------|-----------|-----------|-----------|
| NAME | JZabko | Streby | JPiccone | PLohaus |
| DATE | 01/08/03* | 01/24/03* | 02/03/03* | 02/03/03* |

OFFICIAL RECORD COPY

ML030350156

**COMMENTS ON PROPOSED PART D AND J OF THE SUGGESTED STATE REGULATIONS
AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES**

| SSR Section | NRC Regulation | RATS ID | Category | Subject and Comments |
|------------------------|---------------------------|--------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| D.2202 | §20.2202 | 1998-5 | C | <p>Notification of Incidents</p> <p>The SSR did not substitute “lens dose” for “eye dose” in D.2202 (a)(i)(1) as required by amendment 63 FR 39477</p> <p>The SSR needs to substitute “lens dose” for “eye dose” where applicable in Part D.</p> |

Editorial Suggestions

1. In A.2, the definition of Effective Dose Equivalent, the symbol for “summation” has been misprinted.

Please note: The following shows only the changes required, in other CFR sections, associated with the amendments the CRCPD lists in the Rational for Part D. This is not a full listing of the requirements for these amendments.

**Termination or Transfer of Licensed Activities: Recordkeeping Requirements
 (61 FR 24669; May 16, 1996) RATS ID 1996-3
 Effective June 17, 1996**

Note: Due to the related text changes that appear in all three parts: 30, 40 and 70, the Summary of Change, below, does not list the text changes word for word. The Review is directed to go to the exact CFR part to verify the compatibility of a States regulations.

| Change to Nrc Section | Title | State Section | Category | Summary of Change |
|-----------------------------------|-----------------------------------------------------------|---------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 30.35 (g) 40.36(f) 70.25(g) | Financial assurance and recordkeeping for decommissioning | | H&S | Paragraphs 30.35(g), 40.36(f) and 70.25(g)are revised to require the transfer of records pertaining to decommissioning to the new licensee. |

| Change to NRC Section | Title | State Section | Category | Summary of Change |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 30.36(k)(4) 40.42(k)(4) 70.38(k)(4) | Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas | | H&S | Added to state that license will not be terminated until the NRC receives the records required by revised Secs. 30.51, 40.61, and 70.51. |
| 30.51(d),(e),(f) 40.61(d),(e),(f) 70.51(b)(6) 70.51(b)(7) | Records Material balance, inventory, and records requirements | | H&S- H&S- C C | Added to clarify that records pertaining to decommissioning, offsite releases, and certain records pertaining to waste disposal assignment, or to the NRC prior to license termination |
| 61.30(a)(3) | Transfer of license | | H&S- | In Sec. 61.30, paragraph (a)(3) is revised to read as follows: (a) * * * (3) That any funds for care and records required by Secs. 61.80 (e) and (f) have been transferred to the disposal site owner; |
| 61.30(c)(3) | Termination of license | | H&S- | In Sec. 61.31, paragraph (c)(3) is added to read as follows: * * * * * (c) * * * (3) That the records required by Secs. 61.80(e) and (f) have been sent to the party responsible for institutional control of the disposal site and a copy has been sent to the Commission immediately prior to license termination. |

Low-Level Waste Shipment Manifest Information and Reporting
(60 FR 15649 & 60 FR 25983) RATS ID 1995-3
Effective March 1, 1995

Note: 60 FR 25983 corrects a notice appearing in the Federal Register on Monday, March 27, 1995 (60 FR 15649). The action is necessary to correct an error of omission. The text of paragraph III E to Appendix G to Part 20 was inadvertently omitted from the codified text of the final rule. It has been included in its correct place below.

| Change to NRC Section | Title | State Section | Category | Summary of Change |
|------------------------------|--------------------------------------------------------|----------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 61.80 | Maintenance of records, reports, and transfers. | | C | Section 61.80 is amended by revising paragraph (f) and (i)(1), and adding paragraph (l). Due to the length of text, please refer to 10 CFR 61.80 |

“Radiological Criteria for License Termination,” 10 CFR Parts 20, 30, 40, 70 (62 FR 39057)
Effective August 20, 1997 Implementation Date: August 20, 2000
RATS ID: 1997-6

| Change to NRC Section | Title | State Section | Category | Summary of Change |
|-----------------------|----------------------------------|---------------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 30.35 | Terms and conditions of licenses | | D, except H&S - paragraphs (a), (b), (d) & (g) | <p>In Sec. 30.35, paragraph (f)(5) is added and paragraph (g)(3)(iv) is revised to read as follows:</p> <p>(f) * * *</p> <p>(5) When a governmental entity is assuming custody and ownership of a site, an arrangement that is deemed acceptable by such governmental entity.</p> <p>(g) * * *</p> <p>(3) * * *</p> <p>(iv) All areas outside of restricted areas that contain material such that, if the license expired, the licensee would be required to either decontaminate the area to meet the criteria for decommissioning in 10 CFR part 20, subpart E, or apply for approval for disposal under 10 CFR 20.2002.</p> |

| Change to NRC Section | Title | State Section | Category | Summary of Change |
|-------------------------------|-----------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 30.36 | | | <p>H&S- paragraphs (c), (d), (e), (g), (h), (j) and (k) D- paragraphs (a), (b), (f) and (i)</p> | <p>In Sec. 30.36, the introductory text of paragraph (j)(2) and paragraph (k)(3) are revised to read as follows:</p> <p>Sec. 30.36 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.</p> <p>* * * * *</p> <p>(j) * * *</p> <p>(2) Conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey, unless the licensee demonstrates in some other manner that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR part 20, subpart E. The licensee shall, as appropriate--</p> <p>* * * * *</p> <p>(k) * * *</p> <p>(3)(i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR part 20, subpart E; or</p> <p>(ii) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR part 20, subpart E.</p> |
| 40.36 Duplicate in . 70.25 | Financial assurance and recordkeeping for decommissioning | | <p>D- paragraphs (c) and (e) H&S - paragraphs (a), (b), (d) and (f)</p> | <p>In Sec. 40.36, paragraph (e)(5) is added and paragraph (f)(3)(iv) is revised to read as follows:</p> <p>40.36 Financial assurance and recordkeeping for decommissioning.</p> <p>* * * * *</p> <p>(e) * * *</p> <p>(5) When a governmental entity is assuming custody and ownership of a site, an arrangement that is deemed acceptable by such governmental entity.</p> |

| Change to NRC Section | Title | State Section | Category | Summary of Change |
|-----------------------|-------|---------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 40.36 (cont'd) | | | | <p>(f) * * *</p> <p>(3) * * *</p> <p>(iv) All areas outside of restricted areas that contain material such that, if the license expired, the licensee would be required to either decontaminate the area to meet the criteria for decommissioning in 10 CFR part 20, subpart E, or apply for approval for disposal under 10 CFR 20.2002.</p> |

| Change to NRC Section | Title | State Section | Category | Summary of Change |
|---------------------------------|-------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 40.42 Duplicate in 70.38 | Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas | | D - paragraphs (a), (b) & (k)(4) H&S - paragraphs (c), (d), (e), (f), (g), (h), (i),(j) & (k)(1), (2), (3) | <p>In Sec. 40.42, the introductory text of paragraph (j)(2) and paragraph (k)(3) are revised to read as follows:</p> <p>Sec. 40.42 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.</p> <p>* * * * *</p> <p>(j) * * *</p> <p>(2) Conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey, unless the licensee demonstrates in some other manner that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR part 20, subpart E. The licensee shall, as appropriate--</p> <p>* * * * *</p> <p>(k) * * *</p> <p>(3)(i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR part 20, subpart E; or</p> <p>(ii) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR part 20, subpart E.</p> |

**Minor Corrections, Clarifying Changes, and a Minor Policy Change
(63 FR 39477, July 23, 1998 and 63 FR 45393, August 26,1998)
RATS ID 1998-5 Effective October 26, 1998**

Note: Federal Registry Notice 63 FR 45393: This document delays the effective date of a final rule that appeared in the Federal Register on July 23, 1998 (63 FR 39477). The effective date of the rule published at 63 FR 39477 is delayed until October 26, 1998.

| Change to Nrc Section | Title | State Section | Comparability Category | Summary of Change to CFR |
|-----------------------|---------------------------------|---------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 36.23 | Access control | | H&S | <p>In Sec. 36.23, paragraph (g) is revised to read as follows:</p> <p align="center">* * * * *</p> <p>(g) Each entrance to the radiation room of a panoramic irradiator and each entrance to the area within the personnel access barrier of an underwater irradiator must be posted as required by 10 CFR 20.1902. Radiation postings for panoramic irradiators must comply with the posting requirements of 10 CFR 20.1902, except that signs may be removed, covered, or otherwise made inoperative when the sources are fully shielded.</p> <p align="center">* * * * *</p> |
| 39.33 | Radiation detection instruments | | C- paragraphs (a) & (c) D/H&S- paragraph (b)) D- paragraph (d) | <p>In Sec. 39.33, paragraph (a) is revised to read as follows:</p> <p>(a) The licensee shall keep a calibrated and operable radiation survey instrument capable of detecting beta and gamma radiation at each field station and temporary jobsite to make the radiation surveys required by this part and by part 20 of this chapter. To satisfy this requirement, the radiation survey instrument 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 align="center">* * * * *</p> |