

March 22, 2007

Ruth E. McBurney, Executive Director
Conference of Radiation Control Program Directors
205 Capital Avenue
Frankfort, KY 40601

Dear Ms. McBurney:

We have reviewed the proposed changes to the Conference of Radiation Control Program Director's (CRCPD's) Suggested State Regulations (SSR) Part T - Transportation of Radioactive Material, received by our office on January 29, 2007. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Part 71. We discussed our review of the regulations with Bruce Hirschler on March 22, 2007.

As a result of our review, we have eight comments and three editorial suggestions, 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. Under our current procedure, a finding that the CRCPD Suggested State Regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final CRCPD SSR Part T regulations. However, we have determined that if your proposed regulations were adopted, incorporating 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.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs (FSME) (see letter FSME 06-94 dated October 6, 2006 for further information).

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 Kathleen Schneider, State Regulation Review Coordinator at (301) 415-2320 (e-mail: kxs@nrc.gov), or Jenny Tobin at (301) 415-2328 (e-mail: jct1@nrc.gov).

Sincerely,

IRA By S.W. Moore

Scott W. Moore, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures:
As stated

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Division of Materials Safety and State Agreements
Office of Federal and State Materials and
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Enclosures: As stated

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COMPATIBILITY COMMENTS ON CRCPD PART T PROPOSED REGULATIONS

CRCPD SECTION		NRC SECTION	CATEGORY	SUBJECT and COMMENTS
1	T.2	71.4	[B]	<p>Definition: Certificate Holder</p> <p>The definition of “certificate holder” term is not defined in SSR Part T.</p> <p>The Suggested State Regulations Part T (or other appropriate section of the SSR) must add this definition to the proposed regulations to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition of Certificate Holder.</p>
2	T.2	71.4	[B]	<p>Definition: Low Specific Activity material</p> <p>SSR Part T “LSA-I” definition omits “(ii) Solid unirradiated natural uranium or depleted uranium or natural thorium or their solid or liquid compounds or mixtures”. SSR Part T “LSA-III” definition omits the phrase “excluding powders”.</p> <p>SSR Part T must add these requirements to the definition of “LSA” to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition of LSA.</p>
3	T.2	71.4	[B]	<p>Definition: Package</p> <p>SSR Part T definition of “package” omits section (2) concerning Type A packages and (3) concerning Type B packages.</p> <p>SSR Part T must add these sections to the proposed regulations to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition of Package.</p>

CRCPD SECTION		NRC SECTION	CATEGORY	SUBJECT and COMMENTS
4	T.2	71.4	[B]	<p>Definition: Special form radioactive material</p> <p>SSR Part T definition of “special form radioactive material” should include in paragraph (3) the specific NRC references 10 CFR 71.75 and 10 CFR 71.4 and remove from paragraph (3) “must meet requirements of this definition applicable at the time of its design or construction.”</p> <p>SSR Part T needs to make the above changes to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition of Special form radioactive material</p>
5	N/A	71.8	C	<p>Deliberate Misconduct</p> <p>SSR Part T has omitted the requirements of 71.8 from its proposed regulation.</p> <p>The requirements of 10 CFR 71.8 need to be added to SSR Part T (or other appropriate section of the SSRs) to meet the Compatibility Category C designation assigned to 10 CFR 71.8.</p>
6	T.8	71.20	[B]	<p>General License: DOT specification container</p> <p>SSR Part T.8 omits 10 CFR 71.20 (b) from its regulations.</p> <p>This section needs to be added to meet the Compatibility Category [B] designation assigned to 71.20.</p>
7	T.9	71.21	[B]	<p>General License: Use of foreign package</p> <p>SSR Part T.9(c)(iii) does not list the applicable requirements correlating to subparts A, G, and H of 10 CFR 71.</p> <p>The subpart requirements of 10 CFR 71.21(c)(2) need to be added to T.9(c)(iii) to meet the Compatibility Category [B] designation assigned to 10 CFR 71.21.</p>

<u>CRCPD SECTION</u>		<u>NRC SECTION</u>	<u>CATEGORY</u>	<u>SUBJECT and COMMENTS</u>
8	Part T Appendix A	71 Appendix A	[B]	<p>Determination of A₁ and A₂</p> <p>In Part T Appendix A Determination of A₁ and A₂ Paragraph II(c) has “in accordance with ??? of this Part.” The ??? should be replaced with “A.12 of the CRCPD SSR”</p> <p>The reference to section A.12 of the CRCPD SSR needs be added in place of the ??? in II(c) of Appendix A to meet the Compatibility Category B designation of 10 CFR 71 Appendix A.</p>

Editorial Comments

1. **Definition “Normal form radioactive material”:** The quotation marks around “special form nuclear material” were omitted, however this does not change the meaning.
2. **Definition “Transport Index”** To be consistent with metric/english units, Part T may want to add “(3.3 feet)” at the end of the definition after the distance is listed as 1 meter.
3. **SSR T-21 “Quality Assurance Requirements”** T.21c “nuclear regulatory commission” should be capitalized.