

MINUTES: STANDING COMMITTEE FOR COMPATIBILITY (SCC) WORKING GROUP
January 6, 2010

These minutes are presented in the same general order as the items that were discussed in the meeting. The attendees were as follows:

Duncan White, Branch Chief, ASPB, MSSA, Co-chair
Kevin Hsueh, Branch Chief, Rulemaking Branch A, DILR
Joan Olmstead, OGC
Kathleen Schneider, ASPB, MSSA, State Regulation Review Coordinator, recording secretary
Monica Orendi, ASPB, MSSA (alternate to the State Regulation Review Coordinator),
Tracey Stokes, OGC

By telephone:

Earl W. Fordham, Washington, CRCPD Suggested State Regulations Council Chair

Absent:

Ann Troxler, Louisiana, Co-chair
Organization of Agreement States' Director of Rulemaking

1. Compatibility designations on Requirements for Licenses, Certifications, and Approval for Material Licensees.

- On December 23, 2009, the SCC was provided the proposed rule "Licenses, Certifications, and Approvals for Material License" for review of compatibility and adequacy designation prepared by OGC staff. No agenda was prepared for the January 6, 2010 meeting due to the holiday schedule.
- The SCC discussed the draft compatibility designations and the text for the new definition for construction and the revised text for the definition for commencement of construction. The Committee agrees with the proposed designations with some clarification to the compatibility chart and the format of the chart. The SCC NRC Co-Chair noted that a revised chart would be provided to OGC staff member attached to the email to be issued on the SCC's position on the proposed regulation.
- Two issues regarding the new and revised definition were discussed. The following concerns will be documented in the email from the SCC:
 - o *Commencement of construction.* Agreement States do not have authority under "and/or common defense and security" and as such, that term within the definition can cause adoption problems for Agreement States since that authority is reserved to NRC under Section 274b Agreements. SCC discussed that the definition be reconstructed into two parts so that the provision dealing with common defense and security can be categorized as "Compatibility Category NRC" in Part 40 and 150 for those States with authority to regulate uranium mill activities (11e.(2) byproduct material). Also, the phrase "a reasonable nexus to radiological health" does not appear to have a clear meaning and may cause some difficulty for adoption by Agreement States without additional clarity.

- *Construction*. Item (4) needs to be revised so that it is clear "Erection of fences and other access control measures" do not pertain to radiological controls. Item (9) should be deleted as it is confusing and creates the same issues as discuss with the definition of *Commencement of construction*.

2. Old Business.

- No old business was discussed at this meeting. The following items are still open and ongoing:
 - OAS letter on IMC 2800/ Review of program elements.
 - Compatibility Resolution for 10 CFR 31.8 and 70.19.

3. Upcoming rulemakings/Status from DILR.

- K. Hsueh provided a January 6, 2010 listing of draft proposed/final rules for the Committees information.

4. Schedule for Next Meeting

- At this time, there is no meeting scheduled. Since meetings should be at least quarterly, the next meeting should be scheduled for April 2010 or sooner as need.

ADAMS: ML100190055

**Draft Proposed/Final Rules for Review by
Standing Committee on Compatibility
1/6/10**

Item	Rule	Timeframe	Rec'd	Due	Done	Project Manager
1.	Part 35 Medical Event Final Rule	~9/21/09	9/28/09	10/26/09	10/26/09	Ed Lohr, FSME
2.	Proposed rule on definition of "Construction" in Parts 30, 36, 39, 40, 51, 70 and 150	N/A	12/28/09	1/6/10		Tracey Stokes, OGC
3.	Part 71 proposed rule, "Compatibility with IAEA Transportation Standards" This rule amends Part 71 to make it compatible with the recent revision to the IAEA Transportation Safety Standards and DOT regulations on radioactive materials transport safety, and to incorporate NRC initiated changes on QA.	April 2010				James Firth, FSME