

MINUTES: STANDING COMMITTEE FOR COMPATIBILITY (SCC) WORKING GROUP

September 16, 2009

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  
Kathleen Schneider, ASPB, MSSA, State Regulation Review Coordinator, recording secretary  
Karen Meyer, ASPB, MSSA  
Joan Olmstead, OGC  
Merri Horn, Rulemaking Branch B, DILR  
Gary Comfort, Rulemaking Branch A, DILR

Absent:

Ann Troxler, Louisiana, Co-chair  
Organization of Agreement States' Director of Rulemaking  
Earl W. Fordham, Washington, CRCPD Suggested State Regulations Council Chair

**1. Approval of Minutes.**

- The draft minutes from the May 4, 2009 meeting have not yet been provided to the Committee for approval.

**2. Compatibility designations on Physical Protection of Byproduct Material (Part 37).**

- On August 20, 2009, the SCC was provided the proposed rule "Physical Protection of Byproduct Material" for review of compatibility and adequacy designation prepared by NRC staff.
- The SCC discussed the draft compatibility designations and the text for the new Part. The SCC agreed that the amendments are a matter of compatibility and however the SCC did not support all proposed compatibility designations provided by the staff and offered 26 comments. (See September 29, 2009 email from D. White to M. Horn, ML092740210 for the details of the comments). The SCC commended the FSME staff's effort in preparing this significant regulation package.

**3. Compatibility designations on Distribution of Source Material to Exempt Persons and to General Licensees and Revisions of General License and Exemption.**

- On August 27, 2009, the SCC was provided the proposed rule "Distribution of Source Material to Exempt Persons and to General Licensees and Revisions of General License and Exemption" for review of compatibility and adequacy designation prepared by NRC staff.
- The SCC discussed the draft compatibility designations and the text for the amendment. The SCC agreed that the amendments are a matter of compatibility and however the SCC did not support all proposed compatibility designations provided by the staff. (See September 28, 2009 email from D. White to G. Comfort, ML092740062 for the details of the comments.)

- SCC did recommends that the *Federal Register*, Section V on Agreement State Compatibility be revised to be consistent with the revised DILR templates and that a compatibility table be included.
- The SCC discussed deleting the discussion on shorten the implementation period by the Agreement States from 3 years to 1 year. There did not appear to be a justification based on health and safety to require the Agreement States to implement these changes on an 1 year schedule versus the routine implementation of 3 years pursuant to the Policy Statement.

**4. Old Business.**

- Status of Part 21 write up – Kathleen Schneider/Joan Olmstead
  - o **Status:** Memorandum sent to R. Lewis on October 1,2009
- OAS letter on IMC 2800/ Review of program elements.
  - o **Status:** No action.
- Compatibility Resolution for 10 CFR 31.8 and 70.19.
  - o **Status:** No action.

**5. Upcoming rulemakings/Status from DILR.**

- K. Hsueh updated the Committee on several changes to the timeframes shown on the list of draft proposed/final rules.

**6. Schedule for Next Meeting**

- Next meeting is scheduled for October 22, 2009 at 12:00 p.m.

ADAMS: ML100190149

**Draft Proposed/Final Rules for Review by  
Standing Committee on Compatibility  
9/14/09**

Item	Rule	Timeframe	Rec'd	Due	Done	Project Manager
1.	GL Restrictions Proposed rule (31.5 and 31.6)	4/08-5/08	5/2/08	6/2/08	6/13/08	Solomon Sahle
2.	Groundwater Protection at ISL proposed rule (Part 40 Appendix A)	Late July or Early August	7/21/08	8/20/08	9/10/08	Gary Comfort
3.	Requirements for Distribution of Byproduct Material Proposed rule (Mostly, Parts 30, 31 and 32)	Mid-September	9/19/08	10/20/08	12/18/08	Cathy Mattsen
4.	NSTS Expansion final rule (Parts 20 and 32)	TBD	5/11/09	5/26/09	5/26/09	Kevin O'Sullivan
5.	Part 35 Direct Final Rule Training and Experience	6/09	5/13/09	6/11/09	5/26/09	Ed Lohr
6.	Part 71 proposed rule, "Low-Level and Fissile Material Exemptions; Quality Assurance Programs; Harmonizations with IAEA Transportation Requirements; and Other Transportation Safety Amendment"	<del>7/09</del> 11/09				James Firth
7.	Source Material GL proposed rule (40.22)	7/09-8/09	8/27/09	9/25/09		Gary Comfort
8.	Part 37 proposed rule	RAMQC Transportation Security	9/09	8/20/09	9/28/09	Merri Horn
		Enhanced Byproduct Material Security & Control				
		Fingerprinting for Materials Facilities				
9.	Part 35 Medical Event Final Rule	~9/21/09				Ed Lohr
10.	(NRC only)					Ed Lohr