

From: Reis, Terrence
To: Piccone, Josephine
Sent: Wed Jul 27 19:18:18 2011
Subject: Fw: MSSA Concurrence Final draft of SECY on Final Rule Distribution of Byproduct Material
Josie

You have mssa concurrence. Thanks

Sent from NRC Blackberry
Terry Reis 202-680 9694

From: White, Duncan
To: Reis, Terrence
Cc: Luehman, James; Delligatti, Mark; Schneider, Kathleen
Sent: Wed Jul 27 17:54:20 2011
Subject: MSSA Concurrence Final draft of SECY on Final Rule Distribution of Byproduct Material
Terry:

We have reviewed the draft commission paper on the above topic and recommend Division's concurrence with one modification as noted in the draft email below. This modification has been discussed with Josie and Kevin O'Sullivan.

Duncan

Josie:

MSSA concurs with the proposed SECY paper with the change below and the conforming changes in the *Federal Register Notice*.

The draft paper incorrectly characterized Compatibility Category NRC. The following change to the second sentence in the third paragraph on page 9 of the paper will properly characterize the compatibility category.

“Revisions to Subpart A of Part 32 (§§ 32.11 through 32.32) are classified as Compatibility Category “NRC.” Compatibility is not required for Category “NRC” regulations. Compatibility Category NRC are those program elements that address areas of regulation that cannot be relinquished to the Agreement States and should not be adopted by the Agreement States. Exemptions from licensing, including §§ 30.15, 30.19, 30.20, and the new § 30.22, are classified as Compatibility Category B, as is § 31.3. Revisions to Subpart B of Part 32 (§§ 32.51 through

32.103) are classified as Compatibility Category B, as is § 32.110. Section 32.210 is classified as Compatibility Category B for States that perform SS & D evaluations and Compatibility Category D for States that do not perform SS & D evaluations, except that new paragraph (h), will be Compatibility Category C for States that perform SS & D evaluations. New § 32.211 will be Compatibility Category B for States that perform SS & D evaluations. Paragraph 30.32(g) is classified as Compatibility Category C. Sections 30.6, 30.38, 30.39, 30.61, 31.23, 32.8, 32.303, 40.5, and 70.5, § 32.1(a), and the new definitions for *Committed dose* and *Sealed Source and Device Registry* in § 32.2 are classified as Compatibility Category D. Existing compatibility designations for these regulations will not be affected.”

Thank you for the opportunity to review the Commission paper on this draft final rule. If you have any questions regarding this matter, please contact Duncan White or myself.

Terry