

PR-71  
84 FR 14898

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# PUBLIC SUBMISSION

**Docket:** NRC-2016-0179

Revisions to Transportation Safety Requirements and Compatibility with International Atomic Energy Agency Transportation Requirements

**Comment On:** NRC-2016-0179-0063

Harmonization of Transportation Safety Requirements With IAEA Standards; Draft Regulatory Basis; Request for Comment

**Document:** NRC-2016-0179-DRAFT-0068

Comment on FR Doc # 2019-07321

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## Submitter Information

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## General Comment

Please see attached letter dated 5/28/19.

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## Attachments

Comment letter regarding Part 71 draft regulatory basis 052819 Docket ID NRC-2016-0179



# Arkansas Department of Health

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Governor Asa Hutchinson

Nathaniel Smith, MD, MPH, Director and State Health Officer

May 28, 2019

Solomon Sahle  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Comments on 10 CFR Part 71 draft regulatory basis (Docket ID NRC-2016-0179)

Dear Mr. Sahle:

Thank you for the opportunity to comment on the 10 CFR Part 71 draft regulatory basis relating to Docket ID NRC-2016-0179. Please consider the following comments:

Issue 12 – QAP biennial report – 10 CFR 71.106

I agree that the language in 10 CFR 71.106 should be clarified to indicate that a biennial report should be submitted even if the licensee has had no changes to its Quality Assurance Program during that time period.

Issue 15 – Other Recommended Changes – 10 CFR 71.109, etc.

I agree that if Agreement States are to review their §71.17 equivalent general licensees' Quality Assurance Programs then we need the ability to have in our rule all of the regulations required for an adequate review. Also, it would be impossible to "reciprocally" recognize other Agreement State or NRC QAP reviews if we are not all reviewing the programs against the same requirements. (As a side, the CRCPD's Suggested State Regulations Part T will continue to create confusion as to what agency is authorized to review QAPs until some sort of explanation is placed with Part T, online, that tells States revising their regulations that Part T contains, in multiple places, in error, that only NRC can review QAPs.)

The compatibility category of 10 CFR 71.95 should also be examined as well since with its current compatibility being "D," a report regarding package issues/defects is not required to be sent to the NRC, who the package is registered with, by way of any Agreement State.

Other 10 CFR Part 71 Issues

10 CFR 71.0(d)(1):

The language in paragraph (d)(1) could be revised to say, "Exemptions from the requirements of this part are specified in Subpart B of this part." Currently, paragraph (d)(1) only seems to address the exemption found in §71.14.

10 CFR 71.11 and 10 CFR 71.97:

Regulations similar to that in Part 37 should be put in place that describe the protection of §71.97 advance notifications that are not subject to §71.11 – unless this information is not to be protected.

10 CFR 71.17(c)(3):

I think future confusion could be prevented by better indicating the purpose of the submission in (c)(3) – "registration" with the NRC by all §71.17/Agreement State equivalent general licensees prior to first use of the package. Also, it seems the Division name may need updating to the Division of Spent Fuel Management.

10 CFR 71.97:

This section was revised as a result of the Part 37 rule (78 FR 17021). In doing so, there is now no actual provision in §71.97 that says notifications for spent fuel shipments are required. The "requirement" is just somewhat hinted at in the section's title, the fact that paragraph (b) still uses "also," and that paragraph (d) mentions what a spent fuel notification must contain. Also, if the section *is* to address spent fuel shipments, is it *all* of them (like the section might currently be interpreted to say) or just ones not already subject to the spent fuel notifications in Part 73? Perhaps, the sentence that was removed from paragraph (b) during the aforementioned rulemaking could instead read "Advance notification is required under this section for shipments of irradiated reactor fuel not subject to the advance notification requirements as described in 10 CFR Part 73." With this section being Compatibility B, Agreement States are not able to make this clarification on their own. (As a side, understanding the intent of §71.97 affects the revision of SL-200, which I understand is on-hold for the time being.)

I appreciate the opportunity to comment on this draft regulatory basis. If you have any questions, please contact me at (501) 661-2301.

Sincerely,



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Technical Activities Health Physicist  
Radiation Control Section  
Arkansas Department of Health

cc: Bernard Bevill, Section Chief  
Jared Thompson, Radioactive Materials Program Manager