



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 6, 2021

Ms. Ruth E. McBurney
Executive Director
Conference of Radiation Control
Program Directors, Inc.
1030 Burlington Lane, Suite 4B
Frankfort, KY 40601

Dear Ms. McBurney:

We have reviewed the revisions to the Suggested State Regulations (SSRs) in Part C, "Licensing of Radioactive Material" received by our office on June 17, 2021, for federal concurrence. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 30, 31, 32, 40, and 70 included in Regulatory Amendment Tracking System Identification Numbers (RATS IDs) 2011-1, 2011-2, 2012-3, 2012-4, 2013-1, and 2013-2. We discussed our review of the regulations with Angela Leek on July 27, 2021.

As a result of our review, we have three comments related to compatibility, and one editorial comment 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 Conference of Radiation Control Program Directors' (CRCPD) SSRs meet the compatibility and health and safety categories of the equivalent NRC regulations may only be made based on a review of the final CRCPD regulations. However, we have determined that if your regulations were revised to incorporate 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, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that a copy of the revised "as published" regulations be provided to us for review and federal concurrence. As requested in Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Materials Safety, Security, State and Tribal Programs, NMSS.

The State Regulation Status (SRS) Data Sheet summarizes our knowledge of the status of other CRCPD Suggested State Regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator at 301-415-0275 (michelle.beardsley@nrc.gov) or Cindy Flannery at 301-415-0223 (cindy.flannery@nrc.gov).

Sincerely,



Signed by Anderson, Brian
on 08/06/21

Brian C. Anderson, Chief
State Agreement and Liaison Programs Branch
Division of Materials Safety, Security, State
and Tribal Programs
Office of Nuclear Materials Safety and Safeguards

Enclosures:

1. Compatibility and Editorial Comments
2. CRCPD SRS Data Sheet

cc: Bruce Hirschler, SSRRCR Publication Manager
CRCPD

SUBJECT: LETTER TO R. McBURNEY RE: CRCPD FINAL PART C SSRs DATE August 6, 2021

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DATE	7/26/21	7/27/21		8/6/21

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**COMPATIBILITY COMMENTS ON CRCPD REVISED SUGGESTED STATE
REGULATIONS (SSRs) PART C**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	C.3.c	40.13(c)	2013-2	B	<p>Unimportant quantities of source material</p> <p>In section C.3.c, CRCPD omits a reference to the [State] Radiation Control Act.</p> <p>CRCPD needs to include the above to meet the Compatibility Category B designation assigned to 10 CFR 40.13(c).</p> <p>Comment stands from NRC letter dated May 1, 2019/ML19079A310.</p>
2	C.3.c.ix	40.13(c)(10)(ii)	2013-2	B	<p>Unimportant quantities of source material</p> <p>CRCPD regulations in section C.3.c.ix state that persons who import must be authorized by a license issued by the NRC, but it does not explicitly state that this license is “issued under § 40.52.”</p> <p>CRCPD needs to add the wording indicated above to meet the Compatibility Category B designation assigned to 10 CFR 40.13(c)(10).</p> <p>Comment Stands from NRC letter dated May 1, 2019/ML19079A310.</p>
3	C.21.c.ii.(3)	40.61(a)(2) and (4)	2013-2	C	<p>Small quantities of source material</p> <p>We note that appropriate references have been added to C.21.c.ii.(3), but the records requirements in C.95a.ii. do not include requirements equivalent to 40.61(a)(4).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Also, the record of transfer requirements in C.95a.ii. (retain for three years) is less restrictive than the requirements in 40.61(a)(2) (retain until licenses are terminated).</p> <p>CRCPD needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 40.60(a).</p>

EDITORIAL COMMENT

STATE SECTION	COMMENT
Section C.28.o.iv(1)	The word, "Material" in C.28.o.iv(1)(b) should be moved up to the end of C.28.o.iv(1)(a) and the remaining section renumbered accordingly.

CRCPD STATE SUGGESTED REGULATION STATUS SHEET

Note: Even if federal concurrence has been granted, some regulations may have been amended after that date. See current RATS ID sheets for those affected regulations: https://scp.nrc.gov/rss_regamendents.html

CRCPD PART/ TITLE	NRC REGULATION -10 CFR Parts	PROPOSED /FINAL	FEDERAL CONCURRENCE GIVEN? Yes/No DATE OF DOCUMENT/ADAMS ML# of Package	COMMENTS
A- General Provisions	19, 20, 30, 31, 32, 34, 35, 36, 39, 40, 61, 70, 71, and 150.	Proposed- comments	No 3/30/11 ML110610112	
B- Regulation of Radiation Machine Facilities and Assoc. Healthcare Professionals	N/A			
*C- Licensing of Radioactive Material	30, 31, 32, 40, 70	Final; no comments Proposed; Comments Revised; Comments	Yes 5/12/10 ML101040766 No 05/01/19 ML19044A444 No 08/06/2021 ML21175A125	
D- Standards for Radiation Protection	20	Proposed; comments	No 3/30/11 ML110610112	
E- Radiation Safety Requirements for Industrial Radiography Operations	34	Final; no comments	Yes 2/22/16 ML16036A047	

F- Medical Diagnostic and Interventional X-Rays and Imaging Systems	N/A			
G- Use of Radionuclides in the Healing Arts	35	Proposed; comments	No 4/1/10 ML100600666	
H- Radiation Safety Requirements for non-medical radiation generating devices	N/A			
J- Notices, Instructions and Reports to Workers, Inspections	19	Proposed; comments	No 3/30/11 ML110610112	
N- Regulation and Licensing of TENORM	N/A			
O- Decommissioning	30, 40, 70	Final; no comments	Yes 11/13/00 ML003770059	
Q- Licensing and Radiation Safety Requirements for Irradiators	36	Proposed; no comments	No 7/11/15 ML051930005	
R- Control of Radiation "Radon"	N/A			
S- Requirements for Financial Assurance	30, 40, 70	??	?? 3/24/05 ML??	
T- Transportation of Radioactive Material	71	Final; no comments	Yes 9/9/14 ML14093A159	
U- Licensing Requirements for Uranium and Thorium Processing and	40	Final; no comments	Yes 4/16/15 ML15077A212	

related radioactive materials				
V- Physical Protection of Category I & II Quantities of Radioactive Materials	37	Final; no comments	Yes 11/19/14 ML14294A568	
W- Radiation Safety Requirements for Well Logging Operations and Subsurface Tracer Studies	39	Proposed; comments	No 1/30/15 ML14279A456	
X- Therapeutic Radiation machines	N/A			
Z- Medical Credentialing	N/A			