

PR 20,30,31,32,33,35,50,60,61,62,72,110, 150, 170 and 171

(71FR42952)

*Division of Environmental Health*

Terry L. Pierce, Director

Radiation Protection Section

Beverly O. Hall, Chief

State of North Carolina
Michael F. Easley, Governor*Department of Environment
and Natural Resources*
William G. Ross, Secretary

31

September 7, 2006

DOCKETED
USNRCSecretary
US Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemaking and Adjudications Staff

September 14, 2006 (4:45pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**SUBJECT: RIN 3150-AH84 Proposed Rule: 10 CFR Parts 20, 30, 31, 32, 33, 35, 50, 61, 62, 72, 110, 150, 170, and 171 "Requirements for Expanded Definition of Byproduct Material"**

Dear Madam Secretary:

North Carolina is in support of the OAS position and comments as communicated to you in the August 23, 2006 letter signed by Barbara L. Hamrick, Chair, OAS. We are particularly interested in using our existing definitions and language derived from *Suggested State Regulations for the Control of Radiation* (SSRs). We have been successfully regulating the material now captured under the expanded definition of byproduct material as "radioactive material" since 1964. Any mandated changes to these definitions would require statute and regulatory changes having a significant impact upon our program.

Thank you in advance for your consideration.

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Version
2.1

From: Beverly Hall <beverly.hall@ncmail.net>
To: "Hamrick, Barbara (DHS-RHB)" <BHamrick@dhs.ca.gov>
Date: Thu, Sep 7, 2006 6:17 PM
Subject: Re: NARM Rulemaking

Barbara,
Attached is a letter of support from NC.
See you in Mobile.
Beverly

Hamrick, Barbara (DHS-RHB) wrote:

> To the State Program Directors:

>

> The OAS Executive Board prepared comments on the NARM Rulemaking, and has submitted them to the Secretary of the Commission. We are attaching the cover letter and comment documents for your information. The cover letter and the comment documents reiterate the Agreement States' continuing concerns regarding the implementation of the compatibility designations relating to definitions arising from, or amended by, the Energy Policy Act (EPA) (or related NARM rulemaking) and other aspects of the rulemaking that deviate from the CRCPD's SSRs.

>

> The OAS Executive Board would appreciate written endorsement of the comments offered to the NRC by way of individual State comments to the NRC, so as to reinforce the concerns that have been expressed by the Agreement States. Comments are due to the NRC by September 11, 2006.

>

> Please contact me if you have any questions in this regard.

>

> I would also like to offer my sincere thanks to Steve Collins, Director of Rulemaking, for his hard work in developing these comments.

>

> Sincerely,

> Barbara L. Hamrick, Esq., CHP

> Chair, Organization of Agreement States

> California Department of Health Services

> Radiologic Health Branch

> 1800 E. Lambert Road, #125

> Brea, CA 92821

> 714-257-2031

> 916-341-7222 (fax)

>

> <<OAS Letter and Comments on NARM Rule.PDF>>

>

CC: Adela Salame-Alfie <asa01@health.state.ny.us>, Alyse Peterson -- NYSERDA <alp@nyserda.org>, Aubrey Godwin <agodwin@arra.state.az.us>, Barbara Youngberg <bayoungb@gw.dec.state.ny.us>, Bill Passetti <bill_passetti@doh.state.fl.us>, Bob Goff <rgoff@msdh.state.ms.us>, Bob Walker <Bob.Walker@state.ma.us>, "Bradt, Clayton (LABOR)" <Clayton.Bradt@labor.state.ny.us>, Cynthia Sanders <csanders@dnr.state.ga.us>, Dane Finerfrock <dfinerfrock@utah.gov>, David Allard <djallard@state.pa.us>, Debra McBaugh <debra.mcbaugh@doh.wa.gov>, Dennis O'Dowd <dodowd@dhhs.state.nh.us>, Dewey Crawford <Dewey.Crawford@ky.gov>, Don Flater <dflater@idph.state.ia.us>, Eddie Nanney <eddie.nanney@state.tn.us>, Edwin Wright <Edwin.L.Wright@state.or.us>, Gary Butner <GButner@dhs.ca.gov>, Gary Robertson <gary.robertson@doh.wa.gov>, Gene Miskin <gmiskin@health.nyc.gov>, Jack Ferruolo <jackf@doh.state.ri.us>, Jay Hyland <jay.hyland@maine.gov>, Jeff Meyers <Jeff.Meyers@LA.GOV>, Joe Vranka <joe.vranka@state.co.us>, John Parker <john_parker@nmenv.state.nm.us>, Julia Schmitt <julia.schmitt@hhss.ne.gov>, Karen Beckley

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Subject: Re: NARM Rulemaking
Creation Date Thu, Sep 7, 2006 6:08 PM
From: Beverly Hall <beverly.hall@ncmail.net>

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From: Lydia Chang
To: Evangeline Ngbea
Date: Thu, Sep 14, 2006 4:23 PM
Subject: Fwd: Comments on "Requirements for Expanded Definition of Byproduct Material"

Hi Van:

As indicated on my other e-mail, forwarded here is the e-mail from STP with comments from NY that needs to be docketed. Thanks...

Lydia C.

>>> Janet Schlueter 09/12/2006 2:39 PM >>>

Mail Envelope Properties (4509B9B8.8F4 : 13 : 10704)

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