

December 23, 2013

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

Dear Ms. McBurney:

We have reviewed the final revision to Part U, *Licensing Requirements for Uranium and Thorium Processing*, of the Suggested State Regulations (SSR), received by our office on November 5, 2013. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Part 40. We discussed our review of the regulations with you on December 20, 2013.

As a result of our review, we have five comments standing from our letter dated July 2, 2012, that have been identified in the enclosure as required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating these five 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". In addition, we have two additional standing comments that are generic or editorial style inconsistency.

We are not able to provide federal concurrence until the comments have been addressed and have been incorporated and reviewed by NRC. We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by the CRCPD, in response to our comments and provide a copy to FSME.

R. McBurney

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If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider, State Regulation Review Coordinator, at (301) 415-2320 (Kathleen.Schneider@nrc.gov) or Stephen Poy, at (301) 415-7135 (Stephen.Poy@nrc.gov).

Sincerely,

/RA/

Laura A. Dudes, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
Compatibility Comments

cc: Bruce Hirschler, OED, CRCPD

David Allard, PA, Chair
SSR Council, CRCP

R. McBurney

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Distribution: (SP01)
CRCPD File, 13-42
JKatanic, ASPB

Incoming Document: ML13310A636

OFFICE	ASPB	ASPB	OGC	ASPB:BC	MSSA:DD	MSSA:D
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DATE	11/26/13	11/26/13	12/18/13	12/23/13	12/23/13	12/23/13

ML13330A019

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COMPATIBILITY COMMENTS ON FINAL CRCPD PART U REGULATIONS

SSR SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	U.2.d.	10 CFR 40.3	N/A	C	<p>License requirements</p> <p>Section U.2.d. refers to "...a specific or general license issued by the Agency under the regulations in this part." However, Part U does not authorize any general licenses. Several of the general license requirements in 10 CFR 40 are reserved to NRC. The other types of general licenses can be found in SSR Part C.</p> <p>Section U.2.d. needs to be revised to identify the correct parts (Part C or other parts, as appropriate) where the general license requirements can be found in order to meet the Compatibility Category C designation assigned to 10 CFR 40.3.</p> <p>Comment stands from July 2, 2012, letter.</p>
2	U.3	10 CFR 40.4	2011-2	C	<p>Definitions: Commencement of construction</p> <p>The definition of commencement of construction in Section U.3 needs to be revised such that item (2) Common defense and security needs to be removed.</p> <p>Section U.3 needs to be revised as above in order to meet the Compatibility Category C designation assigned to 10 CFR 40.4.</p> <p>Comment revised from July 2, 2012, letter.</p>
3	U.3	10 CFR 40.4	2011-2	C	<p>Definitions: Construction</p> <p>The definition of construction in Section U.3 needs to be revised such that item (9) (ii) Common defense and security needs to be removed.</p> <p>Section U.3 needs to be revised as above</p>

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					<p>in order to meet the Compatibility Category C designation assigned to 10 CFR 40.4.</p> <p>Comment revised from July 2, 2012, letter.</p>
4	U.11.	10 CFR 40.42 (h), (j), (k)(1), (k)(2), (k)(3), (l)	N/A	H&S	<p>Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas</p> <p>Section U.11. omits the requirements of 10 CFR 40.42(h), 40.42(j), 40.42(k)(1), 40.42(k)(2), 40.42(k)(3) and 40.42(l).</p> <p>SSR Part U needs to add the above requirements in order to meet the Category H &S designation assigned to Section 10 CFR 40.42.</p> <p>Comment stands from July 2, 2012, letter.</p>
5	Appendix A Criterion 13 Hazardous Constituents	10 CFR 40 Appendix A V. Hazardous Constituents Criterion 13	N/A	C	<p>Hazardous Constituents</p> <p>SSR Part U, Appendix A, Criterion 13 still contains a number of errors in the chemical formulas in the list of <i>Hazardous Constituents</i>. The following corrections should be made:.</p> <ol style="list-style-type: none"> Instead of Methoxychlor (Ethane, 1,1,1-trichloro-2,2-bis(p-methoxyphenyl)-), replace with Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-) Instead of 4,4-Methylenebis(2-chloroaniline) (Benzenamine, 4,4-methylenebis- (2-chloro-) replace with 4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis- (2-chloro-) Instead of N-Methyl-N-nitro-N-nitrosoguanidine (Guanidine, N-nitroso-N-methyl-N- nitro-) replace with N-Methyl-N'-nitro-N-

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					<p>nitrosoguanidine (Guanidine, N-nitroso-N-methyl-N'-nitro-)</p> <p>d. Instead of N-Nitrosodiethanolamine (Ethanol, 2,2-(nitrosoimino)bis-), replace with N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)</p> <p>SSR Part U, Appendix A, Criterion 13, <i>Hazardous Constituents</i> needs to be revised as noted above to accurately include the chemical formulas in order to meet the Compatibility Category C designation assigned to the 10 CFR 40, Appendix A, Criterion 13.</p> <p>Comment revised from July 2, 2012, letter.</p>
The following comments are generic/editorial in nature.					
6	U.7.a.	N/A	N/A	N/A	<p>Transmittal of Applicant's Environmental Report for Review and Comment</p> <p>In paragraph a, recommend that the phrase "or Environmental Assessment" be inserted after (EIS) for completeness in accordance to the requirements of the National Environment Policy Act.</p> <p>Comment stands from July 2, 2012, letter.</p>

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7	Appendix A Criterion 13 Hazardous Constituents	10 CFR 40 Appendix A V. Hazardous Constituents Criterion 13	N/A	C	<p>Hazardous Constituents</p> <p>The footnote for N.O.S. is only used once in Part U, Appendix A, Criterion 13, in its first occurrence for “Antimony and compounds, N.O.S.”³ There are many other occurrences of N.O.S. in Part U, Appendix A that do not use the footnote to note “The abbreviation N.O.S. (not otherwise specified) specifies those members of the general class not specifically listed by name on the list.”</p> <p>This is inconsistent with the style of the SSRs (See tables for Part D).</p> <p>Comment stands from July 2, 2012, letter.</p>