

July 29, 2004

Mr. Ron Fraass
Executive Director
Conference of Radiation Control
Program Directors, Inc.
205 Capital Avenue
Frankfort, KY 40601

Dear Mr. Fraass:

During an Agreement State regulation review of the State's equivalent to 10 CFR Part 71, three of the comments affecting compatibility were also found in the current Part T of the Suggested State regulations (SSR). These items were inadvertently not identified during our 1999 review of this SSR.

The three comments related to compatibility (enclosed) may have already been addressed in the ongoing revision of Part T. Please evaluate these comments as part of the current Part T efforts. We would appreciate a response on these comments in conjunction with your submission of the revised Part T for NRC review. If there are any comments which the CRCPD believes are in error, identify the comment and the section of the SSR that meets the designated compatibility category when you submit the SSR for review.

We look forward to your submission of the revised Part T and will coordinate our review with you. If you have any questions regarding the comments, the compatibility and health categories, or any of the NRC regulations used in the review, please contact me or John Zabko at (301) 415-2308 or JGZ@NRC.GOV.

Sincerely,

/RA/

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

cc: Bob Owen, Chair SSR Part T Committee
Bruce Hirscher, SSR Publication Manager
Kathleen McAllister, SSR Council Chair

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**COMMENTS ON THE SSR PART T AGAINST
COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES**

State Regulation	NRC Regulation	Category	Subject and Comments
T.1	71.4	B	Definitions 1)The SSR does not include the following definition: Certificate Holder 2)The SSR includes the phrase “or other form” in the definition for Normal Form - Radioactive Material The SSR needs to include this definition and remove the phrase “or other form” from their proposed definition for Normal Form - Radioactive material to meet compatibility.
T.7 -T.11	71.13 - 71.20	B	NRC Approved QA Program The SSR did not include this requirement. The SSR refers to a QA program as specified in T.20, it does not, however, refer to an NRC approved QA program. The NRC approval of the QA program is not mentioned in T.20 either. (Note it is written correctly in T.10) The SSR needs to be revised to include the requirement for an NRC approved Quality Assurance Program in sections C.7.7 - C.7.12. to meet the requirements as stated in 71.13 - 71.20
T.11	71.18	B	General License: Fissile Material, Limited Quantity per Package The SRR does not include paragraphs d & e for fissile materials. Also the transport index calculation appears to be in error. The SSR defines a 15 gram minimum requirement for fissile material which is not discussed in this section of NRC regulations, and the multiplier for plutonium beryllium sources is noted as 0.026. NRC regulations state 0.025. The SSR needs to be revised to include the essential objectives of the text of 71.18 and to correct the multiplier.