

March 24, 2005

Thomas A. Kerr, Executive Director
Conference of Radiation Control
Program Directors, Inc.
205 Capital Avenue
Frankfort, KY 40601

Dear Mr. Kerr:

We have reviewed the Conference of Radiation Control Program Directors (CRCPD) Board of Directors approved Part S, "Requirements for Financial Assurance," of the Suggested State Regulations for the Control of Radiation (SSRCR) dated January 2005. Part S was submitted by Mr. Charles Hardin on January 20, 2005 for NRC federal concurrence. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Sections 30, 40 and 70. We discussed our review of Part S with Bruce Hirschler on March 23, 2005.

As a result of our review, we have two comments that have been identified in the enclosure. We are concurring in final Part S, but we ask that you give strong consideration to incorporating the NRC comments which will increase the usefulness of the SSRs. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if Part S is approved as provided, incorporating our comments and without significant change, they would meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure [SA-200](#).

If you have any questions regarding the comments, the compatibility and/or health and safety categories, or any of the NRC regulations used in the review, please contact me or Dr. Stephen N. Salomon at (301) 415-2368 or SNS@NRC.GOV.

Sincerely,

IRA BYI

Paul Lohaus, Director
Office of State and Tribal Programs

Enclosures:
As stated

cc: Kathleen A. McAllister, MA, Chair, SSR Council
Ruth McBurney, TX, Chair, SSR-S
Bruce Hirschler, CRCPD

COMPATIBILITY COMMENTS ON PART S SSR

STATE SECTION		NRC SECTION	CATEGORY	SUBJECT and COMMENTS
1	Sec. S.5 e.	30.35(e) 40.36(d) 70.25(e)	D H&S D	<p>Part S Section S.5 e. only requires that a copy of the financial instrument be submitted with the decommissioning funding plan while NRC requires a signed original of the financial instrument be submitted [see 10 CFR 30.35(e), 40.36(d), and 70.25(e)]. In addition, many jurisdictions also require original documents rather than copies.</p> <p>Furthermore, this provision contradicts S.4.f which requires a signed original.</p> <p>We suggest the SSR be modified to require submission of the signed original.</p>
2	Appendix A	Part 30 Appendix B	B	<p>The inclusion of Phosphorus-33 and Sodium-22 in Appendix A, since it is not in 10 CFR Part 30, Appendix B, makes Appendix A more restrictive. The rationale does not identify why P-33 or Na-22 were added.</p> <p>Given that the SSR is intended to serve as a model for the development of Agreement State regulations, we suggest you consider deletion of P-33 and Na-22 to ensure the model regulation meets the Compatibility B designation.</p>