



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D.C. 20555-001

January 9, 1998

Mr. Bruce Hirschler
Technical Assistant, SSRCR's
Office of the Executive Director
Conference of Radiation Control Program Directors, inc.
205 Capital Avenue
Frankfort, KY 40601

Dear Mr. Hirschler:

As requested in your letter of August 7, 1997, we have completed the review of Part Q - Licensing and Radiation Safety Requirements for irradiators. That regulation was adopted by the Board of Directors of the Conference of Radiation Control Program Directors, inc. (CRCPD) on July 28, 1997. The proposed regulation was reviewed by comparison to the equivalent regulation, 10 CFR Part 36.

As a result of our review, we have no comments about the regulation, and if published in final, without significant change, the regulation would meet the compatibility and health and safety categories established in OSP internal Procedure 8.7.

We request that when this Suggested State Regulation is published as a final regulation, a copy of the "as published" regulation be provided to us for review. As requested in our All Agreement States Letter [SP-96-027](#), "Request to Highlight Changes to Agreement State Regulations Submitted to NRC for Compatibility Review" (March 1, 1996), please highlight any final changes and send one copy in a computer readable format, if possible.

We do have one comment in the Rationale for Revisions to Part Q. The Compatibility Requirements section needs revision because of the new adequacy and compatibility policy statement approved by the Commission by Staff Requirements Memorandum dated June 30, 1997 (Enclosure 1 describes the new compatibility categories). The first sentence of the second paragraph should be deleted. In its place, we suggest the following:

The various provisions of the 10 CFR Part 36 regulation are assigned different compatibility and health and safety categories. Definitions of each category and the specific category assigned to each provision of 10 CFR Part 36 are set out in U.S. Nuclear Regulatory Commission, Office of State Programs internal Procedure 8.7, Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements. They reflect the new adequacy and compatibility policy statement approved by the Commission by Staff Requirements Memorandum dated June 30, 1997 (see also 62 FR 46517).

Compatibility Category and H&S Identification
for NRC Regulations

Key to categories:

- A =** Basic radiation protection standard or related definitions, signs, labels or terms necessary for a common understanding of radiation protection principles. The State program element should be essentially identical to that of NRC.
- B =** Program element with significant direct transboundary implications. The State program element should be essentially identical to that of NRC.
- C =** Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed may be different than that used by NRC.
- D =** Not required for purposes of compatibility.
- NRC =** Not required for purposes of compatibility. These are NRC program element areas of regulation that cannot be relinquished to Agreement States pursuant to the AEA or provisions of Title 10 of the Code of Federal Regulations. The State should not adopt these program elements.
- H&S =** Program elements identified as H&S are not required for purposes of compatibility; however, they do have particular health and safety significance. The State should adopt the essential objectives of such program elements in order to maintain an adequate program.

Mr. Bruce Hirschler

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If you have any questions, please contact me or Dr. Stephen N. Salomon of my staff at (301) 415-2322.

Sincerely,

Richard L. Baugast for

Paul H. Lohaus, Deputy Director
Office of State Programs

Enclosure:
As stated