

DCD(SPO3)

From: "David Snellings" <dsnellings@mail.doh.state.ar.us>
To: "Tom O'Brien" <tjo@nrc.gov>
Date: Mon, Nov 8, 1999 4:54 PM
Subject: Response to Questions

Re: SP-99-074

Tom---Jared Thompson prepared the attached response to Questions 42 and 43. Please call if you have questions. Thanks. DDS

66-8-11

SP-A-4

SP-AG-3

NOV 11 1999

80

**Response to Request for Technical Information
for Questions 42 and 43**

Question 42

The only definition from the list in the Arkansas **Rules and Regulations for the Control of Sources of Ionizing Radiation** is "by-product material." By-product material is defined as "Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material (RH- 1100.m.)."

The NRC establishes that definitions are a Division I compatibility. This requires a word by word acceptance of the NRC definition. The NRC has reviewed Arkansas Rules and Regulations. The most recent review was March 1998 at the time of the IMPEP review. The regulations were found compatible with NRC requirements.

Question 43

- a.) Yes, as an Agreement State it is possible to set a completely different standard for the release of solid material containing radioactive materials. However, the Agreement State must comply with compatibility requirements established by the NRC, which would control inappropriate/unwise standards.
- b.) Yes, it is possible for Arkansas to independently ban the import of MSC nickel released from Tennessee. We would implement this ban if the radioactivity with respect to the nickel exceeds the exempt quantity under RH-901, Schedule B, "Exempt Quantities" of the Arkansas Rules and Regulations. If the radioactive material contained in the solid material exceeds the exempt quantity under the regulations, we require a specific license to possess, use or distribute this material.
- c.) Yes, it would "jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis".