

August 18, 2000

Mr. Richard M. Fry, Director
Division of Radiation Protection
Department of Environment and Natural Resources
3825 Barrett Drive
Raleigh, NC 27609-7221

Dear Mr. Fry:

We have reviewed the final North Carolina Regulations for Protection Against Radiation, 15A NCAC 11, which became effective on April 1, 1999, and as published on the North Carolina web site at <http://www.drp.enr.state.nc.us/>. The regulations were reviewed by Mr. Woodruff of our Region II Office in preparation for the Integrated Materials Performance Evaluation Program (IMPEP) review scheduled for September 2000. The regulations were compared to the equivalent NRC regulations in Title 10 of the Code of Federal Regulations. The final regulations are in response to 23 final amendments identified in the enclosed Regulation Assessment Tracking System (RATS) Data Sheet.

We also discussed our review of the regulations with Ms. Robin Haden of your staff on June 29, 2000 and provided an e-mail copy of our RATS data sheet for her review. Ms. Haden replied by e-mail on July 3, 2000 and referenced 15A NCAC 11.0117(a)(3) which adopts 10 CFR 150 by reference including any subsequent amendments. This regulation relates to Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State, 10 CFR Part 150 (62 FR 1662), RATS 1997-2.

As a result of the NRC review, we have determined that the North Carolina regulations 15A NCAC 11, as adopted, meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

We have also summarized on the RATS Data Sheet our knowledge of other North Carolina regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

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 me or Richard Woodruff of my staff at (404) 562-4704 or RLW@NRC.GOV.

Sincerely,

/RA/

Frederick C. Combs, Deputy Director
Office of State and Tribal Programs

Enclosure:
As stated
Richard M. Fry

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OFFICE	STP	STP	OGC	STP:DD	
NAME	RWoodruff:pc	SNSalomon	STreby	FCombs (byKNSchneider)	
DATE	8/8/2000	8/9/2000	8/15/2000	8/11/2000 8/18/2000 (FCC)	

STP-AG-21

REGULATION ASSESSMENT TRACKING SYSTEM
RATS DATA SHEET

State: North Carolina
[23 final amendments (1998-1999) reviewed are identified
by a ★ at the beginning of each equivalent NRC regulation.]

Tracking Ticket Number: 0-182
Date: August 18, 2000

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Standards for Protection Against Radiation-Part 20	56 FR 23360 plus others (1/1/94)	1991-3	F-N	10/25/95	1/1/94
★Safety Requirements for Radiographic Equipment-Part 34	55 FR 843 (1/10/94)	1991-1	F-N	8/18/00	5/1/95
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2			Not required ³
★Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4	F-N	8/18/00	5/1/95
★Quality Management Program and Misadministrations-Part 35	56 FR 34104 (1/27/95)	1992-1	F-N	8/18/00	5/1/95
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions- Parts 30,35	57 FR 45566 (none)	1992-2			Not required ³
★Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2	F-N	8/18/00	8/1/98 (By reference)
★Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3	F-N	8/18/00	8/1/98
★Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	F-N	8/18/00	8/1/98
★Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70	58 FR 68726 59 FR 1618 (none)	1994-1	F-N	8/18/00	Not required ³ 8/1/98
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2			Not applicable to NC
★Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3	F-N	8/18/00	8/1/98
★Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767 59 FR 65243 60 FR 322 (1/1/98)	1995-1	F-N	8/18/00	8/1/98
★Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	F-N	8/18/00	8/1/98
★Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	F-N	8/18/00	4/1/99 (By reference)

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/Final-Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
*Performance Requirements for Radiography Equipment- Part 34(Superceded by 62FR28948)	60 FR 28323 (6/30/98)	1995-4	F-N	8/18/00	5/1/95
*Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	F-N	8/18/00	4/1/99
*Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6	F-N	8/18/00	4/1/99
*Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623 (10/20/98)	1995-7	F-N	8/18/00	5/1/95
*10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28724 (4/1/99)	1996-1	F-N	8/18/00	8/1/98 (By reference)
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required ³
*Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3	F-N	8/18/00	8/1/98
*Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65119 (1/9/00)	1997-1	F-N	8/18/00	8/1/98
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4			Not required ³
*Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662 (2/27/00)	1997-2	F-N	8/18/00	4/1/99 (By reference)
*Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3	F-N	8/18/00	8/1/98
*Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948 (6/27/00)	1997-5	F-N	8/18/00	4/1/99
*Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057 (8/20/00)	1997-6	F-N	8/18/00	4/1/99
*Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634 (1/02/01)	1997-7	F-N	8/18/00	4/1/99
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 150	63 FR 1890 63 FR 13773 (2/12/01)	1998-1			
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535 (none)	1998-2			Not required ³
License Term for Medical Use Licenses- Part 35	63 FR 31604 (none)	1998-3			Not required ³

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059 (7/9/01)	1998-4			
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477 63 FR 45393 (10/26/01)	1998-5			
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127 (11/20/01)	1998-6			
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506 (6/11/02)	1999-1			Not required in NC
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269 (none)	1999-2			Not required ³
Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543 64 FR 55525 (2/2/03)	1999-3			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications - Part 39	65 FR20337 (5/17/03)	2000-1			

1. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address. N means "No," there are no comments in the review letter.
2. Or other generic Legally Binding Requirement.
3. Not required means these regulations are not required for purposes of compatibility.