

October 5, 2000

Aubrey V. Godwin, Director  
Arizona Radiation Regulatory Agency  
4814 South 40th Street  
Phoenix, AZ 85040

Dear Mr. Godwin:

As requested, we have reviewed the proposed revisions to Arizona regulations, Article 1, General Provisions; Article 3, Radioactive Material Licensing; Article 4, Standards for Protection Against Ionizing Radiation; Article 5, Industrial Radiographic Operations and Article 7, Use of Radionuclides in the Healing Arts, dated June 2, 2000. The proposed regulations are in response to the four amendments identified in the enclosed Regulation Assessment Tracking System (RATS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 20, 34 and 35. We also discussed our review of the regulations with Daniel Kuhl on July 24, 2000.

As a result of our review, we have 5 comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted, incorporating the comments and without other 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.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in STP Procedure SA-201, *Review of State Regulations*, November 10, 1998, please highlight the final changes and send one copy in a computer readable format, if possible.

We have also summarized on the RATS Data Sheet our knowledge of the status of other Arizona 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 categories, or any of the NRC regulations used in the review, please contact me or Vivian Campbell of the Region IV staff at (817) 860-8143 or email: VHC@NRC.GOV.

Sincerely,

***/RA By Lance J. Rakovan Acting for/***

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

Enclosures:  
As stated

Aubrey V. Godwin

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October 5, 2000

Distribution:  
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DCD (SP08)  
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NAME	VHCampbell:pc/gd	SNSalomon	STreby (BySHLewis)	FCombs
DATE	9/13/00	9/13/00	9/26/00	9/13/00 By LABolling 10/5/00 By LJRakovan

**STP-AG-2**

**COMMENTS ON PROPOSED ARIZONA REGULATIONS  
AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES**

State Regulation	NRC Regulation	RATS ID	Category	Subject and Comments
R12-1-102	10 CFR 34.2	1997-5	B  C	<p>Definitions</p> <p>The following definitions were omitted:</p> <p>associated equipment, certifying entity, collimator, control (drive) cable, control drive mechanism, control tube, exposure head, guide tube (protection sheath), independent certifying organization, source assembly;</p> <p>annual refresher safety training, hands-on experience, practical examination, radiographic operations;</p> <p>Unless the missing definitions are adopted, the regulation would not meet the compatibility category.</p>
R12-1-439 subsection (D)(3)(a) (viii)	Appendix G to 10 CFR Part 20	1995-3	B	<p>Transfer for Disposal and Manifests</p> <p>The word “not” was omitted from the following paragraph.</p> <p>“For any shipment or any portion of a shipment for which acknowledgment of receipt is “<u>not</u>” received within the times in this Section, conduct an investigation in accordance with subsection (E)(3)(e).”</p> <p>Unless the missing word is adopted, the regulation would not meet the compatibility category.</p>
R12-1-501	10 CFR 34.21	1997-5	B	<p>Limits on Levels of Radiation for Radiographic Exposure Devices and Storage Containers</p> <p>R12-1-501 requires limiting levels of radiation on exposure devices and storage containers. The equivalent NRC regulation in 10 CFR 34.21 requires limiting levels of radiation on storage containers and source changers. Regulatory requirements for limiting levels of radiation on exposure devices are found in 10 CFR 34.20 and the equivalent State regulation R12-1-502.</p> <p>Consequently, R12-1-501 should be amended to be essentially identical to §34.21 to meet the compatibility category.</p>

R12-1-502 subsection (C)	10 CFR 34.20	1997-5	B	<p>Radiographic Equipment Standards and Equipment Failure Notification</p> <p>R12-1-502 requires radiographic exposure devices, sealed sources and all associated equipment to meet the requirements specified in ANSI Publication N43.9-1991 (previously N432-1980). The equivalent NRC regulation in 10 CFR 34.20 specifies the 1980 ANSI N432 standard. Most new camera models and their basic associated equipment were registered as part of the gamma radiography system as described in ANSI N432-1980 (Consolidated Guidance re Industrial Radiography, Appendix F: Information Notice 96-20, April 4, 1996). ANSI N43.9-1991 is in the process of being revised so that it will be acceptable to NRC and the Agreement States.</p> <p>R12-1-502 should be amended to be essentially identical to §34.20 to meet the compatibility category.</p>
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State Regulation	NRC Regulation	RATS ID	Category	Subject and Comments
R12-1-533	10 CFR 34.49	1997-5	C	<p>Radiation Surveys and Survey Records</p> <p>The requirement to conduct a survey of the radiographic exposure device any time the source is exchanged was omitted.</p> <p>Consequently, R12-1-533 should be amended to incorporate the essential objectives of the text of 10 CFR 34.49(c).</p>

**REGULATION ASSESSMENT TRACKING SYSTEM**  
**RATS DATA SHEET**

**State: ARIZONA**

Four proposed amendments 6/2/00 reviewed are identified by a ★ at the beginning of each equivalent NRC regulation.]

**Tracking Ticket Number: 0-155**

**Date: October 5, 2000**

<b>NRC Chronology Identification</b>	<b>FR Notice (State Due Date)</b>	<b>RATS ID</b>	<b>Proposed/ Final-Comment (Y/N)<sup>1</sup></b>	<b>NRC Review Date</b>	<b>Final State Regulation<sup>2</sup> (Effective Date)</b>
★Standards for Protection Against Radiation-Part 20	56 FR 23360 plus others (1/1/94)	1991-3	F-N P-N	9/22/97 10/5/00	8/10/94
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843 (1/10/94)	1991-1			8/10/94
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2			Not required <sup>3</sup>
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4			6/13/97
Quality Management Program and Misadministrations-Part 35	56 FR 34104 (1/27/95)	1992-1	P-N	1/15/99	License Condition
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566 (none)	1992-2	P-N	1/15/99	Not required <sup>3</sup>
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2			Not applicable SECY-95-112 <sup>4</sup>
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3			Not applicable SECY-95-112 <sup>4</sup>
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1			License Condition
Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70	58 FR 68726 59 FR 1618 (none)	1994-1			Not required <sup>3</sup>
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2			Not Applicable to AZ
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3			
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	P-N	1/15/99	
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2			License Condition
★Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	P-Y	10/5/00	
Performance Requirements for Radiography Equipment- Part 34	60 FR 28323 (6/30/98)	1995-4			

<b>NRC Chronology Identification</b>	<b>FR Notice (State Due Date)</b>	<b>RATS ID</b>	<b>Proposed/ Final-Comment (Y/N)<sup>1</sup></b>	<b>NRC Review Date</b>	<b>Final State Regulation<sup>2</sup> (Effective Date)</b>
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5			
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6			
★Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623 (10/20/98)	1995-7	P-N	10/5/00	
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28723 (4/1/99)	1996-1			
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required <sup>3</sup>
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3			
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120 (1/9/00)	1997-1			
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4			Not required <sup>3</sup>
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			
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3	P-N	1/15/99	
★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	P-Y	10/5/00	
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058 (8/20/00)	1997-6			
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634 (1/02/01)	1997-7			
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 <sup>3</sup>
License Term for Medical Use Licenses-Part 35	63 FR 31604 (none)	1998-3			Not required <sup>3</sup>

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N) <sup>1</sup>	NRC Review Date	Final State Regulation <sup>2</sup> (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			
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 <sup>3</sup>
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.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.