

February 27, 2002

Mr. Thomas E. Hill, Manager  
Radioactive Materials Program  
Department of Natural Resources  
4244 International Parkway, Suite 114  
Atlanta, GA 30354

Dear Mr. Hill:

We have reviewed the proposed Georgia regulations, Rules and Regulations for Radioactive Materials, Chapter 391-3-17, which were dated October 16, 2001, resubmitted electronically with changes on December 10, 2001. The proposed regulations were in Section .01, General Provisions; Section .02, Licensing of Radioactive Material; Section .03, Standards for Protection Against Radiation; Section .04, Special Radiation Safety Requirements for Industrial Radiographic Operations; Section .05, Use of Radionuclides in the Healing Arts; Section .06, Transportation of Radioactive Material; Section .07, Notices, Instructions, and Reports To Workers; Section .09, Licensing and Radiation Safety Requirements for Irradiators; and Section .11, Administration. The proposed regulations are in response to the 16 amendments identified in the enclosed State Regulation Status (SRS) Data Sheet, and proposed amendments to 10 CFR Part 35.

On December 18, 2001, Mr. Woodruff of our Region II office discussed his preliminary review with you, and during the discussion it was noted that the provisions of Section .02 concerning general licenses (GL) are matters of compatibility. Specifically, 65 FR 79162, published December 18, 2000, effective, February 16, 2001, modified requirements for general licensees and for distributors of GL devices. An early compatibility requirement was to be implemented by Agreement States by August 15, 2001. Much of the remainder of the rule revision was compatibility Category B. NRC recommends that Georgia incorporate the compatibility requirements for the entire GL rule amendment at the State's earliest convenience but not to exceed the implementation deadline of February 2, 2004.

As a result of our review, we have ten comments and three editorial suggestions that have been identified in the enclosures. Please note that we 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 criteria 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 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 to STP.

The SRS Data Sheet summarizes our knowledge of the status of other Georgia regulations as indicated. This letter including the SRS Data Sheet is posted on the STP Web Site: <http://www.hsrdo.org/nrc/rulemaking.htm>. 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 NRC Region II's office at (404) 562-4704 or [RLW@nrc.gov](mailto:RLW@nrc.gov).

Sincerely,

**/RA/**

Josephine M. Piccone, Deputy Director  
Office of State and Tribal Programs

Enclosures:  
As stated

Distribution:

DIR RF [1-205]

DCD (SP06) PDR (YES ✓)

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Georgia File

Response to Incoming Documents: ML012910332, ML020110402

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NAME	RWoodruff:kk		JZabko		JLieberman		JMPiccone	
DATE	12/18/01		12/27/02		02/13/02		02/27/02	

ML020590140

STP-AG-7

COMMENTS ON PROPOSED GEORGIA REGULATIONS  
AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES

State Regulation	NRC Regulation	RATS ID	Category	Subject and Comments
391-3-17-.04(13)(e)	Part 34.35	1997-5	B	Vehicle Labeling During Transport  This additional requirement [(13)(e)] makes the regulation more restrictive than 10 CFR 34.35.
391-3-17-.04(14)(c)	Part 34.41	1997-5	B	Radiation Safety Requirements  This additional requirement [(14)(c)] makes the regulation more restrictive than 10 CFR 34.41.
391-3-17-.04(17)5&8	Part 34.45	1997-5	C	Operating & Emergency Procedures  The last phrase in item 5 is not needed with the addition of item 8.
.03(2)(d)	20.1003	1999-3	A	<u>Definition: "Annual Limit on Intake"</u>  Georgia should delete the phrase "exclusive of subsequent amendments or additions" at the end of its definition.
.03(8)(b)(1)(ii)	20.1502(a)(2)	1999-3	D/H&S	<u>Conditions Requiring Individual Monitoring of External and Internal Occupational Dose</u>  The State regulation does not specify the deep dose equivalent above which minors must be monitored for occupational exposure.
.03(5)(h)4	20.1208(d)	1998-5	A	<u>Dose Equivalent to an Embryo/Fetus</u>  The 0.45 rem dose equivalent is more restrictive than the 0.50 rem dose equivalent found in NRC regulations.
.05(6)(k)	35.32	(none)	D/H&S	<u>Quality Management Program</u>  Georgia does not allow use of an oral directive or revision in emergencies.

.05(7)(g)(4), (7)	35.59(d), (g)	(none)	D/H&S	<u>Requirement for Possession of Sealed Sources</u>  The objectives of this section include the safe maintenance of sources and the prevention of accidental exposures caused by leakage. To meet these objectives, sources must be periodically tested for leaking and the data from those tests must be recorded. The name of the person conducting the test and the methodology used must also be recorded to ensure the reliability and accountability.
.05(15)(r)	35.641	(none)	D/H&S	<u>Radiation Surveys for Teletherapy Facilities</u>  The State regulation does not indicate what methods must be used to conduct the survey. It also omits the requirement that a teletherapy source be locked in the off position and not used if excessive dosages are measured.
.05(15)(n)	35.636	(none)	D/H&S	<u>Safety Checks for Teletherapy Facilities</u>  Georgia has deleted this section from its regulations.

## **Editorial Comments**

1. Georgia Rule .03(7)(a)(2); .03(7)(e): State needs to insert the effective date.
2. Georgia Rule .05(2)(d)(1): "Specialist" should read "Specialties."
3. Georgia Rule .05(7)(c)(2), (3): State should add the words "The licensee shall" for clarity.

## STATE REGULATION STATUS

**State: Georgia**

**[16 amendments reviewed are identified by a ★  
at the beginning of each equivalent NRC regulation.]**

**Tracking Ticket Number: 1-205**

**Date: February 27, 2002**

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) <sup>1</sup> Rule / ML # <sup>5</sup>	NRC Review / Y, N <sup>2</sup> / Date / ML # <sup>5</sup>	Final State Regulation <sup>1</sup> (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F		5/22/91
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required <sup>3</sup>
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3	F	N 10/7/97	
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4			3/16/94
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	F		3/16/94
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions- Parts 30,35	57 FR 45566; (none)	1992-2			Not required <sup>3</sup>
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1			3/16/94
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2			3/16/94
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>
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618 (none)	1994-1	F	N 9/25/98	Not required <sup>3</sup> 5/6/97
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			No Licenses
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	P	N 9/25/98	10/24/94

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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 9/25/98	10/24/94
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2	F	N 9/25/98	10/24/94
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983 (3/1/98)	1995-3	F	N 9/25/98	3/16/94
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4	F	N 3/16/94	3/16/94
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	F	N 9/25/98	5/6/97
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	F	N 9/25/98	5/6/97
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7	F	N 9/25/98	5/6/97
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 62 FR 28724 (4/1/99)	1996-1	F	N 9/25/98	5/6/97
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	P ML012910332 ML020110402	N 2/27/02 ML020590140	
★Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act- Part 20	61 FR 65120; (1/9/00)	1997-1	P ML012910332 ML020110402	N 2/27/02 ML020590140	
★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	P ML012910332 ML020110402	N 2/27/02 ML020590140	
★Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	P ML012910332 ML020110402	N 2/27/02 ML020590140	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required <sup>3</sup>



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★Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5	P ML012910332 ML020110402	Y 2/27/02 ML020590140	
★Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6	P ML012910332 ML020110402	N 2/27/02 ML020590140	
★Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	P ML012910332 ML020110402	N 2/27/02 ML020590140	
★Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1	P ML012910332 ML020110402	N 2/27/02 ML020590140	
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>
★Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	P ML012910332 ML020110402	N 2/27/02 ML020590140	
★Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393 (10/26/01)	1998-5	P ML012910332 ML020110402	Y 2/27/02 ML020590140	
★Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	P ML012910332 ML020110402	N 2/27/02 ML020590140	
★Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1	P ML012910332 ML020110402	N 2/27/02 ML020590140	
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>

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★Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524 (2/2/03)	1999-3	P ML012910332 ML020110402	Y 2/27/02 ML020590140	
★Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	P ML012910332 ML020110402	N 2/27/02 ML020590140	
★New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	P ML012910332 ML020110402	N 2/27/02 ML020590140	
★Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	P ML012910332 ML020110402	N 2/27/02 ML020590140	

1. Or other generic Legally Binding Requirements.
2. (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.
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.
5. ADAMS ML Number