

November 20, 2003

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

Dear Mr. Godwin:

As requested, we have reviewed the final amendments to the Arizona regulations contained in rule packages RMP-0052, RMP-0056, RMP-0057 and the online Arizona rules located at [http://www.sosaz.com/public\\_services/Title\\_12/12-01.htm](http://www.sosaz.com/public_services/Title_12/12-01.htm). The rules were received by our office on September 20, 2003. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) regulations in 10 CFR Parts 19, 20, 34, 35, 36, 39, 40, 70 and the requirements of the thirteen amendments identified in the enclosed States Regulation Status Data Sheet (SRS). We discussed our review of the regulations with Dan Kuhl on November 14, 2003.

As a result of our review, we have three comments, as enclosed. However, we could not review all of the amendments requested by the State because of the following items.

1. The State requested review of amendment 1996-1, "10CFR71 Compatibility with the International Atomic Energy Agency - Part 71". This amendment added the entire 10CFR71 chapter to the 10CFRs. In order for the NRC to review this amendment, the State needs to submit its entire Part 71 equivalent rules. In this submission, only the changes were submitted and the other rule text was marked "no change". The NRC has not previously reviewed this section and therefore the items marked "no change" also need to be supplied. Please send a request for review of this amendment and include all of the Part 71 equivalent rule text both existing and the new changes.
2. In the State's supplemental information for this review, the State has marked amendment 1997-2 "Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150" as "NRC only", and did not supply any amended rule text. This amendment is a matter of compatibility for the Agreement States and needs to be adopted. We have provided a summary of change document for this amendment to aid in your adoption. You will find information on what rule text changed in 10CFR150 and the compatibility designation of the change. Please resubmit this amendment for review when the State has incorporated the rule text.

Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that the regulations, as adopted, meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

The SRS Data Sheet summarizes our knowledge of the status of other Arizona regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the STP website: <http://www.hrsd.ornl.gov/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 John Zabko of my staff at (301)415-2308 or JGZ@NRC.GOV.

Sincerely,

***/RA By K.Schneider For/***

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

Enclosures:  
As stated

The SRS Data Sheet summarizes our knowledge of the status of other Arizona regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the STP website: <http://www.hrsd.ornl.gov/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 John Zabko of my staff at (301)415-2308 or JGZ@NRC.GOV.

Sincerely,

*/RA By K.Schneider For/*

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

Enclosures:  
As stated

Distribution:  
DIR RF (3-227)  
LBolling ASPO  
Arizona File

DCD (SP08) PDR (YES)  
VCampbell, RIV  
Response to Incoming Document: **ML032750051**

DOCUMENT NAME: G:\JGZ\Arizona\3 227.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	STP		OGC		STP:DD	
NAME	JZabko		STreby		JMPiccone	
DATE	11/03/03*		11/13/03*		11/20/03*	

**ML033240189**

**OFFICIAL RECORD COPY**

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

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	180-3-018	70.25	1995-6	<p><b>D, except (a) is NRC and paragraphs (b),(d) &amp; (g) are H&amp;S</b></p> <p><b>Financial Assurance and Recordkeeping for Decommissioning (Special Nuclear Material)</b></p> <p>The State has omitted the applicable requirements for Special Nuclear Materials.</p> <p>The State needs to include these requirements to meet compatibility.</p>
2	R12-1-102	20.1003	1998-5	<p><b>A</b></p> <p><b>Definitions: Lens Dose Equivalent (LDE)</b></p> <p>The State has omitted this definition</p> <p>The State needs to include this definition to meet compatibility.</p>
3	R12-1-102	20.1003	1998-5	<p><b>A</b></p> <p><b>Definitions: Very High Radiation Area</b></p> <p>The State has omitted this definition</p> <p>The State needs to include this definition to meet compatibility.</p>

**STATE REGULATION STATUS**

**State: ARIZONA**

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

**Tracking Ticket Number: 3-227**

**Date: November 20, 2003**

<b>NRC Chronology Identification</b>	<b>FR Notice (Due Date for State Implementation)</b>	<b>RATS ID</b>	<b>Proposed (P) / Final (F)<sup>1</sup> Rule / ML #<sup>5</sup></b>	<b>NRC Review / Y, N<sup>2</sup> / Date / ML #<sup>5</sup></b>	<b>Final State Regulation<sup>1</sup> (Effective Date)</b>
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>
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 P	N 9/22/97 N 10/5/00	8/10/94
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>
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
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>
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	F ML032750051	N 11/20/03 ML033240189	
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-	59 FR 61767;	1995-1	P	N 1/15/99ML	

NRC Chronology Identification	FR Notice (Due Date for State Implementation)	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)
Parts 30, 32, 35	59 FR 65243; 60 FR 322; (1/1/98)				
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	F ML032750051	N 11/20/03 ML033240189	
★ Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	F ML032750051	N 11/20/03 ML033240189	
★ Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	F ML032750051	Y 11/20/03 ML033240189	
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 28724; (4/1/99)	1996-1	F ML032750051	Y 11/20/03 ML033240189	
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	F ML032750051	N 11/20/03 ML033240189	
★ Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1	F ML032750051	N 11/20/03 ML033240189	
★ 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 ML032750051	Y 11/20/03 ML033240189	
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	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required <sup>3</sup>
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 ML032930364	N	
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6	P ML032930364	N	

NRC Chronology Identification	FR Notice (Due Date for State Implementation)	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)
★ Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	F ML032750051	N 11/20/03 ML033240189	
★ Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1	F ML032750051	N 11/20/03 ML033240189	
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	F ML032750051	N 11/20/03 ML033240189	
★ Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5	F ML032750051	Y 11/20/03 ML033240189	
★ Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	F ML032750051	N 11/20/03 ML033240189	
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 55524; (2/2/03)	1999-3	F ML032930364	N	
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	F ML032930364	N	
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2			
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1			
Revision of the Skin Dose Limit -Part 20	67 FR 16298; 4/5/05	2002-1			
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; 10/24/05	2002-2			

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