May 3, 2005

Mr. Mike Broderick
Environmental Program Manager
Radiation Management Section
Land Protection Division
Oklahoma Department of Environmental Quality
P. O. Box 1677
Oklahoma City, OK 73101-1677

Dear Mr. Broderick:

We have reviewed the proposed changes to the Oklahoma regulations, Title 252, Chapter 410 *"Radiation Management"*, received by our office on March 22, 2005. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 20, 32, and 35, and the requirements of the two amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Dale McHard of your staff on April 25, 2005.

As a result of our review, we have no comments. 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 the Oklahoma 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 Oklahoma regulation. However, we have determined that if this regulation is adopted without significant change, it 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 regulation is adopted and published as a final regulation, a copy of the "as published" regulation be provided to the NRC for review.

The SRS Data Sheet summarizes our knowledge of the status of other Oklahoma regulations. 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.hsrd.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 Kevin Hsueh of my staff at (301) 415-2598 or KPH@NRC.GOV.

Sincerely,

\RA By

Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosure:
As stated

May 3, 2005

Mr. Mike Broderick
Environmental Program Manager
Radiation Management Section
Land Protection Division
Oklahoma Department of Environmental Quality
P. O. Box 1677
Oklahoma City, OK 73101-1677

Dear Mr. Broderick:

We have reviewed the proposed changes to the Oklahoma regulations, Title 252, Chapter 410 *"Radiation Management"*, received by our office on March 9, 2005. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 20, 32, and 35, and the requirements of the two amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Dale McHard of your staff on April 25, 2005.

As a result of our review, we have no comments. 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 the Oklahoma 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 Oklahoma regulation. However, we have determined that if this regulation is adopted without significant change, it 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 regulation is adopted and published as a final regulation, a copy of the "as published" regulation be provided to the NRC for review.

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Sincerely,

\RA By

Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosure: As stated

SISP Review Complete
: Publicly Available ☐ Non-Publicly Available
: Non-Sensitive ☐ Sensitive

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STATE REGULATION STATUS

State: Oklahoma

[Two amendments reviewed are identified by a i at the beginning of each equivalent NRC regulation]

Tracking Ticket Number: 5-88

Date: May 3 , 2005

NRC Chronology Identification	FR Notice (Date Due for State Implementation))	RATS ID	Proposed (P) / Final (F)[1] Rule / ML #[5]	NRC Review / Y, N[2] / Date / ML #[5]	Final State Regulation[1] (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1		9/16/99	9/29/00
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required[3]
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		5/20/97	9/29/00
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4		9/16/99	9/29/00
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1		9/16/99	9/29/00
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566; (none)	1992-2			Not required[3]
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1		9/16/99	9/29/00
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2			Not applicable SECY-95-112[4]
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			Not applicable SECY-95-112[4]
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618 (none)	1994-1			Not required[3]
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			Not applicable to OK
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3		9/16/99	9/29/00
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		9/16/99	9/29/00
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2		5/20/97	9/29/00

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Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983 (3/1/98)	1995-3		9/16/99	9/29/00
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4		9/16/99	9/29/00
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5		9/16/99	9/29/00
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6		9/16/99	9/29/00
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48624; (10/20/98)	1995-7		9/16/99	9/29/00
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50247; 62 FR 28724 (4/1/99)	1996-1		9/16/99	9/29/00
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		9/16/99	9/29/00
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1		5/20/97	9/29/00
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		9/16/99	9/29/00
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3		9/16/99	9/29/00
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required[3]
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		9/16/99	9/29/00
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6		9/16/99	9/29/00
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, 71, 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 (Date Due for State Implementation))	RATS ID	Proposed (P) / Final (F)[1] Rule / ML #[5]	NRC Review / Y, N[2] / Date / ML #[5]	Final State Regulation[1] (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[3]
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524 (2/2/03)	1999-3	P ML020390195	N 3/12/02 ML020720540	
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	P ML020390195	N 3/12/02 ML020720540	
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	P ML020390195	N 3/12/02 ML020720540	
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1			
i Revision of the Skin Dose Limit-Part 20	67 FR 16298; (4/5/05)	2002-1	P ML050810541	N 5/3/05 ML051240009	
i Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; (4/24/05)	2002-2	P ML050810541	N 5/3/05 ML051240009	

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 the regulation. See: “Final Policy Statement on Adequacy and Compatibility of Agreement State Programs,” III.1.Time From For Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.

5. ADAMS ML Number.