



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 19, 1980

Eula Bingham, Ph.D.
Assistant Secretary for Occupational
Safety and Health
U.S. Department of Labor
Washington, D. C. 20210

Dear Dr. Bingham:

Under section 274 of the Atomic Energy Act, as amended, the U.S. Nuclear Regulatory Commission is authorized to transfer to States, through an agreement, some of its regulatory authority over byproduct, source, and special nuclear materials. Before entering into an agreement, the Commission must find that the State has a program which is adequate to protect the public health and safety and compatible with the Commission's regulatory program.

Former AEC Chairman Seaborg's letter of May 2, 1965, to then Secretary Willard Wirtz, informed the Department of Labor of the Commission's plans to make formal annual redeterminations of the adequacy and compatibility of regulatory programs of the Agreement States. The letter also stated that we would keep the Department of Labor advised of compatibility determinations by the Commission as to new Agreement States, and of our annual redeterminations of continuing compatibility.

The review of the regulatory programs of the 25 Agreement States (Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Carolina, Tennessee, Texas, and Washington) for calendar year 1979 has been completed. With respect to the adequacy of the Agreement State programs to protect the public health and safety, the programs of all 25 Agreement States were determined to be adequate for calendar year 1979.

With respect to compatibility, twenty-four States have programs which are considered to be compatible for purposes of reporting to the U.S. Department of Labor (OSHA) as follows: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Carolina, Tennessee, Texas, and Washington.

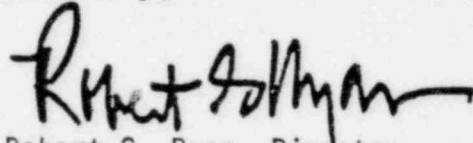
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For calendar year 1979, we could not make a determination of compatibility for Nevada because the State had not acted to adopt regulations equivalent to 10 CFR Part 19. We noted that Nevada already had requirements in its regulations concerning training and instruction in radiation safety and notices to employees which corresponded to the requirements which were formerly contained in 10 CFR Part 20 prior to adoption of 10 CFR Part 19. Nevada had committed to act to adopt regulations equivalent to 10 CFR Part 19 in 1979, however, its regulations did not become effective until February 28, 1980.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Ryan". The signature is written in a cursive style with a long horizontal flourish at the end.

Robert G. Ryan, Director
Office of State Programs