

Paul J. Merges, Ph.D., Chief
Bureau of Pesticides and Radiation
Division of Solid and Hazardous Material
Department of Environmental Conservation
50 Wolf Road, Room 402
Albany, New York 12233-7255

NOV 06 1997

Dear Dr. Merges:

Given the significance of the revised 10 CFR Part 20 rule to both NRC and Agreement State programs, NRC undertook a review of all Agreement State final Part 20 equivalent rules for compatibility with 10 CFR Part 20. The review was conducted as a two step process. The first step involved a review by Oak Ridge National Laboratory (ORNL), under contract with NRC, to identify any differences or inconsistencies between 10 CFR Part 20 and each Agreement State equivalent rule. A copy of the two volume ORNL report, dated November 16, 1995, documenting its staff review of the New York State Department of Environmental Conservation 10 CFR Part 20 equivalent rule, is enclosed for your information and use (Enclosure 1). NRC staff first evaluated the ORNL report to determine if any potentially significant health and safety issues were identified that required immediate attention. If there were none, NRC staff then conducted, as resources permitted, a detailed review of the differences and inconsistencies identified by ORNL for compatibility and adequacy issues that should be brought to your attention for routine action.

The NRC review focused on those provisions of the New York State Department of Environmental Conservation rule that should be adopted in accordance with the new adequacy and compatibility policy statement approved by the Commission by Staff Requirements Memorandum dated June 30, 1997 (Enclosure 2 describes the new compatibility categories). The NRC review concluded that the New York State Department of Environmental Conservation 10 CFR Part 20 equivalent rule meets the compatibility and health and safety categories of the new policy.

If you have any questions regarding the compatibility criteria, the NRC regulations used in the review, or the Oak Ridge report, please contact me at (301) 415-2326 or Dr. Stephen N. Salomon of my staff at (301) 415-2368 or INTERNET: SNS@NRC.GOV.

Sincerely, **Original Signed By:**
PAUL H. LOHAUS

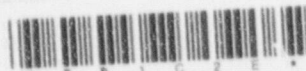
Paul H. Lohaus, Deputy Director
Office of State Programs

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Dear Dr. Merges:

Given the significance of the revised 10 CFR Part 20 rule to both NRC and Agreement State programs, NRC undertook a review of all Agreement State final Part 20 equivalent rules for compatibility with 10 CFR Part 20. The review was conducted as a two step process. The first step involved a review by Oak Ridge National Laboratory (ORNL), under contract with NRC, to identify any differences or inconsistencies between 10 CFR Part 20 and each Agreement State equivalent rule. A copy of the two volume ORNL report, dated November 16, 1995, documenting its staff review of the New York State Department of Environmental Conservation 10 CFR Part 20 equivalent rule, is enclosed for your information and use (Enclosure 1). NRC staff first evaluated the ORNL report to determine if any potentially significant health and safety issues were identified that required immediate attention. If there were none, NRC staff then conducted, as resources permitted, a detailed review of the differences and inconsistencies identified by ORNL for compatibility and adequacy issues that should be brought to your attention for routine action.

The NRC review focused on those provisions of the New York State Department of Environmental Conservation rule that should be adopted in accordance with the new adequacy and compatibility policy statement approved by the Commission by Staff Requirements Memorandum dated June 30, 1997 (Enclosure 2 describes the new compatibility categories). The NRC review concluded that the New York State Department of Environmental Conservation 10 CFR Part 20 equivalent rule meets the compatibility and health and safety categories of the new policy.

If you have any questions regarding the compatibility criteria, the NRC regulations used in the review, or the Oak Ridge report, please contact me at (301) 415-2326 or Dr. Stephen N. Salomon of my staff at (301) 415-2368 or INTERNET: SNS@NRC.GOV.

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Division of Solid and Hazardous Material
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Dear Dr. Merges:

Given the significance of the revised 10 CFR Part 20 rule to both NRC and Agreement State programs, NRC undertook a review of all Agreement State final Part 20 equivalent rules for compatibility with 10 CFR Part 20. The review was conducted as a two step process. The first step involved a review by Oak Ridge National Laboratory (ORNL), under contract with NRC, to identify any differences or inconsistencies between 10 CFR Part 20 and each Agreement State equivalent rule. A copy of the two volume ORNL report, dated November 15, 1995, documenting its staff review of the New York State Department of Environmental Conservation 10 CFR Part 20 equivalent rule, is enclosed for your information and use (Enclosure 1). The second part of the review was conducted by NRC staff and consisted of a review of the differences and inconsistencies identified by ORNL for compatibility and adequacy significance.

The NRC review focused on those provisions of the New York State Department of Environmental Conservation rule that are required for compatibility or health and safety under the new adequacy and compatibility policy statement approved by the Commission by Staff Requirements Memorandum dated June 30, 1997 (Enclosure 2 describes the new compatibility categories). The NRC review concluded that the New York State Department of Environmental Conservation 10 CFR Part 20 equivalent rule meets the compatibility and health and safety categories of the new policy.

If you have any questions regarding the compatibility criteria, the NRC regulations used in the review, or the Oak Ridge report, please contact me at (301) 415-2326 or Dr. Stephen N. Salomon of my staff at (301) 415-2368 or INTERNET: SNS@NRC.GOV.

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 6, 1977

Paul J. Merges, Ph.D., Chief
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Division of Solid and Hazardous Material
Department of Environmental Conservation
50 Wolf Road, Room 402
Albany, New York 12233-7255

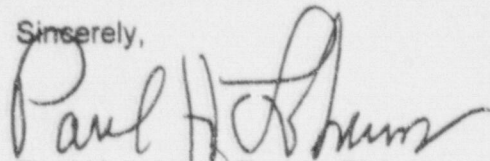
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Paul H. Lohaus, Deputy Director
Office of State Programs

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Compatibility Category and H&S Identification
for NRC Regulations

Key to categories:

- A = Basic radiation protection standard or related definitions, signs, labels or terms necessary for a common understanding of radiation protection principles. The State program element should be essentially identical to that of NRC.
- B = Program element with significant direct transboundary implications. The State program element should be essentially identical to that of NRC.
- C = Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed need not be the same as NRC provided the essential objectives are met.
- D = Not required for purposes of compatibility.
- NRC = Not required for purposes of compatibility. These are NRC program element areas of regulation that cannot be relinquished to Agreement States pursuant to the AEA or provisions of Title 10 of the Code of Federal Regulations. The State should not adopt these program elements.
- H&S = Program elements identified as H&S are not required for purposes of compatibility; however, they do have particular health and safety significance. The State should adopt the essential objectives of such program elements in order to maintain an adequate program.

ENCLOSURE 2