

May 13, 2008

Gary Butner, Acting Branch Chief
Radiologic Health Branch
Division of Food, Drug, and Radiation Safety
CA Department of Health Services
P.O. Box 997414, MS-7610
Sacramento, CA 95899-7414

Dear Mr. Butner:

We have reviewed the California license conditions that were submitted to address the Increased Controls and the Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material received by our office on April 18, 2008 and May 5, 2008. These license conditions were reviewed by comparison to the equivalent NRC Orders EA-05-090 and EA-07-305 and the requirements of the two amendments identified in the enclosed State=s Regulation Status (SRS) Data Sheet. We discussed our review of the license conditions with Philip Scott on May 12, 2008.

As a result of our review, we have no comments. We have determined that the California license conditions meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure [SA-200](#).

The SRS Data Sheet summarizes our knowledge of the status of other California regulations and legally binding requirements, 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 FSME website:
<http://www.hsr.doe.gov/nrc/rulemaking.htm>.

If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider, State Regulation Review Coordinator at (301) 415-2320 (email: kathleen.schneider@nrc.gov) or Monica Orendi at (301) 415-3938 (email: monica.orendi@nrc.gov).

Sincerely,

James G. Luehman, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures:
As stated

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James G. Luehman, Deputy Director
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Office of Federal and State Materials and
Environmental Management Programs

Enclosures: As stated

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| NAME | MOrendi | KSchneider | BJones | DWhite | JLuehman |
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STATE REGULATION STATUS

State: California

Tracking Ticket Number: 8-51

[2 amendment(s) reviewed is identified by a 1
at the beginning of the equivalent NRC requirement.]

Date: May 13, 2008

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Package | Outgoing Package | Notes |
|---------|--|-----------------------------|----------------------------------|--|--|
| 1991-1 | Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5) | 01/10/1994 | Proposed ML051580164 | No Comments 10/13/2005 ML052870320 | Partial Submittal-only requirements of Part 34 reviewed California has not yet adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-2 | ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5) | none | Not Required | Not Required | California has not yet adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-3 | 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; | 01/01/1994 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1991-4 | Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980; | 10/15/1994 | Final | No Comments 04/01/1998 | |
| 1992-1 | Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2) | 01/27/1995 | | | California has not yet adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566 | none | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1993-1 | Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628 | 10/25/1996 | Final ML022140223 | Comments 08/22/2002 ML022350054 | |
| 1993-2 | Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715 | 07/01/1996 | License Condition ML051670371 | No Comments 07/01/2005 ML051810407 | |

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|---------|---|-----------------------------|-----------------------------|--|--|
| 1993-3 | Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886 | 07/22/1996 | Not Applicable ¹ | Not Applicable | California does not have any licensees subject to these regulations (See SECY-95-112) |
| 1994-1 | Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618 | none | Final | No Comments 04/01/1998 | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1994-2 | Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220 | 07/01/1997 | Not Applicable | Not Applicable | California does not have authority to regulate this material under its Agreement. |
| 1994-3 | Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026 | 08/15/1997 | | | |
| 1995-1 | 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 | 01/01/1998 | Final | No Comments 11/16/1999 | |
| 1995-2 | Frequency of Medical Examinations for Use of Respiratory Protection Equipment | 03/13/1998 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1995-3 | Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983 | 03/01/1998 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1995-4 | Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5) | 06/30/1998 | Proposed ML051580164 | No Comments 06/30/2005 ML051810453 | California has not yet adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1995-5 | Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038 | 08/14/1998 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1995-6 | Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235 | 11/24/1998 | Final | No Comments 04/01/1998 | |

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|---------|---|-----------------------------|----------------------|--|---|
| 1995-7 | Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2) | 10/20/1998 | | | California has not yet adopted Final Regulations equivalent to RATS IDs: 2002-2 and 2005-2. |
| 1996-1 | Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1) | 04/01/1999 | | | California has not yet adopted Final Regulations equivalent to RATS ID: 2004-1. |
| 1996-2 | One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109 | 02/15/1999 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1996-3 | Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669 | 06/17/1999 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1997-1 | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120 | 01/9/2000 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1997-2 | Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662 | 02/27/2000 | Final ML022140223 | Comments 08/22/2002 ML022350054 | |
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120 | 05/29/2000 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1997-4 | Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superceded by 2004-1) | 02/10/2000 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078) |

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|---------|---|-----------------------------|--|--|---|
| 1997-5 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947 | 06/27/2000 | Proposed ML051580164 | Comments 10/13/2005 ML052870320 | |
| 1997-6 | Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057 | 08/20/2000 | | | This regulation was previously reviewed and found acceptable (See NRC letter ML 020780186), however it was repealed on August 8, 2002, and CA is currently terminating licenses on a case by case basis |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634 | 01/02/2001 | Proposed ML060250530 ML061360365 | No Comments 06/19/06 ML061700392 | |
| 1998-1 | Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, | 02/12/2001 | Final ML060340073 | No Comments 03/09/2006 ML060670437 | |
| 1998-2 | Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535 | 07/01/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1998-3 | License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2) | 07/10/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) |
| 1998-4 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059 | 07/09/2001 | Proposed ML051670371 | Comments 10/13/2005 ML052870320 | |
| 1998-5 | Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 35, 36 63 FR 39477; 63 FR 45393 | 10/26/2001 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1998-6 | Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127 | 11/20/2001 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |

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|---------|--|-----------------------------|---|--|---|
| 1999-1 | Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506 | 06/11/2002 | Not Applicable | Not Applicable | California does not have authority to regulate this material under its Agreement. |
| 1999-2 | Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269 | 10/04/2002 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1999-3 | Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524 | 02/02/2003 | Final ML062210438 | No Comments 08/31/2006 ML062490010 | |
| 2000-1 | Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337 | 05/17/2003 | Final ML070920384 | No Comments 04/23/2007 ML071140038 | |
| 2000-2 | New Dosimetry Technology Parts 34, 36, 39 65 FR 63750 | 01/08/2004 | Proposed ML051580164 Final ML070920384 LC ML051580164 ML061790298 | No Comments 06/30/2005 ML051810453 No Comments 04/23/2007 ML071140038 No Comments 07/18/2006 ML061990575 | Part 34 Part 39 Part 36 adopted by reference |
| 2001-1 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct | 02/16/2004 | License Condition for 32.52 (a) & (b) ML040500440 | No Comments 03/10/2004 ML040700191 | |
| 2002-1 | Revision of the Skin Dose Limit Part 20 67 FR 16298 | 04/05/2005 | Final ML062210438 | No Comments 08/31/2006 ML062490010 | |
| 2002-2 | Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249 | 10/24/2005 | Final ML062210438 | No Comments 08/31/2006 ML062490010 | Partial submittal-only requirements of Part 20 reviewed. Parts 32 and 35 have not yet been reviewed. |
| 2003-1 | Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327 | 12/03/2006 | | | |

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| 2004-1 | Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697 | 10/01/2007 | | | |
| 2005-1 | Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001 | 07/11/2008 | License Condition ML062920179 | No Comments 11/09/2006 ML063130004 | |
| 2005-2 | Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926 | 04/29/2008 | | | |
| 2005-3 | Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128 | 12/01/2005 | License Condition ML053060120 | No Comments 11/04/2005 ML053080246 | California chose to revise its IC License Condition at the time of the Fingerprinting Order EA-07-305 License Condition Implementation. The original license condition can be seen at ML053060120. The response letter sent 11/04/2005 can be seen at ML053080246 |
| 2006-1 | Minor Amendments Parts 20, 30, 32, 35, 40 and 70 | 03/27/2009 | | | |
| 2006-2 | National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685 | 02/06/2007 | License Condition ML070360575 | No Comments 02/16/2007 ML070470007 | |
| 2006-3 | National Source Tracking System Part 20 71 FR 65865, 72 FR 59162 | 01/31/2009 | | | |
| 2007-1 | Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207 | 10/29/2010 | | | |

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| 2007-2 | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473 | 12/17/2010 | | | |
| 2007-3 | Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864 | 11/30/2010 | | | |
| 2007-4 | Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901 | 06/05/2008 | License Condition ML08 | No Comments 05/ /2008 ML08 | |
| 2008-1 | Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043 | 02/15/2011 | | | |

¹ IMPEP Team: verify that California does not have any licensees subject to these regulations during each review.