

March 12, 2002

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

Dear Mr. Broderick:

As requested, we have reviewed Oklahoma's proposed regulations that were provided to NRC by your letter dated February 6, 2002. The proposed regulations are in response to the amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. The proposed regulations covering 10 CFR Parts 20.1003 and 20.1701 - 20.1705 (64 FR 54543 and 64 FR 55524), 39.2, 39.15, 39.35, 39.41, 39.49, 39.53, 39.55, 39.77 (65 FR 20337), 34.47, 34.83, 36.55, 36.81, 39.65 (65 FR 63750), and a minor correction to Section 32.1, were prepared for adoption by reference, in accordance with the Agreement that became effective on September 29, 2000. Under the terms of the Agreement, Oklahoma assumed regulatory authority over 11e.(1) byproduct material, source material used to take advantage of its density and high mass properties where the use of the specifically licensed source material is subordinate to the primary specifically licensed use of either 11e.(1) byproduct material or special nuclear material (SNM), and SNM in quantities not sufficient to form a critical mass. Oklahoma also assumed authority to regulate the disposal of low-level radioactive waste at a land disposal site. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 20, 34, 36, and 39. We also discussed our review of the regulations with Ms. Pam Bishop of your staff on February 20, 2002.

As a result of our review, we have no comments. Please note that we limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulations may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted without significant change, they would meet the compatibility and health and safety categories established in Office of State and Tribal Programs (STP) Procedure [SA-200](#).

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in STP Procedure [SA-201](#), *Review of State Regulations* (November 10, 1998), please highlight the final changes and send one hard copy to STP.

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 Web Site: <http://www.hsr.gov/nrc/rulemaking.htm>.

Mike Broderick

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March 12, 2002

If you have any questions regarding the comments, the compatibility and health categories, or any of the NRC regulations used in the review, please contact me or Patricia Larkins at (301) 415-2309 or PML@NRC.GOV.

Sincerely,

/RA/

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

Enclosure:
As stated

Mike Broderick

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March 12, 2002

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Enclosure:
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| DATE | 02/21/02 | | 02/21/02 | | 03/11/02 | | 03/12/02 | | |

STATE REGULATION STATUS

State: Oklahoma

(3 amendments reviewed are identified by a **i** at the beginning of each equivalent NRC regulation.)

Tracking Ticket Number: 2-30

Date: March 12, 2002

| NRC Chronology Identification | FR Notice (Date Due for State Implementation) | RATS ID | Proposed (P) / Final (F)¹ Rule / ML #⁵ | NRC Review / Y, N² / Date / ML #⁵ | Final State Regulation¹ (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 |

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|---|--|----------------|---|--|--|
| 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 |
| 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 |

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|--|--|----------------|---|--|--|
| 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 |
| 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 |
| i 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 | |
| i 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 | |
| i 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 | | | |

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