

August 2, 2004

Mr. John L. Ferruolo  
Supervising Radiological Health Specialist  
Office of Occupational and Radiological Health  
Department of Health  
3 Capitol Hill  
Providence RI 02908-5097

Dear Mr. Ferruolo:

We have reviewed the proposed changes to the Rhode Island regulations, R23-1.3-RAD, "*Rhode Island Rules and Regulations for the Control of Radiation*". Our review and comments are in response to the State's request, via phone call, for Nuclear Regulatory Commission (NRC) evaluation of the changes to Rhode Island's radiation control rules that incorporated the amendments identified on the State Regulation Status Data Sheet (SRS). These regulations were reviewed by comparison to the equivalent NRC rules in 10 CFR Part 150 and the requirements of the one amendment identified in the enclosed SRS. We discussed our review of the regulations with Mr. William Dundulis, of your staff, on August 2, 2004.

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 a State 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 State regulation. However, we have determined that if these regulations are adopted without significant change, they 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 regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to the NRC for review.

The SRS Data Sheet summarizes our knowledge of the status of other Rhode Island regulations, 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 STP website: <http://www.hrsd.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 John Zabko of my staff at (301) 415-2308 or [JGZ@NRC.GOV](mailto:JGZ@NRC.GOV).

Sincerely,

**\RA By K.N. Schneider For\**

Josephine Piccone, Deputy Director  
Office of State and Tribal Programs

Enclosures:  
As stated

August 2, 2004

Mr. John L. Ferruolo  
Supervising Radiological Health Specialist  
Office of Occupational and Radiological Health  
Department of Health  
3 Capitol Hill  
Providence RI 02908-5097

Dear Mr. Ferruolo:

We have reviewed the proposed changes to the Rhode Island regulations, R23-1.3-RAD, "Rhode Island Rules and Regulations for the Control of Radiation". Our review and comments are in response to the State's request, via phone call, for Nuclear Regulatory Commission (NRC) evaluation of the changes to Rhode Island's radiation control rules that incorporated the amendments identified on the State Regulation Status Data Sheet (SRS). These regulations were reviewed by comparison to the equivalent NRC rules in 10 CFR Part 150 and the requirements of the one amendment identified in the enclosed SRS. We discussed our review of the regulations with Mr. William Dundulis, of your staff, on August 2, 2004.

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 a State 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 State regulation. However, we have determined that if these regulations are adopted without significant change they 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 regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to the NRC for review.

The SRS Data Sheet summarizes our knowledge of the status of other Rhode Island regulations, 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 STP website: <http://www.hrsd.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 John Zabko of my staff at (301) 415-2308 or JGZ@NRC.GOV.

Sincerely,

**IRA By K.N. Schneider For\**

Josephine Piccone, Deputy Director  
Office of State and Tribal Programs

Enclosures: As stated

Distribution:

DIR RF [4-188]

Rhode Island DCD PDR (YES ) DSollenberger, ASPO

DWhite RSAO

Response to Incoming Document: ML040760420

Rhode Island File

**DOCUMENT NAME: C:\NRC\Regs\RI 4-188.wpd**

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	STP		OGC		STP:DD	
NAME	JZabko		STreby		KNSchneider for JPiccone	
DATE	07/22/04*		07/30/04*		08/02/04*	

ML042160220

OFFICIAL RECORD COPY

STATE REGULATION STATUS

**State: RHODE ISLAND**

**(1 amendment reviewed is identified by a ★  
at the beginning of equivalent NRC regulation)**

**Tracking Ticket Number: 4-188**

**Date: August 2, 2004**

<b>NRC Chronology Identification</b>	<b>FR Notice (Date Due for State Implementation)</b>	<b>RATS ID</b>	<b>Proposed (P) / Final (F)<sup>1</sup> Rule / ML #<sup>4</sup></b>	<b>NRC Review / Y, N<sup>2</sup> / Date / ML #<sup>4</sup></b>	<b>Final State Regulation<sup>1</sup> (Effective Date)</b>
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1			
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required <sup>3</sup>
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	F-N	10/16/97	4/21/95
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F-N	9/22/99	6/95
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	F-N	9/22/99	6/95
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566; (none)	1992-2			Not required <sup>3</sup>
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1	F-N	3/27/00	7/99
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2			Not applicable
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			Not applicable
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618 (none)	1994-1	F-N	3/27/00	Not required <sup>3</sup> (7/99)
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			Not applicable
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	F-N	3/27/00	7/99
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	F-N	3/27/00	7/99

<b>NRC Chronology Identification</b>	<b>FR Notice (Date Due for State Implementation)</b>	<b>RATS ID</b>	<b>Proposed (P) / Final (F)<sup>1</sup> Rule / ML #<sup>4</sup></b>	<b>NRC Review / Y, N<sup>2</sup> / Date / ML #<sup>4</sup></b>	<b>Final State Regulation<sup>1</sup> (Effective Date)</b>
Frequency of Medical Examinations for Use of Respiratory Protection Equipment- Part 20	60 FR 7900; (3/13/98)	1995-2	F-N	3/27/00	7/99
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983 (3/1/98)	1995-3	F-N	3/27/00	7/99
Performance Requirements for Radiography Equipment- Part 34	60 FR 28323; (6/30/98)	1995-4	F-N	3/27/00	7/99
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	F-Y	3/27/00	7/99
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	F-N	3/27/00	7/99
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7	F-N	3/27/00	7/99
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28723 (4/1/99)	1996-1	P-Y ML040760420	5/04/04 ML041340017	
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2			Not required <sup>3</sup>
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3	F-N	3/27/00	7/99
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1	P-N ML040760420	5/04/04 ML041340017	
★ 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	P-N ML041590261	8/02/04 ML042160220	
Criteria for the Release of Individuals Administered Radioactive Material- Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	F-N	3/27/00	7/99
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required <sup>3</sup>

NRC Chronology Identification	FR Notice (Date Due for State Implementation))	RATS ID	Proposed (P) / Final (F) <sup>1</sup> Rule / ML # <sup>4</sup>	NRC Review / Y, N <sup>2</sup> / Date / ML # <sup>4</sup>	Final State Regulation <sup>1</sup> (Effective Date)
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948; (6/27/00)	1997-5	F-N	3/27/00	7/99
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058; (8/20/00)	1997-6	P-Y ML040760420	5/04/04 ML041340017	
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	F-N	3/27/00	7/99
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1	P-N ML040760420	5/04/04 ML041340017	
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required <sup>3</sup>
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required <sup>3</sup>
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	F-N	3/27/00	7/99
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393 (10/26/01)	1998-5	F-N	3/27/00	7/99
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	F-N	3/27/00	7/99
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1			Not applicable
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 <sup>3</sup>
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524 (2/2/03)	1999-3	P-N ML040760420	5/04/04 ML041340017	
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	P-N ML040760420	5/04/04 ML041340017	

NRC Chronology Identification	FR Notice (Date Due for State Implementation)	RATS ID	Proposed (P) / Final (F) <sup>1</sup> Rule / ML # <sup>4</sup>	NRC Review / Y, N <sup>2</sup> / Date / ML # <sup>4</sup>	Final State Regulation <sup>1</sup> (Effective Date)
New Dosimetry Technology- Parts 34, 36, 39	65 FR 63749; (1/8/04)	2000-2	P-N ML040760420	5/04/04 ML041340017	
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	P-N ML040760420	5/04/04 ML041340017	
Revision of the Skin Dose Limit-Part 20	67 FR 1629; (4/5/05)	2002-1	P-Y ML040760420	5/04/04 ML041340017	
Medical Use of Byproduct Material-Parts 20, 32, 35	67 FR 20249; (10/25/05)	2002-2	P-Y ML040760420	5/04/04 ML041340017	
Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327 (12/3/06)	2003-1	P-Y ML040760420	5/04/04 ML041340017	

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