

January 23, 2002

Mr. Terry D. Lindsey, Manager
Radiation Protection Services
Department of Human Services
800 NE Oregon Street, Suite 260
Portland, OR 97232-2162

Dear Mr. Lindsey:

As requested, we have reviewed final Oregon Administrative Rules (Div. 333), Radiation Protection Services, received electronically on December 3, 2002, with clarifying material arriving electronically on January 7, 2003. In addition, we reviewed your responses to our letter dated October 17, 2002 which contained our comments on your proposed version of these rules. The final regulations are in response to 25 amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 19, 20, 30, 31, 32, 34, 35, 36, 39, 40, 70, 71 and 150. We discussed our review of the regulations with Mr. Ed Wright of your staff on December 7, December 15, 2002 and January 7, 2003.

As a result of our review, we have 24 comments from our previous review that have not been addressed by the State, or the solution presented does not resolve our compatibility concerns. There are also 5 editorial suggestions that the State may want to address from our previous letter. For ease of review, the 24 comments are **bolded** in an enclosure that is based on the chart the State created in responding to our original comments.

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. We request that when these comments have been incorporated into your rules a copy of the final, as published, version of your rules be sent to STP. However, we have determined that if your regulations were adopted, incorporating the comments and without other 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](#).

The SRS Data Sheet summarizes our knowledge of the status of other Oregon regulations as indicated. This letter, including the SRS Data Sheet, is posted on the STP Web Site: <http://www.hsr.doe.gov/nrc/rulemaking.htm>. If you have any questions regarding 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 e-mail at JGZ@NRC.GOV.

Sincerely,

/RA By Patricia Larkins for

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

Enclosures:
As stated

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As a result of our review, we have 24 comments from our previous review that have not been addressed by the State, or the solution presented does not resolve our compatibility concerns. There are also 5 editorial suggestions that the State may want to address from our previous letter. For ease of review, the 24 comments are **bolded** in an enclosure that is based on the chart the State created in responding to our original comments.

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. We request that when these comments have been incorporated into your rules a copy of the final, as published, version of your rules be sent to STP. However, we have determined that if your regulations were adopted, incorporating the comments and without other 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.

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/RA by Patricia Larkins for

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

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State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
105-0005(49)	34.3	B	<p>Definitions: Storage container</p> <p>The State changed "secured and stored" to "transported or stored." This alteration changes the meaning of the definition by substituting the word "secured" with "transported."</p> <p>The State needs to use the wording in Part 34.3 to obtain the same meaning and meet compatibility.</p>	<p>Definitions: Storage container</p> <p>The state changed 'secured and stored' to 'transported or stored.' This alteration changes the meaning of the definition by substituting the word 'secured' with 'transported.'</p> <p><u>'Transported' will be changed to 'stored'.</u></p>	Compatible
100-0005	71.4	B	<p>Definitions: A1</p> <p>The State omitted this definition.</p> <p>The State needs to include this definition to meet compatibility.</p>	<p>Definitions: A1</p> <p>The State omitted this definition.</p> <p><u>Found at 333-118-0020(17)</u></p>	<p>Not Compatible</p> <p>333-118-0020(17) defines "Type A Quantity". In 71.4 there are two separate definitions for "A1" and "Type A Quantity". The State has omitted the definition of "A1".</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
100-0005	71.4	B	<p>Definitions: Package</p> <p>The State omitted this definition.</p> <p>The State needs to include these requirements to meet compatibility.</p>	<p>Definitions: Package</p> <p>The State omitted this definition</p> <p><u>Found at 333-100-0005(91)</u></p>	<p>Compatible</p> <p>Note the definition is split between 333-100-0005(92), and 333-118-0020 (18)(19)(20) and (5)</p>
100-0005	30.4	A	<p>Definitions: Alert</p> <p>The State omitted this definition.</p> <p>The State needs to include this definition to meet compatibility.</p>	<p>Definitions: Alert</p> <p>The State omitted this definition.</p> <p><u>Not in SSR's. Oregon does not have any licensees to which this definition would apply.</u></p>	<p>Compatible</p> <p>The State doesn't need to adopt regulations if they have no licensees that would use them.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
102-0203(70)	30.4	A	<p>Definitions: Special nuclear material</p> <p>The State's definition is incomplete.</p> <p>The State needs to include all of the definition as per 30.4.</p>	<p>Definitions: Special nuclear material</p> <p>The State's definition is incomplete.</p> <p><u>10 CFR 30.4 'Special Nuclear Material' means special nuclear material as defined in Part 70.</u></p> <p><u>100-0005(133) identical to Part 70 Definition.</u></p> <p><u>102-0203(70) and (71) will be edited to reflect the intent of Division 102 (Licensing)</u></p>	<p>Compatible</p> <p>The review on Oregon's proposed rules did not evaluate the definition found in 333-100-0005(133). This definition is compatible.</p> <p>The review evaluated the definition found in 333-102-203 (70)(71). The NRC accepts the solution to edit the definitions found in 333-102-0203(70 and 71) to avoid confusion. Oregon is reminded that the two later definitions need to meet the same compatibility requirements.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
102-0010	30.14	B	<p>Exempt concentrations</p> <p>The State has omitted the manufacturing exemption found in 30.14(b) and (c).</p> <p>The State needs to include these requirements to achieve compatibility.</p>	<p>Exempt concentrations</p> <p>The State has omitted the manufacturing exemption found in 30.14 (c) and (d).</p> <p><i><u>Because of the implications of 30.14(c), we will add in 2003 to allow public comment.</u></i></p> <p><i><u>30.14(d) can be found at 102-0010(2)</u></i></p>	<p>Not Compatible</p> <p>The comment was that the State was missing the equivalent of 34.14 (b) and (c) not (c) and (d). We agree that the State rules contain the equivalent to 34.14 (d). The State is missing the equivalent to 34.14 (b) which prevents the import of byproduct material under the exemptions of 34.14. The State needs to add both 30.14(b) and (c)</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
102-0030	30.19	B	<p>Self-luminous products containing tritium, krypton-85, or promethium-147</p> <p>The State omitted "persons who initially transfer for sale or distribution" when listing the exceptions to the exemptions listed in this section as stated in 30.19(a).</p> <p>The State needs to include this requirement to achieve compatibility.</p>	<p>Self-luminous products containing tritium, krypton-85, or promethium-147</p> <p>The State omitted "persons who initially transfer for sale or distribution" when listing the exceptions to the exemptions listed in this section as stated in 30.19(a)</p> <p><u>'persons who initially transfer for sale or distribution' will be added to 102-0030</u></p>	Compatible

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
102-0025	30.20	B	<p>Gas and aerosol detectors containing byproduct material</p> <p>The State omitted "persons who initially transfer for sale or distribution" when listing the exceptions to the exemptions listed in this section as stated in 30.20(a).</p> <p>The State needs to include this requirement to achieve compatibility.</p>	<p>Gas and aerosol detectors containing byproduct material</p> <p>The State omitted "persons who initially transfer for sale or distribution" when listing the exceptions to the exemptions listed in this section as stated in 30.20(a)</p> <p><u>'persons who initially transfer for sale or distribution' will be added to 102-0025</u></p>	Compatible
102-0075	30.31	C		<p>Types of licenses</p> <p>The State has omitted the reference to "specific" licenses.</p> <p><u>102-0075(2) Stricken text will be undeleted</u></p>	Compatible

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
33-100-0005	20.1003	A	<p>Definitions: Declared pregnant woman</p> <p>The State omitted the last part of the definition for declared pregnant woman that reads "The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant."</p> <p>The State also substituted "her employer" for "the licensee."</p> <p>The State needs to alter their definition to match the definition found in 20.1003 to achieve compatibility .</p>	<p>Definitions: Declared pregnant woman</p> <p>The State omitted the last part of the definition for declared pregnant woman that reads "The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant."</p> <p><i><u>'The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant' will be added.</u></i></p> <p><i><u>Note: This statement is in our "Instruction Concerning Prenatal Exposure" guide.</u></i></p>	<p>Not Compatible</p> <p>The State did not change the definition entirely. The State substituted "her employer" for "the licensee."</p> <p>The State needs to alter their definition to match the definition found in 20.1003 to achieve compatibility .</p> <p>Also, the guide referenced by the State "Instruction Concerning Prenatal Exposure" is not part of the legally binding rules. If this guide is legally binding to licensees, the NRC needs to review it for compatibility against SA-200.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-120-0100	20.1201	A	<p>Occupational dose limits for adults</p> <p>The State did not change the phrase "eye dose" to "lens dose" in 0100 (b) (A).</p> <p>The State needs to change this to achieve compatibility.</p>	<p>Occupational dose limits for adults</p> <p>The State did not change the phrase "eye dose" to "lens dose" in 0100 (b) (A)</p> <p><u>"Eye dose" will be changed to "lens dose"</u></p>	Compatible
33-120-0170	20.1208	A	<p>Dose to an embryo/fetus</p> <p>The State does not include the word "equivalent" in the section as required by 20.1208.</p> <p>The State needs to add this to achieve compatibility.</p>	<p>Dose to an embryo/fetus</p> <p>The State does not include the word "equivalent" the section as required by 20.1208</p> <p>'Equivalent' will be added where necessary.</p>	Compatible

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
33-120-0600	20.2101	C	<p>General provisions</p> <p>The State did not change "eye dose" to "lens dose" throughout the entire section 33-120.</p> <p>The State needs to update Section 33-120 to include this to achieve compatibility.</p>	<p>General provisions</p> <p>The State did not change "eye dose" to "lens dose" through out the entire section 33-120.</p> <p><u>"Eye dose" will be changed to "lens dose" where necessary</u></p>	Compatible

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
33-120-0020	20.1101	D H/S	<p>Radiation protection programs</p> <p>The State did not change the word "Practicable" to "Practical."</p> <p>The State needs to make this change to achieve compatibility.</p>	<p>Radiation protection programs</p> <p>The State did not change the word "Practicable" to "Practical"</p> <p><i>'Practicable' is the grammatically correct word to use in this situation. Note this is a "D" and is not required for compatibility.</i></p>	<p>Not Compatible</p> <p>As Stated in Amendment 63FR39477 to 10 CFR 20, dated July 23, 1998:</p> <p>"In Sec. 20.1101(b), the word "practicable" is changed to "practical" to remove the basis for an incorrect perception among some licensees that, by using the word "practicable" in this section, the NRC is requiring licensees to use any dose averting technique that is capable of being used even if the technique is unproven or impractical. "</p> <p>In addition, this section is identified as</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
<p>33-120-0210 (1)(b) and (2)(b)</p>	<p>20.1502</p>	<p>D H/S</p>	<p>Conditions requiring individual monitoring of external and internal occupations dose</p> <p>The time period for the declared pregnant women exposure limit is stated as one year. The correct time period is "for the length of the pregnancy."</p> <p>This time period must be changed to achieve compatibility.</p>	<p>Conditions requiring individual monitoring of external and internal occupations dose</p> <p>The time period for the declared pregnant women exposure limit is stated as one year. The correct time period is "for the length of the pregnancy"</p> <p><u><i>This will be corrected by following 20.1502 format and separate minors from declared pregnant women.</i></u></p>	<p>Compatible in 1 (b) but Not Compatible in (2) (b)</p> <p>The State made the required change in 33-120-0210 (1) (b) but not in (2) (b).</p> <p>This time period must be changed to achieve compatibility.</p>
<p>333-113-0115</p>	<p>39.33</p>	<p>C</p>	<p>Radiation detection instruments</p> <p>The State did not change the milliroentgens to millirem.</p> <p>The State needs to change these units for accuracy.</p>	<p>Radiation detection instruments</p> <p>The State did not change the milliroentgens to millirem</p> <p><u><i>Division 113 was not amended during this revision and was inadvertently submitted for review. This will be addressed in 2003.</i></u></p>	<p>Not Compatible</p> <p>The State did not change the milliroentgens to millirem.</p> <p>The State needs to change these units for accuracy.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-120-0180	20.1301 (a) (1)	A	<p>Dose limits for individual members of the public</p> <p>The State did not include the following in the paragraph ".....exclusive of the dose to individual members of the public from background radiation, from any medical administered radioactive material and released in accordance with 10 CFR 35.75, from voluntary participation in medical research programs and...."</p> <p>The State needs to add this section as stated in 20.1301(a)(1) to achieve compatibility.</p>	<p>Dose limits for individual members of the public</p> <p>The State did not include the following in the paragraph ".....exclusive of the dose to individual members of the public from background radiation, from any medical administered radioactive material and released in accordance with 10 CFR 35.75, from voluntary participation in medical research programs and...."</p> <p><u><i>This statement will be added.</i></u></p>	<p>Not Compatible</p> <p>The State did not include "background radiation" as required in 20.1301 (a)(1).</p> <p>The State needs to add "background radiation" as stated in 20.1301(a)(1) to achieve compatibility.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-116-0030	35.11	C	<p>License Required</p> <p>The State omitted the licensing requirements as stated in 35.11(c).</p> <p>The State needs to add this section to achieve compatibility.</p>	<p>License Required</p> <p>The State omitted the licensing requirements as stated in 35.11 (c).</p> <p><i>Although not included as a definition it does appear in 116-0300(1)(b), 116-0320(1)(b) and 116-0360(1)(b). It is also included in each medical license as a standard license condition.</i></p>	<p>Not Compatible</p> <p>In the three stated references, 116-300 (1) (b), 116-320 (1) (b) and 116-360 (1) (b), the State rules authorize persons to USE a radiopharmaceutical that was prepared under the listed conditions. NRC rule 35.11 (c) authorizes persons, who are not nuclear pharmacists, to PREPARE radiopharmaceuticals for medical administration under the supervision of an authorized nuclear pharmacist or authorized user. The State has no comparable rule regarding this. If the State uses a Licence Condition to fulfill this requirement, the</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-120-0005	20.1003	C	<p>Definitions: Constraint (Dose Constraint)</p> <p>The State has omitted this definition.</p> <p>The State needs to include this definition to meet compatibility.</p>	<p>Definitions: Constraint (Dose Constraint)</p> <p>The State has omitted this definition</p> <p><i><u>Not considered necessary. This issue is addressed during licensing in ALARA programs. If necessary, this can be addressed in 2003.</u></i></p>	<p>Compatible</p> <p>The State has used other words to convey the meaning of "constraint" through out 333-120. The essential objectives are met adequately without the use of the word "constraint" for this compatibility "c" item.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-120-0020	20.1101	C	<p>Radiation Protection Programs</p> <p>The State omitted the requirements of paragraph 20.1101(d) including the Radon-222 exclusion.</p> <p>The State needs to incorporate the requirements of 20.1101(d) to meet compatibility.</p>	<p>Radiation Protection Programs</p> <p>The State omitted the requirements of paragraph 20.1101(d) including the Radon-222 exclusion.</p> <p><u><i>This will be addressed in 2003. Note that we utilize EPA release requirements for licensees that may exceed release limits. Licensees are required to demonstrate annual releases will not result in off-site exposures greater than 10 mrem/year.</i></u></p>	<p>Solution is Compatible</p> <p>The State is reminded that when these changes are made, the NRC will have to review this rule in its final form to make a compatibility determination.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-120-0550	20.2006	B	<p>Transfer for Disposal Manifests</p> <p>The State references Part 20 Appendix "F" in this section. Appendix "F" has been deleted from Part 20. The correct reference is Part 20 Appendix "G."</p> <p>The State needs to change this reference for accuracy and to meet compatibility.</p>	<p>Transfer for Disposal Manifests</p> <p>The State references Part 20 Appendix "F" in this section. Appendix "F" has been deleted from Part 20. The correct reference is Part 20 Appendix "G"</p> <p><u>Appendix "F" will be changed to Appendix "G".</u></p>	Compatible
333-120-0550	20.2006	B	<p>Transfer for Disposal Manifests</p> <p>The State has omitted the requirements of 20.2006(b).</p> <p>The State needs to incorporate the requirements stated in 20.2006(b) to meet compatibility.</p>	<p>Transfer for Disposal Manifests</p> <p>The State has omitted the requirements of 20.2006 (b)</p> <p><u>Appendix "F" will be changed to Appendix "G". Note: Although the wording is not identical it says the same thing as 20.2006(b).</u></p>	Compatible

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-102-306	40.36	H&S	<p>Financial assurance and recordkeeping for decommissioning</p> <p>The State does not include the requirements for financial assurance and recordkeeping for decommissioning for source material.</p> <p>The State needs to add the requirements as stated in 40.36, paragraphs (a), (b), (d) and (f) to meet compatibility.</p>	<p>Financial assurance and recordkeeping for decommissioning</p> <p>The State does not include the requirements for Financial assurance and recordkeeping for decommissioning for source material.</p> <p><u>333-102-0306 has been deleted and all references to 10 CFR requirements retained.</u></p>	<p>Not Compatible</p> <p>In 333-102-0200 the State has referenced 10 CFR 30.35 and 30.36, these sections meet the requirements for financial assurance and recordkeeping for decommissioning pertaining to Byproduct material only, Source Material needs to be added for compatibility.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-102-306	40.42	H&S	<p>Expiration and termination of licenses and decommissioning of sites and separate or outdoor areas</p> <p>The State does not include the requirements for expiration and termination of licenses and decommissioning of sites and separate or outdoor areas for source material.</p> <p>The State needs to add the requirements as stated in 40.42, paragraphs (c), (d), (e), (f), (g), (h), (i), (j) & (k)(1), (2), (3).</p>	<p>Expiration and termination of licenses and de-commissioning of sites and separate or outdoor areas</p> <p>The State does not include the requirements for expiration and termination of licenses and de-commissioning of sites and separate or outdoor areas for source material.</p> <p><u>333-102-0306 has been deleted and all references to 10 CFR requirements retained.</u></p>	<p>Not Compatible</p> <p>In 333-102-0200 the State has referenced 10 CFR 30.35 and 30.36, these sections meet the requirements for expiration/ termination of licenses and decommissioning of sites and separate or outdoor areas for byproduct material only, Source Material needs to be added for compatibility.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-102-306	70.25	H&S	<p>Financial assurance and recordkeeping for decommissioning</p> <p>The State does not include the requirements for financial assurance and recordkeeping for decommissioning for special nuclear material.</p> <p>The State needs to add the requirements as stated in 70.25, paragraphs (b), (d) & (g).</p>	<p>Financial assurance and recordkeeping for decommissioning</p> <p>The State does not include the requirements for Financial assurance and recordkeeping for decommissioning for special nuclear material.</p> <p><u>333-102-0306 has been deleted and all references to 10 CFR requirements retained.</u></p>	<p>Not Compatible</p> <p>In 333-102-0200 the State has referenced 10 CFR 30.35 and 30.36, these sections meet the requirements for financial assurance and recordkeeping for decommissioning pertaining to Byproduct material only, Special Nuclear Material needs to be added for compatibility.</p> <p>The State needs to add the requirements as stated in 70.25, paragraphs (b), (d) & (g).</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-102-306	70.38	H&S	<p>Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas</p> <p>The State does not include the requirements for expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas for special nuclear material.</p> <p>The State needs to add the requirements as stated in 70.38, paragraphs (c), (d), (e), (f), (g), (h), (i), (j) & (k)(1), (2) & (3).</p>	<p>Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas</p> <p>The State does not include the requirements for expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas for special nuclear material.</p> <p><u>333-102-0306 has been deleted and all references to 10 CFR requirements retained.</u></p>	<p>Not Compatible</p> <p>In 333-102-0200 the State has referenced 10 CFR 30.35 and 30.36, these sections meet the requirements for expiration/ termination of licenses and decommissioning of sites and separate or outdoor areas for byproduct material only, Special Nuclear Material needs to be added for compatibility.</p> <p>The State needs to add the requirements as stated in 70.38, paragraphs (c), (d), (e), (f), (g), (h), (i), (j) & (k)(1), (2) & (3).</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-120-0550	20.2006 and Part 20 Appendix G	B	<p>Requirements for low-level radioactive waste intended for disposal at land disposal facilities and manifests</p> <p>The State did not incorporate the change as required by this amendment, RATS ID 1996-6. The State references the old Appendix "F" as the guide for this section. Appendix "F" was removed as an option for manifest requirements. Appendix "G" is the correct appendix to reference for this section.</p> <p>The State needs to incorporate the requirements of Appendix G to Part 20 or correctly reference the new Appendix G in their regulations.</p>	<p>Requirements for Low-level radioactive waste intended for disposal at land disposal facilities and manifests</p> <p>The State did not incorporate the change as required by this amendment, RATS ID 1996-6. The State references the old appendix "F" as the guide for this section. Appendix "F" was removed as an option for manifest requirements. Appendix "G" is the correct appendix to reference for this section.</p> <p><u>Appendix "F" will be changed to Appendix "G".</u></p>	Compatible

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-120-0015 and/or 333-100-0005	20.1003	<p>A</p> <p>B</p> <p>C</p>	<p>Definitions</p> <p>The State did not revise the definition of background radiation as per 20.1003.</p> <p>The State has omitted the definition of Critical Group.</p> <p>The State has omitted part of this definition of Decommission.</p> <p>The State needs to make these changes to meet compatibility.</p>	<p>Definitions</p> <p>The State did not revise the definition of background radiation as per 20.1003.</p> <p><u><i>This is word-for-word in 120-0015(7). Will correct 100-0005(15).</i></u></p> <p>The State has omitted the definition of Critical Group.</p> <p><u><i>Will include.</i></u></p> <p>The State has omitted part of this definition of Decommission.</p> <p><u><i>This is word-for-word in 120-0015(14). Will correct 100-0005(32).</i></u></p>	<p>Compatible</p> <ol style="list-style-type: none"> 1. The State revised the definition in 333-100-0005(15). Both definitions are now identical. 2. Change is compatible. 3. The State revised the definition in 333-100-005(32). Both definitions are now identical.

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-116-0020	35.2	C	<p>Definitions: Misadministration</p> <p>In amendment, RATS ID # 1995-7, the definition for misadministration was amended by removing the term "patient" or "human research subject" and inserting the word "individual." The State did not make this change.</p> <p>The State needs to make this change to meet compatibility.</p>	<p>Definitions</p> <p>In amendment, RATS ID # 1995-7, the definition for misadministration was amended by removing the term "patient or human research subject" and inserting the word "individual." The State did not make this change.</p> <p><u>Will correct.</u></p>	Compatible

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
105-0005	34.3	B	<p>Definitions: Collimator</p> <p>The State's revision changed this definition making it significantly different from the definition in 34.3.</p> <p>The State needs to change their definition to match the definition in 34.3 to meet compatibility.</p>		<p>Not Compatible, the State did not address.</p> <p>The State needs to change their definition to match the definition in 34.3 to meet compatibility.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
105-0530	34.43	B	<p>Training</p> <p>The State has added the phrase "at least 40 hours" to the training requirements for a radiographer.</p> <p>The State needs to remove the reference to number of hours of training. This section is a compatibility category "B". The addition of a time requirement to this section makes it more restrictive than 34.43.</p>		<p>Not compatible, the State did not address.</p> <p>The State needs to remove the reference to number of hours of training. This section is a compatibility category "B". The addition of a time requirement to this section makes it more restrictive than 34.43.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
121-0010	36.2	B	<p>Definitions: Sealed Source</p> <p>In the State's definition, the words "radioactive material" and "byproduct material" are both used. For clarification and to meet the compatibility "B" requirements the State needs to use "byproduct material" exclusively throughout this definition.</p>		<p>Not compatible, the State did not address.</p> <p>For clarification and to meet the compatibility "B" requirements the State needs to use "byproduct material" exclusively throughout this definition.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
100-0005	20.1003	A	<p>Definitions: Occupational Dose and Public Dose</p> <p>The State's updated definitions in 120-0015 are correct and meet compatibility. However, the same definitions appear in 100-0005 and are not updated and do not meet compatibility.</p> <p>The State needs to change or delete the definitions found in 100-0005.</p>		<p>Not compatible, the State did not address.</p> <p>The State needs to change or delete the definitions found in 100-0005.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
120-0015 and 100-0005	20.1003	A	<p>Definitions: Very High Radiation Area</p> <p>The State has omitted the phrase "from sources external to the body" in its definition of high radiation area.</p> <p>The State needs to add this phrase to achieve compatibility.</p>		<p>Not compatible, the State did not address.</p> <p>The State has omitted the phrase "from sources external to the body" in its definition of high radiation area.</p> <p>The State needs to add this phrase to achieve compatibility.</p>
333-100-0005	20.1003	A	<p>Definition : Source Material</p> <p>The State omitted much of this definition.</p> <p>The State needs to include all of the definition as written in 20.1003 to achieve compatibility.</p>		<p>Not compatible, the State did not address.</p> <p>The State needs to include all of the definition as written in 20.1003 to achieve compatibility.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-118-0020	71.4	B	<p>Definition: Transport Index</p> <p>The State has omitted part of this definition.</p> <p>The State needs to include all of the definition to achieve compatibility.</p>		<p>Not compatible, the State did not address.</p> <p>The State needs to include all of the definition to achieve compatibility.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-118-0190	71.97	B	<p>Advanced Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste</p> <p>The State has substituted the words "nuclear waste" for "licensed material" in the requirements of notification of transportation. This substitution limits the requirements for notification to just nuclear waste.</p> <p>The State needs to use the words "licensed material " to achieve compatibility.</p>		<p>Not compatible, the State did not address.</p> <p>The State needs to use the words "licensed material " to achieve compatibility.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-100-0005	20.1003	A	<p>Definitions: High Radiation Area</p> <p>The State omitted part of this definition.</p> <p>The State needs to include all of this definition to achieve compatibility.</p>		<p>Not compatible, the State did not address.</p> <p>The State needs to include all of this definition to achieve compatibility.</p>
333-118-0140	71.85	B	<p>Preliminary Determinations</p> <p>The State has omitted the part of Section 71.85 (c) regarding package verification.</p> <p>The State needs to include this section to achieve compatibility.</p>		<p>Not compatible, the State did not address.</p> <p>The State needs to include this section to achieve compatibility.</p>

State Regulation	NRC Section	Category	NRC comment on Proposed Oregon Regulations	State Response to NRC Comments on Oregon Proposed Regulations	NRC Review of Oregon's Response
333-118-0150	71.87	B	<p>Routine Determinations</p> <p>The State has omitted the requirements of section 71.87 (g) and (k) and also 71.47 (c) & (d) that is referenced from 71.87 as part of routine determinations.</p> <p>The State needs to include these requirements to achieve compatibility.</p>		<p>Not compatible, the State did not address.</p> <p>The State needs to include these requirements to achieve compatibility.</p>
333-100-0005	71.4	B	<p>Definitions: Natural Thorium</p> <p>The States definition is different from 71.4 to such an extent that it does not meet compatibility.</p> <p>The State needs to adopt a definition compatible to the definition in 71.4</p>		<p>Not compatible, the State did not address.</p> <p>The State needs to adopt a definition compatible to the definition in 71.4 to achieve compatibility.</p>

Editorial Suggestions the State Did Not Address

1. In 333-118-0090(2), the State has not grouped the conditions correctly. There should be three subsections (a) (b) (c) and a colon placed after "...licensee who.." (a) should be "Has a quality..... (b) should be "Complies with" And (c) should be "Has a quality....."
2. In 333-100-0005 (11) "ALARA", the end parenthesis is omitted in the first sentence.
3. In 333-100-0005 (41), it is suggested that the table of weighing factors, that appears at the end of the definition section, be referenced in the definition. The table is part of the definition.
4. In 333-118-150 (10), The State has the wrong reference. The correct reference is OAR 333-118-150 (9) not (10).
5. In 333-118-0190 the State did not mention that a list of contacts is posted in the Federal Registry each year as per 71.97 3 (i) and (ii).

STATE REGULATION STATUS

State: Oregon

[25 amendments reviewed is identified by a i
at the beginning of each equivalent NRC regulation.]

Tracking Ticket Number: 2-273

Date: January 23, 2002

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) ² Rule / ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
*Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F ML023450397	N 1/23/03 ML030240463	4/26/95
*ASNT Certification of Radiographers- Part 34	56 FR 11504; (none)	1991-2	F ML023450397	N 1/23/03 ML030240463	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	F ML021970445	N 11/13/97	4/26/95
*Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F ML023450397	N 1/23/03 ML030240463	4/26/95
*Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	F ML023450397	N 1/23/03 ML030240463	4/26/95
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	F ML023450397	N 1/23/03 ML030240463	

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*Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2	F ML023450397	N 1/23/03 ML030240463	
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 SECY-95-112 ⁴
*Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	F ML023450397	N 1/23/03 ML030240463	
*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 ML023450397	N 1/23/03 ML030240463	
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2			Not applicable SECY-95-112 ⁵
*Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3	F ML023450397	Y 1/23/03 ML030240463	4/26/95
*Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4	F ML023450397	N 1/23/03 ML030240463	
*Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	F ML023450397	Y 1/23/03 ML030240463	

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*Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	F ML023450397	Y 1/23/03 ML030240463	4/26/95
*Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7	F ML023450397	Y 1/23/03 ML030240463	
*10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1	F ML023450397	N 1/23/03 ML030240463	
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	F ML023450397	N 1/23/03 ML030240463	4/26/95
*Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1	F ML023450397	Y 1/23/03 ML030240463	
*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	F ML023450397	N 1/23/03 ML030240463	
*Criteria for the Release of Individuals Administered Radioactive Material- Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	P ML021970445	N 1/23/03 ML030240463	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required ³

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*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	F ML023450397	N 1/23/03 ML030240463	
*Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6	F ML023450397	N 1/23/03 ML030240463	
*Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	F ML023450397	Y 1/23/03 ML030240463	
*Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1	F ML023450397	N 1/23/03 ML030240463	
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	F ML023450397	N 1/23/03 ML030240463	
*Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5	F ML023450397	Y 1/23/03 ML030240463	
*Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	F ML023450397	Y 1/23/03 ML030240463	04/26/95

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Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1			Not applicable SECY-95-112 ⁶
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
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1			
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2			
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1			
Revision of the Skin Dose Limit -Part 20	67 FR 16298; 4/5/05	2002-1			

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Medical Use of Byproduct Material- Parts 20, 32, and 35	67 FR 20249; 4/24/05	2002-2			

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