

November 10, 2004

Mr. Aubrey Godwin, Director
Arizona Radiation Regulatory Agency
4814 South 40th Street
Phoenix, AZ 85040

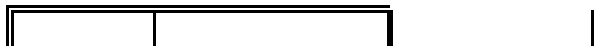
Dear Mr. Godwin:

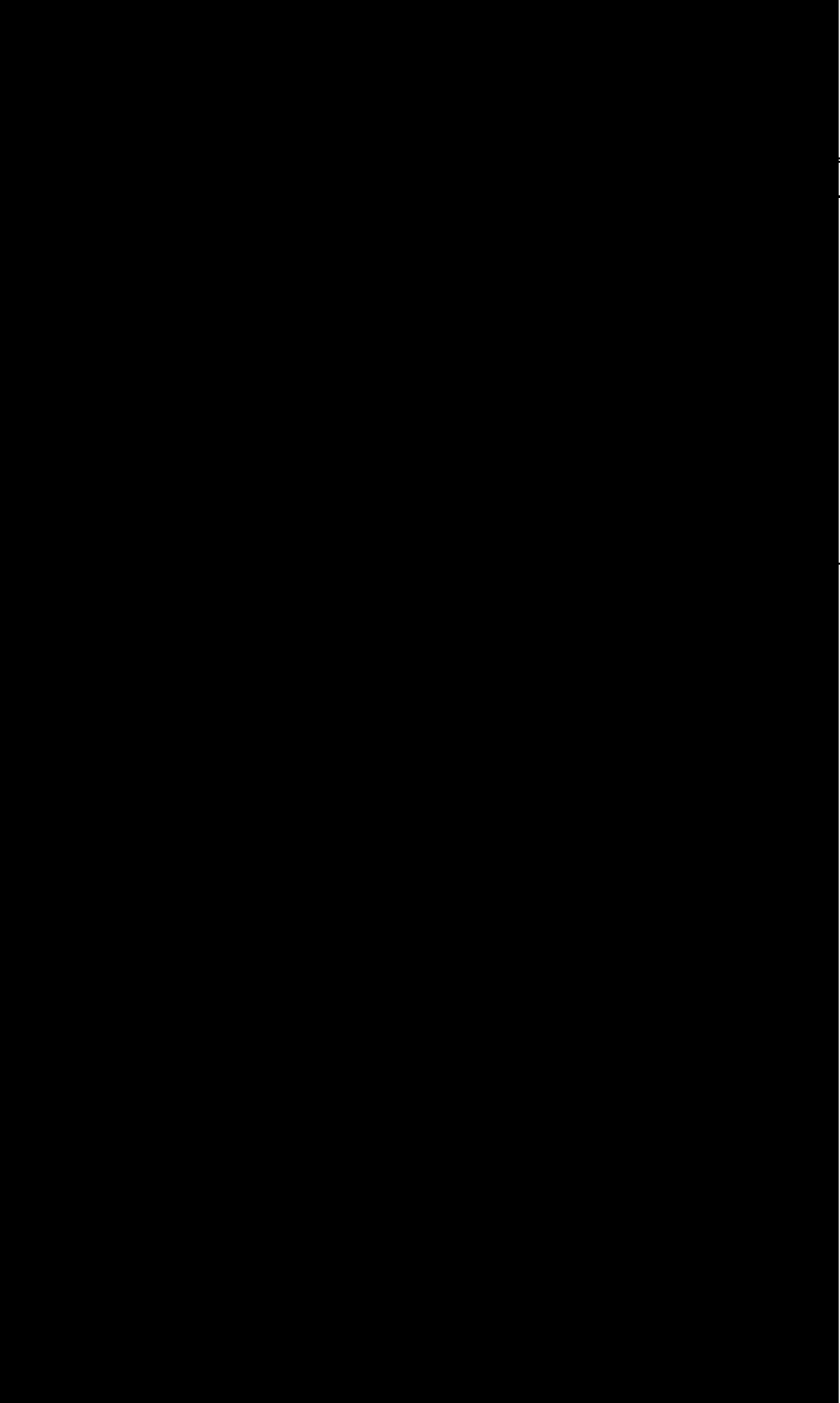
As requested, we have reviewed the final amendments to the Arizona regulations contained in rule package RMP-0056. In addition, we reviewed your responses to our letters, dated November 20, 2003 and January 6, 2004, which contained comments on the Arizona Administrative Code final and proposed amendments respectively. The rules were received by our office on August 15, 2004. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) regulations in 10 CFR Parts 20, 34, 70, 71 and 150 and the requirements of the eleven amendments identified in the enclosed States Regulation Status Data Sheet (SRS). We discussed our review of the regulations with Dan Kuhl on November 9, 2004.

As a result of our review, we have eight comments and five editorial suggestions. The comments do not stem from the review of your submitted radiography rules, nor from your rule changes that resulted from our January 6, 2004 letter. These items have been sufficiently addressed and are closed, as you will note on the SRS Data Sheet attached to this letter. All of our comments stem from the two items listed on the first page of our November 20, 2003 letter. In that letter, we pointed out that your submitted regulations, at that time, did not contain an adequate amount of your Part 71 equivalent text to perform our review. For this review, we find that the rule text submitted to meet the compatibility requirements of 10 CFR Part 71 contained some omissions of required text. We understand that you have referenced 10 CFR Part 49 as part of your rules and have used the Agreement State letter found here: <http://www.hsr.gov/nrc/agstates/program/sp01029.pdf> to credit you with as many of the compatibility requirements as allowed, by referencing 10 CFR Part 49. However, the items listed in the attached chart are not covered by the referenced 10 CFR Part 49 sections and need to be incorporated into your rules.

If there are any comments which the State believes are in error, Arizona should identify the section of its' regulations that meet the designated compatibility category and resubmit those portions to the NRC. Please provide a final amended version of your rules, showing the location of any changes made, in response to our comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety, but have determined that if these regulations are adopted, incorporating our comments and 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](#).

The SRS Data Sheet summarizes our knowledge of the status of other Arizona regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the





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NRC Chronology Identification	FR Notice (Due Date for State Implementation)	RATS ID	Proposed (P) /		
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