

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
<p align="center"><b>Medical Administration of Radiation and Radioactive Materials</b>  <b>(60 FR 48623) RATS ID 1995-7</b>  <b>Effective October 20, 1995</b></p>							

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
20.1003	Definitions	33-10-01-04, subsection 72 and 82	A	<p>In Sec. 20.1003, the definitions of occupational dose and public dose are revised to read as follows: * * * * *</p> <p>Occupational dose means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation and/or radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include doses received from background radiation, from any medical administration the individual has received, from voluntary participation in medical research programs, or as a member of the public. * * * * *</p> <p>A</p> <p>Public dose means the dose received by a member of the public from exposure to radiation and/or radioactive material released by a licensee, or to any other source of radiation under the control of the licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, or from voluntary participation in medical research programs. * * * * *</p>	N		

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
20.1301	Dose limits for individual members of the public.	33-10-04.1-07.1a(1)	A- paragraphs (a)&(b) C- paragraph (c) D- paragraph (e) Paragraph (d) - A for States with authority to regulate u-mill activities and D for States without authority	In Sec. 20.1301, paragraph (a)(1) is revised to read as follows:  (a) * * * (1) The total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (1millisievert) in a year, exclusive of the dose contributions from background radiation, any medical administration the individual has received, voluntary participation in medical research programs, and the licensee's disposal of radioactive material into sanitary sewerage in accordance with Sec. 20.2003. * * * * *	N		
35.2	Definitions	33-10-07-01.1, subsection 10	C	In Sec. 35.2, the definition for misadministration is amended by removing the term "patient or human research subject" and inserting the word "individual."	N		

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
35.33	Notifications, reports, and records of mis-administrations	33-10-07-04, subsection 8	C	<p>In Sec. 35.33, paragraphs (a)(2), (a)(3), (a)(4), (b), and (c) are revised to read as follows:</p> <p>(a) * * *</p> <p>(2) The licensee shall submit a written report to the appropriate NRC Regional Office listed in 10 CFR 30.6 within 15 days after discovery of the misadministration. The written report must include the licensee's name; the prescribing physician's name; a brief description of the event; why the event occurred; the effect on the individual who received the misadministration; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee notified the individual (or the individual's responsible relative or guardian), and if not, why not; and if there was notification, what information was provided. The report must not contain the individual's name or any other information that could lead to identification of the individual. To meet the requirements of this section, the notification of the individual receiving the misadministration may be made instead to that individual's responsible relative or guardian, when appropriate.</p> <p>(3) The licensee shall notify the referring physician and also notify the individual receiving the misadministration of the misadministration no later than 24 hours after its discovery, unless the referring physician personally informs the licensee either that he will inform the individual or that, based on medical judgement, telling</p>	N		

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35.33 (Cont'd)			C	<p>the individual would be harmful. The licensee is not required to notify the individual without first consulting the referring physician. If the referring physician or the individual receiving the misadministration cannot be reached within 24 hours, the licensee shall notify the individual as soon as possible thereafter. The licensee may not delay any appropriate medical care for the individual, including any necessary remedial care as a result of the misadministration, because of any delay in notification.</p> <p>(4) If the individual was notified, the licensee shall also furnish, within 15 days after discovery of the misadministration, a written report to the individual by sending either:</p> <p>(i) A copy of the report that was submitted to the NRC; or</p> <p>(ii) A brief description of both the event and the consequences as they may affect the individual, provided a statement is included that the report submitted to the NRC can be obtained from the licensee.</p> <p>(b) Each licensee shall retain a record of each misadministration for 5 years. The record must contain the names of all individuals involved (including the prescribing physician, allied health personnel, the individual who received the misadministration, and that individual's referring physician, if applicable), the individual's social security number or other identification number if one has been assigned, a brief description of the misadministration, why it occurred, the effect on the individual, improvements needed to prevent</p>			

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35.33 (Cont'd)				recurrence, and the actions taken to prevent recurrence. (c) Aside from the notification requirement, nothing in this section affects any rights or duties of licensees and physicians in relation to each other, to individuals receiving misadministrations, or to that individual's responsible relatives or guardians.			

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
<div>Notification of Incidents (56 FR 40757, 56 FR 64980 )</div> <div>RATS ID 1991-4</div> <div>Effective October 15, 1991</div> <p><b>Note:</b> Due to the age of these two FR notices, there is no text available to place into “summary of change” The sections listed below are the amended sections that are pertinent to the Agreement States. The Reviewer should review the sections listed below against the current CFR text to determine compatibility.</p>							

20.2202	Notification of Incidents	33-10-04.1-16 (2)	C-paragraphs (a), (b), (c) & (d)  D-paragraph (e)		Y	<div>N Y</div> <div>Change made electronic</div>	The State has not changed “eye dose” to “lens dose” through out this section.  Comment Generated
30.50	Notification of Incidents	33-10-04.1-16 (5)	C-paragraphs (a), (b), (c), except D-paragraph (c)(3)		N		
40.60	Reporting Requirements	33-10-04.1-16 (5)	C-paragraphs (a), (b) & (c), except D- paragraph (c)(3)		N		

70.50	Reporting Requirements	33-10-04.1-16 (5)	C - paragraphs (a), (b), (c), except D - paragraph (c)(3)		N		
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Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
<div>Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use (59 FR 61767; 59 FR 65243; 60 FR 322) RATS ID 1995-1 Effective January 1, 1995</div> <div><b>Note:</b> Due to the age of this FR notice, the text in the FR does not match the current Part 35 medical, as of Oct 2002. The Agreement States have three years to adopt the new Part 35 so States can still request the review of their rules based on this old amendment. Attached is the FR notice. The reviewer is requested to review the State regulation against the FR notice.</div>							

30.4	Definitions	33-10-07-01	C	The definition of Medical Use is added	N		
32.72			B		N		
35.32	Definitions	33-10-07-01	D C C C D D C	The following definitions are added or revised:  Authorized Nuclear Pharmacist Authorized User Medical use Misadministration Pharmisist Recordable event Written Directive	N N N N N N N		
35.11	License Required	33-10-07-03	C		N		
35.32	Quality management program	33-10-07-04 (7)	D/H&S - paragraphs (a), (b) and (c) D- paragraphs (d), (e) and (f)		N		

35.33	Notifications	33-10-07-04 (8)	C		N		
35.52	Possession, use, calibration, and check of instruments to measure dosages of alpha- or beta-emitting radionuclides	33-10-07-05-(3)	D H&S		N		
35.53	Measurements of dosages of unsealed by-product material for medical use	33-10-07-05 (4)	D/H&S - paragraphs (a)& (b) D-paragraph (c)		N		
35.75	Release of individuals containing radio pharmaceuticals or permanent implants	33-10-07-05 (13)	C-paragraph (a)  D/H&S - paragraph (b)  D - Paragraphs (c) and (d)		N		
35.100	Use of unsealed byproduct material for uptake, dilution, and excretion studies	33-10-07-06(1)	D H&S		N		

35.200	Use of unsealed byproduct material for imaging and localization studies	33-10-07-06	D H&S		N		
35.300	Use of unsealed byproduct material for therapeutic administration	33-10-07-08	D H&S		N		
35.404	Release of patients or human research subjects treated with temporary implants	33-01-07-10 (5)	C		N		
35.406	Brachytherapy sources inventory	33-10-07-10 (4)	D, except paragraphs (a) & (c) are D/H&S		N		
35.610	Safety instructions	33-10-07-11(4)	D H&S		N		
35.615	Safety precautions	33-10-07-11 (6)-(8)	D H&S		N		

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
<div>Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards (59 FR 28220) RATS ID 1994-2 Effective July 1, 1994</div> <div><b>Note:</b> Due to the age of this FR notice, the changes to the text do not appear in the “summary of change”. The sections amended by this FR notice are listed below. The reviewer is requested to review the State regulation against the current sections in the CFR.</div>							

Part 40 Appendix A	Appendix A		C	Definitions are added to Appendix:  “As expeditiously as practicable considering technological feasibility,” “Available technology,” “Factors beyond the control of the licensee,” “Final radon barrier,” “Milestone,” “Operation,” and “Reclamation plan.”	N		
Part 40 Appendix A	Appendix A		C	Criterion 6 is revised and added 6A concerning radon, closure, barriers and timeliness of barrier installation.	N		

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
<div>Decommissioning Recordkeeping and License Termination: Documentation Additions</div> <div>(58 FR 39628) RATS ID 1993-1</div> <div>Effective October 25, 1993</div>							
<b>Note:</b> Due to the age of this FR notice, the changes to the text do not appear in the “summary of change”. The sections amended by this FR notice are listed below. The reviewer is requested to review the State regulation against the current sections in the CFR.							

30.35 (g)(3) and 40.36(f) (3) and 70.25 (g) (3)	Financial assurance and recordkeeping for decommissionin g	33-10-03-05-14 (g) (3)	D/H&S		N		
30.36(c) (2) (iii) (d)& (e) and 40.42 (c) (2) (iii) (d) & (e) and 70.36(c) (2)(iii)(d)	Expiration and termination of licences	33-10-03-05-14 (g) (3)	D/H&S		N		

30.36 (c) (3) and 40.36(c) (3) and 70.25 (c) (3)	Expiration and termination of licences	33-10- 03-05- 14 (g) (3)	D H&S		N		
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Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act (61 FR 65120; December 10, 1996) RATS ID 1997-1 Effective January 9, 1997							
20.1003	Definitions	33-10-01-04, subsections 25, 72 and 82	C	In Sec. 20.1003, the definition of Constraint is added to read as follows:  ***** Constraint (dose constraint) means a value above which specified licensee actions are required. *****	N		
20.1101	Radiation Protection Programs	33-10-04.1-05 subsection 4	D/H&S, except C- paragraph (d)	In Sec. 20.1101, paragraph (d) is added to read as follows:  ***** (d) To implement the ALARA requirements of Sec. 20.1101 (b), and notwithstanding the requirements in Sec. 20.1301 of this part, a constraint on air emissions of radioactive material to the environment, excluding Radon-222 and its daughters, shall be established by licensees other than those subject to Sec. 50.34a, such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 10 mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance	N		

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				as provided in Sec. 20.2203 and promptly take appropriate corrective action to ensure against recurrence.			
20.2203	Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits.	33-10-04.1-16.3	C- paragraphs (a), (b) D- paragraph (d) NRC- paragraph (c)	<p>In Sec. 20.2203 the section heading is revised, a new paragraph (a)(2)(vi) is added, and paragraphs (b)(1)(iv) and (b)(2) are revised to read as follows:</p> <p>(a) * * *</p> <p>(2) * * *</p> <p>(vi) The ALARA constraints for air emissions established under Sec. 20.1101(d); or</p> <p>(b) * * *</p> <p>(1) * * *</p> <p>(iv) Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental standards, and associated license conditions. (2) Each report filed pursuant to paragraph (a) of this section must include for each occupationally overexposed \7\ individual: the name, Social Security account number, and date of birth. The report must be prepared so that this information is stated in a separate and detachable part of the report.</p> <p>-----</p> <p>\7\ With respect to the limit for the embryo-fetus (Sec. 20.1208), the identifiers should be those of the declared pregnant woman.</p>	N		



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<div>Low-Level Waste Shipment Manifest Information and Reporting (60 FR 15649 &amp; 60 FR 25983) RATS ID 1995-3 Effective March 1, 1995</div> <div>Note: 60 FR 25983 corrects a notice appearing in the Federal Register on Monday, March 27, 1995 (60 FR 15649). The action is necessary to correct an error of omission. The text of paragraph III E to Appendix G to Part 20 was inadvertently omitted from the codified text of the final rule. It has been included in its correct place below.</div>							

20.2006	Transfer for disposal and manifests	33-10-04.1-14	B	<div>Section 20.2006 is revised to read as follows:</div> <div>Due to the length of this change, the full text follows below.</div>	N		
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20.2101	General provisions	33-10-04.1-15	C	<p>Section 20.2101 is amended by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read as follows:</p> <p>* * * * *</p> <p>(b) Notwithstanding the requirements of paragraph (a) of this section, when recording information on shipment manifests, as required in Sec. 20.2006(b), information must be recorded in the International System of Units (SI) or in SI and units as specified in paragraph (a) of this section.</p> <p>* * * * *</p>	N		
Part 20 appendix G	appendix G	33-10-04.1 App G	B	<p>A new appendix G is added to 10 CFR part 20 to read as follows:</p> <p><b>Due to the length of this change, the full text follows below.</b></p>	N		
61.80	Maintenance of records, reports, and transfers.		C	<p>Section 61.80 is amended by revising paragraph (f) and (i)(1), and adding paragraph (l) to read as follows:</p> <p><b>Due to the length of this change, the full text follows below.</b></p>	N/A		ND does not have any land waste disposal.

**Sec. 20.2006 Transfer for disposal and manifests.**

(a)(1) The requirements of this section and appendices F and G to 10 CFR part 20 are designed to

(i) Control transfers of low-level radioactive waste by any waste generator, waste collector, or waste processor licensee, as defined in this part, who ships low-level waste either directly, or indirectly through a waste collector or waste processor, to a licensed low-level waste land disposal facility (as defined in part 61 of this chapter);

(ii) Establish a manifest tracking system; and

(iii) Supplement existing requirements concerning transfers and recordkeeping for those wastes.

(2) Beginning March 1, 1998, all affected licensees must use Appendix G. Prior to March 1, 1998, a LLW disposal facility operator or its regulatory authority may require the shipper to use appendix F or appendix G. Licensees using appendix F shall comply with paragraph (b)(1) of this section. Licensees using appendix G shall comply with paragraph (b)(2) of this section.

(b)(1) Each shipment of radioactive waste intended for disposal at a licensed land disposal facility must be accompanied by a shipment manifest in accordance with section I of appendix F to 10 CFR part 20.

(2) Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility must document the information required on NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with appendix G to 10 CFR part 20.

(c) Each shipment manifest must include a certification by the waste generator as specified in section II of appendix F or appendix G to 10 CFR part 20, as appropriate. See paragraph (a)(2) of this section to determine the appropriate appendix.

(d) Each person involved in the transfer for disposal and disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, shall comply with the requirements specified in section III of appendix F or appendix G to 10 CFR part 20, as appropriate. See paragraph (a)(2) of this section to determine the appropriate appendix. 4. Section 20.2101 is amended by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read as follows:

**Appendix G to 10 CFR Part 20**

**--Requirements for Transfers of Low- Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests**

**I. Manifest**

A waste generator, collector, or processor who transports, or offers for transportation, low-level radioactive waste intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility must prepare a Manifest (OMB Control Numbers 3150- 0164, - 0165, and -0166) reflecting information requested on applicable NRC Forms 540 (Uniform Low-Level Radioactive Waste Manifest (Shipping Paper)) and 541 (Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description)) and, if necessary, on an applicable NRC Form 542 (Uniform Low-Level Radioactive Waste Manifest (Manifest Index and Regional Compact Tabulation)). NRC Forms 540 and 540A must be completed and must physically accompany the pertinent low-level waste shipment. Upon agreement between shipper and consignee, NRC Forms 541 and 541A and 542 and 542A may be completed, transmitted, and stored in electronic media with the capability for producing legible, accurate, and complete records on the respective forms. Licensees are not required by NRC to comply with the manifesting requirements of this part when they ship: (a) LLW for processing and expect its return (i.e., for storage under their license) prior to disposal at a licensed land disposal facility; (b) LLW that is being returned to the licensee who is the "waste generator" or "generator," as defined in this part; or (c) Radioactively contaminated material to a "waste processor" that becomes the processor's "residual waste." For guidance in completing these forms, refer to the instructions that accompany the

forms. Copies of manifests required by this appendix may be legible carbon copies, photocopies, or computer printouts that reproduce the data in the format of the uniform manifest. NRC Forms 540, 540A, 541, 541A, 542 and 542A, and the accompanying instructions, in hard copy, may be obtained from the Information and Records Management Branch, Office of Information Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-7232. This appendix includes information requirements of the Department of Transportation, as codified in 49 CFR part 172. Information on hazardous, medical, or other waste, required to meet Environmental Protection Agency regulations, as codified in 40 CFR parts 259, 261 or elsewhere, is not addressed in this section, and must be provided on the required EPA forms. However, the required EPA forms must accompany the Uniform Low-Level Radioactive Waste Manifest required by this chapter. As used in this appendix, the following definitions apply: Chelating agent has the same meaning as that given in Sec. 61.2 of this chapter. Chemical description means a description of the principal chemical characteristics of a low-level radioactive waste. Computer-readable medium means that the regulatory agency's computer can transfer the information from the medium into its memory. Consignee means the designated receiver of the shipment of low-level radioactive waste. Decontamination facility means a facility operating under a Commission or Agreement State license whose principal purpose is decontamination of equipment or materials to accomplish recycle, reuse, or other waste management objectives, and, for purposes of this part, is not considered to be a consignee for LLW shipments. Disposal container means a container principally used to confine low-level radioactive waste during disposal operations at a land disposal facility (also see "high integrity container"). Note that for some shipments, the disposal container may be the transport package. EPA identification number means the number received by a transporter following application to the Administrator of EPA as required by 40 CFR part 263. Generator means a licensee operating under a Commission or Agreement State license who (1) is a waste generator as defined in this part, or (2) is the licensee to whom waste can be attributed within the context of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (e.g., waste generated as a result of decontamination or recycle activities). High integrity container (HIC) means a container commonly designed to meet the structural stability requirements of Sec. 61.56 of this chapter, and to meet Department of Transportation requirements for a Type A package. Land disposal facility has the same meaning as that given in Sec. 61.2 of this chapter. NRC Forms 540, 540A, 541, 541A, 542, and 542A are official NRC Forms referenced in this appendix. Licensees need not use originals of these NRC Forms as long as any substitute forms are equivalent to the original documentation in respect to content, clarity, size, and location of information. Upon agreement between the shipper and consignee, NRC Forms 541 (and 541A) and NRC Forms 542 (and 542A) may be completed, transmitted, and stored in electronic media. The electronic media must have the capability for producing legible, accurate, and complete records in the format of the uniform manifest. Package means the assembly of components necessary to ensure compliance with the packaging requirements of DOT regulations, together with its radioactive contents, as presented for transport. Physical description means the items called for on NRC Form 541 to describe a low-level radioactive waste. Residual waste means low-level radioactive waste resulting from processing or decontamination activities that cannot be easily separated into distinct batches attributable to specific waste generators. This waste is attributable to the processor or decontamination facility, as applicable. Shipper means the licensed entity (i.e., the waste generator, waste collector, or waste processor) who offers low-level radioactive waste for transportation, typically consigning this type of waste to a licensed waste collector, waste processor, or land disposal facility operator. Shipping paper means NRC Form 540 and, if required, NRC Form 540A which includes the information required by DOT in 49 CFR part 172. Source material has the same meaning as that given in Sec. 40.4 of this chapter. Special nuclear material has the same meaning as that given in Sec. 70.4 of this chapter. Uniform Low-Level Radioactive Waste Manifest or uniform manifest means the combination of NRC Forms 540, 541, and, if necessary, 542, and their respective continuation sheets as needed, or equivalent. Waste collector means an entity, operating under a Commission or Agreement State license, whose principal purpose is to collect and consolidate waste generated by others, and to transfer this waste, without processing or repackaging the collected waste, to another licensed waste collector, licensed

waste processor, or licensed land disposal facility. Waste description means the physical, chemical and radiological description of a low-level radioactive waste as called for on NRC Form 541. Waste generator means an entity, operating under a Commission or Agreement State license, who (1) possesses any material or component that contains radioactivity or is radioactively contaminated for which the licensee foresees no further use, and (2) transfers this material or component to a licensed land disposal facility or to a licensed waste collector or processor for handling or treatment prior to disposal. A licensee performing processing or decontamination services may be a “waste generator” if the transfer of low-level radioactive waste from its facility is defined as “residual waste.” Waste processor means an entity, operating under a Commission or Agreement State license, whose principal purpose is to process, repackage, or otherwise treat low-level radioactive material or waste generated by others prior to eventual transfer of waste to a licensed low-level radioactive waste land disposal facility. Waste type means a waste within a disposal container having a unique physical description (i.e., a specific waste descriptor code or description; or a waste sorbed on or solidified in a specifically defined media).

**Information Requirements A. General Information** The shipper of the radioactive waste, shall provide the following information on the uniform manifest: 1. The name, facility address, and telephone number of the licensee shipping the waste; 2. An explicit declaration indicating whether the shipper is acting as a waste generator, collector, processor, or a combination of these identifiers for purposes of the manifested shipment; and 3. The name, address, and telephone number, or the name and EPA identification number for the carrier transporting the waste.

**B. Shipment Information** The shipper of the radioactive waste shall provide the following information regarding the waste shipment on the uniform manifest: 1. The date of the waste shipment; 2. The total number of packages/disposal containers; 3. The total disposal volume and disposal weight in the shipment; 4. The total radionuclide activity in the shipment; 5. The activity of each of the radionuclides H-3, C-14, Tc-99, and I-129 contained in the shipment; and 6. The total masses of U-233, U-235, and plutonium in special nuclear material, and the total mass of uranium and thorium in source material.

**C. Disposal Container and Waste Information** The shipper of the radioactive waste shall provide the following information on the uniform manifest regarding the waste and each disposal container of waste in the shipment: 1. An alphabetic or numeric identification that uniquely identifies each disposal container in the shipment; 2. A physical description of the disposal container, including the manufacturer and model of any high integrity container; 3. The volume displaced by the disposal container; 4. The gross weight of the disposal container, including the waste; 5. For waste consigned to a disposal facility, the maximum radiation level at the surface of each disposal container; 6. A physical and chemical description of the waste; 7. The total weight percentage of chelating agent for any waste containing more than 0.1% chelating agent by weight, plus the identity of the principal chelating agent; 8. The approximate volume of waste within a container; 9. The sorbing or solidification media, if any, and the identity of the solidification media vendor and brand name; 10. The identities and activities of individual radionuclides contained in each container, the masses of U-233, U-235, and plutonium in special nuclear material, and the masses of uranium and thorium in source material. For discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices, and wastes in solidification/stabilization media), the identities and activities of individual radionuclides associated with or contained on these waste types within a disposal container shall be reported; 11. The total radioactivity within each container; and 12. For wastes consigned to a disposal facility, the classification of the waste pursuant to Sec. 61.55 of this chapter. Waste not meeting the structural stability requirements of Sec. 61.56(b) of this chapter must be identified.

**D. Uncontainerized Waste Information** The shipper of the radioactive waste shall provide the following information on the uniform manifest regarding a waste shipment delivered without a disposal container: 1. The approximate volume and weight of the waste; 2. A physical and chemical description of the waste; 3. The total weight percentage of chelating agent if the chelating agent exceeds 0.1% by weight, plus the identity of the principal chelating agent; 4. For waste consigned to a disposal facility, the classification of the waste pursuant to Sec. 61.55 of this chapter. Waste not meeting the structural stability requirements of Sec. 61.56(b) of this chapter must be identified; 5. The identities and activities of individual radionuclides contained in the waste, the masses of U-233, U-235, and

plutonium in special nuclear material, and the masses of uranium and thorium in source material; and 6. For wastes consigned to a disposal facility, the maximum radiation levels at the surface of the waste. E. Multi-Generator Disposal Container Information This section applies to disposal containers enclosing mixtures of waste originating from different generators. (Note: The origin of the LLW resulting from a processor's activities may be attributable to one or more "generators" (including "waste generators") as defined in this part). It also applies to mixtures of wastes shipped in an uncontainerized form, for which portions of the mixture within the shipment originate from different generators. 1. For homogeneous mixtures of waste, such as incinerator ash, provide the waste description applicable to the mixture and the volume of the waste attributed to each generator. 2. For heterogeneous mixtures of waste, such as the combined products from a large compactor, identify each generator contributing waste to the disposal container, and, for discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices, and wastes in solidification/stabilization media), the identities and activities of individual radionuclides contained on these waste types within the disposal container. For each generator, provide the following: (a) The volume of waste within the disposal container; (b) A physical and chemical description of the waste, including the solidification agent, if any; (c) The total weight percentage of chelating agents for any disposal container containing more than 0.1% chelating agent by weight, plus the identity of the principal chelating agent; (d) The sorbing or solidification media, if any, and the identity of the solidification media vendor and brand name if the media is claimed to meet stability requirements in 10 CFR 61.56(b); and (e) Radionuclide identities and activities contained in the waste, the masses of U-233, U-235, and plutonium in special nuclear material, and the masses of uranium and thorium in source material if contained in the waste.

## II. Certification

An authorized representative of the waste generator, processor, or collector shall certify by signing and dating the shipment manifest that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the Commission. A collector in signing the certification is certifying that nothing has been done to the collected waste which would invalidate the waste generator's certification.

## III. Control and Tracking

A. Any licensee who transfers radioactive waste to a land disposal facility or a licensed waste collector shall comply with the requirements in paragraphs A.1 through 9 of this section. Any licensee who transfers waste to a licensed waste processor for waste treatment or repackaging shall comply with the requirements of paragraphs A.4 through 9 of this section. A licensee shall: 1. Prepare all wastes so that the waste is classified according to Sec. 61.55 and meets the waste characteristics requirements in Sec. 61.56 of this chapter; 2. Label each disposal container (or transport package if potential radiation hazards preclude labeling of the individual disposal container) of waste to identify whether it is Class A waste, Class B waste, Class C waste, or greater than Class C waste, in accordance with Sec. 61.55 of this chapter; 3. Conduct a quality assurance program to assure compliance with Secs. 61.55 and 61.56 of this chapter (the program must include management evaluation of audits); 4. Prepare the NRC Uniform Low-Level Radioactive Waste Manifest as required by this appendix; 5. Forward a copy or electronically transfer the Uniform Low- Level Radioactive Waste Manifest to the intended consignee so that either (i) receipt of the manifest precedes the LLW shipment or (ii) the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using both (i) and (ii) is also acceptable; 6. Include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in paragraph A.5 of this section; 7. Receive acknowledgement of the receipt of the shipment in the form of a signed copy of NRC Form 540; 8. Retain a copy of or electronically store the Uniform Low- Level Radioactive Waste Manifest and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by 10 CFR Parts 30, 40, and 70 of this chapter; and 9. For any shipments or any part of a shipment for

which acknowledgement of receipt has not been received within the times set forth in this appendix, conduct an investigation in accordance with paragraph E of this appendix.

B. Any waste collector licensee who handles only prepackaged waste shall: 1. Acknowledge receipt of the waste from the shipper within one week of receipt by returning a signed copy of NRC Form 540; 2. Prepare a new manifest to reflect consolidated shipments that meet the requirements of this appendix. The waste collector shall ensure that, for each container of waste in the shipment, the manifest identifies the generator of that container of waste; 3. Forward a copy or electronically transfer the Uniform Low- Level Radioactive Waste Manifest to the intended consignee so that either: (i) Receipt of the manifest precedes the LLW shipment or (ii) the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using both (i) and (ii) is also acceptable; 4. Include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in paragraph B.3 of this section; 5. Receive acknowledgement of the receipt of the shipment in the form of a signed copy of NRC Form 540; 6. Retain a copy of or electronically store the Uniform Low- Level Radioactive Waste Manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by 10 CFR parts 30, 40, and 70 of this chapter; 7. For any shipments or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this appendix, conduct an investigation in accordance with paragraph E of this appendix; and 8. Notify the shipper and the Administrator of the nearest Commission Regional Office listed in appendix D of this part when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been cancelled.

C. Any licensed waste processor who treats or repackages waste shall: 1. Acknowledge receipt of the waste from the shipper within one week of receipt by returning a signed copy of NRC Form 540; 2. Prepare a new manifest that meets the requirements of this appendix. Preparation of the new manifest reflects that the processor is responsible for meeting these requirements. For each container of waste in the shipment, the manifest shall identify the waste generators, the preprocessed waste volume, and the other information as required in paragraph I.E. of this appendix; 3. Prepare all wastes so that the waste is classified according to Sec. 61.55 of this chapter and meets the waste characteristics requirements in Sec. 61.56 of this chapter; 4. Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with Secs. 61.55 and 61.57 of this chapter; 5. Conduct a quality assurance program to assure compliance with Secs. 61.55 and 61.56 of this chapter (the program shall include management evaluation of audits); 6. Forward a copy or electronically transfer the Uniform Low- Level Radioactive Waste Manifest to the intended consignee so that either: (i) Receipt of the manifest precedes the LLW shipment or (ii) the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using both (i) and (ii) is also acceptable; 7. Include NRC Form 540 (and NRC Form 540A, if required) with the shipment regardless of the option chosen in paragraph C.6 of this section; 8. Receive acknowledgment of the receipt of the shipment in the form of a signed copy of NRC Form 540; 9. Retain a copy of or electronically store the Uniform Low- Level Radioactive Waste Manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by 10 CFR parts 30, 40, and 70 of this chapter; 10. For any shipment or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this appendix, conduct an investigation in accordance with paragraph E of this appendix; and 11. Notify the shipper and the Administrator of the nearest Commission Regional Office listed in appendix D of this part when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

D. The land disposal facility operator shall: 1. Acknowledge receipt of the waste within one week of receipt by returning, as a minimum, a signed copy of NRC Form 540 to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. If any discrepancy exists between materials listed on the Uniform Low- Level Radioactive Waste Manifest and materials received, copies or electronic transfer of the affected forms must be returned indicating the discrepancy; 2.

Maintain copies of all completed manifests and electronically store the information required by 10 CFR 61.80(l) until the Commission terminates the license; and 3. Notify the shipper and the Administrator of the nearest Commission Regional Office listed in appendix D of this part when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

E. Any shipment or part of a shipment for which acknowledgement is not received within the times set forth in this section must: 1. Be investigated by the shipper if the shipper has not received notification or receipt within 20 days after transfer; and 2. Be traced and reported. The investigation shall include tracing the shipment and filing a report with the nearest Commission Regional Office listed in Appendix D to this part. Each licensee who conducts a trace investigation shall file a written report with the appropriate NRC Regional Office within 2 weeks of completion of the investigation.

**Section 61.80 is amended by revising paragraph (f) and (i)(1), and adding paragraph (l) to read as follows:**

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(f) Following receipt and acceptance of a shipment of radioactive waste, the licensee shall record the date that the shipment is received at the disposal facility, the date of disposal of the waste, a traceable shipment manifest number, a description of any engineered barrier or structural overpack provided for disposal of the waste, the location of disposal at the disposal site, the containment integrity of the waste disposal containers as received, any discrepancies between materials listed on the manifest and those received, the volume of any pallets, bracing, or other shipping or onsite generated materials that are contaminated, and are disposed of as contaminated or suspect materials, and any evidence of leaking or damaged disposal containers or radiation or contamination levels in excess of limits specified in Department of Transportation and Commission regulations. The licensee shall briefly describe any repackaging operations of any of the disposal containers included in the shipment, plus any other information required by the Commission as a license condition. The licensee shall retain these records until the Commission transfers or terminates the license that authorizes the activities described in this section.

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(i)(1) Each licensee authorized to dispose of waste materials received from other persons, pursuant to this part, shall submit annual reports to the appropriate Commission regional office shown in Appendix D to 10 CFR part 20, with copies to the Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Reports must be submitted by the end of the first calendar quarter of each year for the preceding year.

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(l) In addition to the other requirements of this section, the licensee shall store, or have stored, manifest and other information pertaining to receipt and disposal of radioactive waste in an electronic recordkeeping system. (1) The manifest information that must be electronically stored is-- (i) That required in 10 CFR part 20, appendix G, with the exception of shipper and carrier telephone numbers and shipper and consignee certifications; and (ii) That information required in paragraph (f) of this section. (2) As specified in facility license conditions, the licensee shall report the stored information, or subsets of this information, on a computer-readable medium.



Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
<div>Termination or Transfer of Licensed Activities: Recordkeeping Requirements (61 FR 24669; May 16, 1996) RATS ID 1996-3 Effective June 17, 1996</div> <div>Note: Due to the related text changes that appear in all three parts: 30, 40 and 70, the Summary of Change, below, does not list the text changes word for word. The Review is directed to go to the exact CFR part to verify the compatibility of a States regulations.</div>							

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
20.2108	Records of waste disposal	33-10-04.1-15.9.b	D	<div>In Sec. 20.2108, paragraph (b) is revised to read as follows:</div> <div>*****</div> <div>(b) The licensee shall retain the records required by paragraph (a) of this section until the Commission terminates each pertinent license requiring the record. Requirements for disposition of these records, prior to license termination, are located in Secs. 30.51, 40.61, 70.51, and 72.80 for activities licensed under these parts.</div>	N		

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
30.35 (g) 40.36(f) 70.25(g)	Financial assurance and recordkeeping for decommissioning	33-10-03-05.14g	D H&S	Paragraphs 30.35(g), 40.36(f) and 70.25(g)are revised to require the transfer of records pertaining to decommissioning to the new licensee.	N		
30.36(k)(4) 40.42(k)(4) 70.38(k)(4)	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas	33-10-03-05.8k(4)	D H&S	Added to state that license will not be terminated until the NRC receives the records required by revised Sacs. 30.51, 40.61, and 70.51.	N		
30.51(d),(e),(f) 40.61(d),(e),(f) 70.51(b)(6) 70.51(b)(7)	Records Material balance, inventory, and records requirements	33-10-04.1-15, subsections 12,13 &14	D/H&S- D/H&S- C C	Added to clarify that records pertaining to decommissioning, offsite releases, and certain records pertaining to waste disposal assignment, or to the NRC prior to license termination	N		
61.30(a)(3)	Transfer of license		D/H&S-	In Sec. 61.30, paragraph (a)(3) is revised to read as follows: (a) * * * (3) That any funds for care and records required by Sacs. 61.80 (e) and (f) have been transferred to the disposal site owner;	Y	N	Not applicable to North Dakota

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
61.30(c)(3)	Termination of license		D/H&S-	<p>In Sec. 61.31, paragraph (c)(3) is added to read as follows:</p> <p>*****</p> <p>(c) ***</p> <p>(3) That the records required by Sacs. 61.80(e) and (f) have been sent to the party responsible for institutional control of the disposal site and a copy has been sent to the Commission immediately prior to license termination.</p>	Y	N	Not applicable to North Dakota

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.0	Purpose and Scope		D	N/A		
§71.1	Communications and Records		D	N/A		
§71.2	Interpretations		D	N/A		
§71.3.	Requirements for license		D	N/A		
§71.4	Definitions	33-10-01-04 (1)				
	A <sub>1</sub>		B	N		
	Carrier	33-10-13-02 (1)	B	N		
	Certificate holder		D	N/A		
	Close reflection by water		D	N/A		
	Containment System		D	N/A		
	Conveyance		D	N/A		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
	Exclusive use	33-10- 13(7)	B	N		
	Fissile material	33-10- 13(8)	B	N		
	Licensed material		[D]	N/A		
	Low Specific Activity (LSA) material	33-10- 13-(10)	B	N		
	Low toxicity alpha emitters	33-10- 01- 04(62)	B	N		
	Maximum normal operating pressure	33-10- 13-02 (11)	B	N		
	Natural thorium	33-10- 01-04	B	N		
	Normal form radioactive material	33-10- 13-02	B	N		
	Optimum interspersed hydrogenous moderation		D	N/A		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
	Package	33-10-01-02	B	Y	N	This definition in 10 CFR 71 consists of three parts. The State included only the first part of the definition here. However the other parts appear as separate definitions in 33-10-01-02. This is not a compatibility issue.
	Fissile material package	33-10-01-02(9)	B	N		
	Type B package	33-10-01-02(18)	B	Y	N	The State chooses to reference the requirements in 10 CFR 71 and 49 CFR 173 instead of stating them in the definition as in 10 CFR 71.This is not a compatibility issue.
	Packaging	33-10-01-04(75)	B	N		
	Special form radioactive material	33-10-01-04(113)	B	Y	N	The State does not site the CFR references as in Part 71. This is not a compatibility issue.
	Specific activity	33-10-13-02(15)	B	N		
	State		D	N/A		
	Surface Contaminated Object (SCO)	33-10-01-04	B	N		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
	Transport Index	33-10- 13- 02(16)	B	N		
	Type A quantity	33-10- 13-02 (17)	B	N		
	Type B quantity	33-10- 13-02 (18)	B	N		
	Natural Uranium	33-10- 13- 02(125)	B	N		
	Depleted Uranium	33-10- 13- 02(125	B	N		
	Enriched Uranium	33-10- 13- 02(125	B	N		
§71.5	Transportatio n of Licensed Material	33-10- 13-05	B	Y	Y	<p>The State omitted the reference to transportation on public highways.</p> <p><b>Comment Generated</b></p> <p>The State references 49 CFR 172 subpart I in 33-10-13-05 (1)(a) (1)(h). This subpart is not reference in 10 CFR71 and it does not exist in 10CFR172.</p> <p><b>Comment Generated</b></p>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.6	Information collection requirements : OMB approval		D	N/A		
§71.7	Completeness and accuracy of Information		D	N/A		
§71.8	Specific exemptions		D	N/A		
§71.9	Exemption for physicians		D	N/A		



Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.10	Exemptions for low level material	33-10-13-04 (2)	B-paragraphs (a)	N	N	<p>The State has included Paragraphs (b) and (c) which are “NRC”</p> <p><b>Comment Generated</b></p> <p>Paragraphs (b) and (c) were changed from a compatibility category “B” to a category “NRC.” This exemption is reserved to the NRC because it was designed to delineate NRC’s authority from that of DOT’s in the area of transportation of radioactive materials. These provisions relinquish to DOT the control of types of shipments that are of low risk both from radiation and criticality standpoints. Further, to ensure that only low criticality risk shipments are included in the area of DOT authority, these provisions restrict the exemption to Type A and low-specific-activity (LSA) or surface contaminated (SCOs) that either contain no fissile material or satisfy the fissile material exemption requirements in §71.53. Finally, this exemption is reserved to the NRC because it does not relieve licensees from DOT requirements by reason of NRC’s authority, nor does the exemption relieve licensees from the restrictions on air transportation of plutonium imposed by Congress. Thus, Agreement States should not adopt these provisions in order to retain their ability to implement all of 49 CFR as directed by DOT.</p>
			NRC-paragraphs (b) & (c)	Y	Y	
§71.11	Deliberate misconduct		C	Y	Y	<p>The State has omitted the deliberate misconduct requirements, they also can not be found elsewhere in the ND regulations.</p> <p><b>Comment Generated</b></p>
§71.12	General license: NRC-approved package	33-10-13-07	B	Y	N	The State uses different words and order but the essential objectives are met. .

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.13	Previously approved package	33-10- 13-08	B- parag raphs (a) & (b) NRC- parag raphs (c) & (d)	Y	N	Different paragraph title, this is not a compatibility issue.
§71.14	General license: DOT specification container material	22-10- 13-09	B	N	N	
§71.16	General license: Use of foreign approved package	33-10- 13-10	B	Y	N	The State does not make reference to the requirements of 10CFR 71 subpart A, G and H as stated in 10 CFR 71 but refers to its own references. This is not a compatibility issue.
§71.18	General license: Fissile material, limited quantity of package		D	N/A		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.20	General license: Fissile material, limited moderator per package		D	N/A		
§71.22	General license: Fissile material, limited quantity, Controlled Shipment		D	N/A		
§71.24	General license: Fissile material, limited moderator, controlled shipment		NRC			State did not include
§71.31	Contents of Application		NRC			State did not include
§71.33.	Package description		NRC			State did not include

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.35	Package evaluation		NRC			State did not include
§71.37	Quality Assurance		NRC			State did not include
§71.38	Renewal of a certificate of compliance or quality assurance program approval		NRC			State did not include
§71.39	Requirements for additional information		NRC			State did not include
§71.41	Demonstration of Compliance		NRC			State did not include
§71.43	General Standards for all packages		NRC			State did not include
§71.45	Lifting and tie-down Standards for all packages		NRC			State did not include

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.47	External radiation Standards for all packages	33-10-13-15	[B]	Y	Y	<p>In 33-10-13-15 (b) the State makes reference to a personnel barrier and has radiation limits based on its use. 10CFR71.47 has no provisions for a personnel barrier. <b>Comment Generated</b></p> <p>In 33-10-13-15 (c) the State omitted the exception of “excluding the top and underside of the vehicle” which makes the State’s rule more restrictive. <b>Comment Generated</b></p>
§71.51	Additional Requirements for Type B packages		NRC			State did not include
§71.52	Exemption for low-specific-activity (LSA) packages		NRC			State did not include
§71.53	Fissile material exemptions		NRC			State did not include
§71.55	General Requirements for fissile material packages		NRC			State did not include
§71.57	Reserved					

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.59	Standards for arrays of fissile material packages		NRC			State did not include
§71.61	Special requirements for irradiated nuclear fuel shipments		NRC			State did not include
§71.63	Special requirements for plutonium shipments		NRC			State did not include
§71.64	Special requirements for plutonium air shipments		NRC			State did not include
§71.65	Additional Requirement s		NRC			State did not include
§71.71	Normal conditions of transport		NRC			State did not include
§71.73	Hypothetical accident conditions		NRC			State did not include

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.74	Accident conditions for air transport of plutonium		NRC			State did not include
§71.75	Qualification of special form radioactive material		NRC			State did not include
§71.77	Qualification of LSA-III material		NRC			State did not include
§71.81	Applicability of operating controls		D	N/A		
§71.83	Assumptions as to unknown properties	33-10-13-13	[B]	N		
§71.85	Preliminary determinations	33-10-13-14	B	Y	N	The State uses different wording but the essential objectives are met.
§71.87	Routine determinations	33-10-13-15	B	Y	N	The State group this section differently but it is not a compatibility issue.

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.88	Air Transportation of plutonium	33-10-13-16	B	N		
§71.89	Opening instructions	33-10-13-05(1)(b)	B	N		
§71.91	Records		D	N/A		
§71.93.	Inspection and tests		D	N/A		
§71.95	Reports		D	N/A		
§71.97	Advanced Notification	33-10-13-19	B	Y	Y	<p>The State does not include the correct reference for requesting a list of the governors. The State omits the reference to the list published in the Federal Registry as stated in 10 CFR 71.97 (c) (3) (i) and (ii). Also the State lists the office of governmental and public affairs as a contact point for these names. The State should use the references listed in 10 CFR 71.97 (c)(i)&amp;(ii) &amp;(iii).</p> <p><b>Comment Generated</b></p> <p>The State does not require notification of the NRC regional office where the transport will take place as required by 71.97(c)</p> <p><b>Comment Generated</b></p>
§71.99	Violations		D	N/A		
§71.100	Criminal penalties		D	N/A		



Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.101	Quality assurance requirements		D	N/A		
§71.103	Quality assurance organization		D	N/A		
§71.105	Quality assurance program		D	N/A		
§71.107	Package design control		D	N/A		
§71.109	Procurement document control		D	N/A		
§71.111	Instructions, procedures, and drawings		D	N/A		
§71.113	Document control		D	N/A		
§71.115	Control of purchased material, equipment, and services		D	N/A		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§71.117	Identification and control of materials, parts, and components		D	N/A		
§71.119	Control of special processes		D	N/A		
§71.121	Internal Inspection		D	N/A		
§71.123	Test control		D	N/A		
§71.125	Control of measuring and test equipment		D	N/A		
§71.127	Handling, storage, and shipping control		D	N/A		
§71.129	Inspection, test, and operating status		D	N/A		
§71.131	Nonconforming materials, parts, or components		D	N/A		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
71.133	Corrective action		D	N/A		
§71.135	Quality assurance records		D	N/A		
§71.137	Audits		D	N/A		
Appendix A	Determinatio n of A1 and A2	Append ix A to 33-10- 13	B	N		

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
Frequency of Medical Examinations for Use of Respiratory Protection Equipment (60 FR 7900) RATS ID 1995-2 Effective March 13, 1995							

20.1703	Use of individual respiratory protection equipment	33-10-04.1-11	D H&S	<p>In Sec. 20.1703, the introductory text of paragraphs (a) and (a)(3) is restated and paragraph (a)(3)(v) is revised to read as follows:</p> <p>(a) If the licensee uses respiratory protection equipment to limit intakes pursuant to Sec. 20.1702-- * * * * (3) The licensee shall implement and maintain a respiratory protection program that includes-- * * * * (v) Determination by a physician prior to the initial fitting of respirators, and either every 12 months thereafter or periodically at a frequency determined by a physician, that the individual user is medically fit to use the respiratory protection equipment. * * * * *</p>	N		
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Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.1	Purpose and Scope		D	N/A		
§34.3	Definitions	33-10-05				
	ALARA		[A]	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Annual refresher safety training		C	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Associated equipment		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Becquerel		[A]	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Certifying entity		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Collimator		B	Y	N	The States definition is different but meets the essential objectives
	Control (drive) cable		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Control drive mechanism		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Control tube		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Exposure head		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
	Field Station		C	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Gray		[A]	y	Y	The State has omitted this definition <b>Comment Generated</b>
	Guide tube (projection sheath)		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Hands-on experience		C	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Independent certifying organization		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Industrial radiography (radiography)		B	N		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
	Lay-barge radiography		B- for State s that autho rize licens ees to perfor m lay- barge radio graph y D- for other State s	N/A		
	Offshore platform radiography	N/A	B- for States that authorize platform radiography in inland waters or tidal waters subject to the States jurisdiction D- for other States			
	Permanent radiographic installation		C	N		
	Practical examination		C	Y	Y	The State has omitted this definition <b>Comment Generated</b>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
	Radiation safety officer for industrial radiography		C	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Radiographe r		C	Y	N	Essential objectives met,
	Radiographe r's assistant	N/A	B- for States that authorize the use of radiographer's assistants D- for other States			State does not have Radiographer's assistants The State uses radiography trainees
	Radiographic exposure device		B	Y	N	The State uses different words but the essential objectives are met.
	Radiographic operations		C	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Radiography		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	S-tube		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Sealed source		[A]	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Shielded position		C	N		
	Sievert		[A]	Y	Y	The State has omitted this definition <b>Comment Generated</b>



Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
	Source assembly		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Source changer		B	Y	Y	The State has omitted this definition <b>Comment Generated</b>
	Storage area		D	N		
	Storage container		B	N		
	Temporary jobsite		B	N		
	Underwater radiography	N/A	B- for States that authorize under- water radiography D- for other States			Not Authorized in ND
§34.5	Interpretation s		D	N/A		
§34.8	Information collection requirements : OMB approval		D	N/A		
§34.11	Application for a specific license		D	N/A		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.13	Specific license for industrial radiography	33-10-05-03(3)	C	Y	Y	<p>The State is missing the requirement to submit the identity and qualifications of the RSO for industrial radiography as per 34.13(g) <b>Comment Generated</b></p> <p>The State has condensed the section regarding “in house” leak testing and omitted some of the requirements as stated in 34.13 (h) <b>Comment Generated</b></p> <p>The State has omitted the requirements to identify all temporary job sites and locations of documents as per 34.13 (j) &amp; (k). <b>Comment Generated</b></p>
§34.20	Performance requirements of industrial radiography equipment	35-10-05-04	B, except paragraph (a)(2) is D	N		
§34.21	Limits on external radiation from storage containers and source changers	35-10-05-04 (2)	B	Y	Y	<p>The State has added requirements to this section that do not appear in 34.21. The State has set radiation limits less than 34.21 and has measurement distances that are not compilable to 34.21. <b>Comment Generated</b></p>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.23	Locking of radiographic exposure devices, storage containers and source changers	35-10-05-04 (3)(a)	B	N		
§34.25	Radiation survey instruments	35-10-05-04 (5)	C	Y	N	The State requires more frequent calibration cycles. Not a compatibility issue.
§34.27	Leak testing and replacement of sealed sources	35-10-05-04 (6)	C	Y	Y	The state had omitted all of the requirements stated in 34.27(e) regarding exposure devices containing DU shielding. <b>Comment Generated</b>
§34.29	Quarterly Inventory	35-10-05-04 (7)	C	Y	Y	The State's requirement for record retention is two years 34.69 requires three years. <b>Comment Generated</b>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.31	Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers and survey instruments	35-10-05-04 (9)	C	Y	Y	<p>The State's requirement for record retention is two years 34.73 requires three years. <b>Comment Generated</b></p> <p><b>The State does not require written procedures for</b> inspection and maintenance as per 34.31 <b>Comment Generated</b></p> <p>The State has omitted the requirement for inspections prior to the initial use of radiographic exposure devices, transport and storage containers, associated equipment, source changers and survey instruments. <b>Comment Generated</b></p> <p>The State has omitted the inspection and maintenance requirements for type B containers as required by 34.31(b)(2). The requirements are also not in the States transportation regulations. <b>Comment Generated</b></p> <p>The State does not include survey instruments in this section but they cover the requirements in their survey instruments section. Not a compatibly issue.</p>
§34.33	Permanent Radiographic Installations	35-10-05-04 (10)	D/H&S	Y	N	<p>The State is more restrictive, not allowing any radiographic operations to commence with a faulty alarm. 10 CFR 34.33 gives options to allow operations with a faulty alarm. This is not a compatibility issue</p>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.35	Labeling, storage, and transportatio n	35-10- 05-04 (6)(e) and 35-10- 05-04 (1)(b) (1) and 35-10- 05-04 (4)(a)	B	Y	Y	The State does not include the storage precaution against fire and explosion as per 34.35 (b)  <b>Comment Generated</b>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.41	Conducting industrial radiography operations	35-10-05-06 (5)(c)	B, except paragraph (c) is B for States which authorize offshore platform or under-water radiography or D- for other States and paragraph (d) is D	Y	Y	<p>The State omitted the requirement that all operations conducted at locations of use authorized by the license must be conducted in a permanent instillation as per 34.41</p> <p><b>Comment Generated</b></p>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.42	Radiation safety officer for industrial radiography	Missing	D, except D/H&S for the first senten ce only of this section and paragr aph (a) is C.	Y	Y	<p>The State Does not have a provision for an RSO as per 34.42. The State does have a RSO provision in the Medical section but the requirements for training are different than in 34.42.</p> <p><b>Comment Generated</b></p>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.43	Training	35-10-05-05 (1)	B, except Paragraph (a)(2) is D and paragraph (c) is B - for States that authorize the use of radiographer's assistants and D- for other States	Y	Y	<p>The State has omitted the training requirements as per 34.43(g)(3) (ii) and (iii) regarding Transportation and Storage/disposal of material. <b>Comment Generated</b></p> <p>The State requires only 1 month OJT, 34.43 requires 2 months <b>Comment Generated</b></p> <p>The State has omitted the requirement for the radiographer to have copies of and instruction in the applicable CFR regulations cited in 34.43(b)(1). <b>Comment Generated</b></p> <p>The State has imposed a five year retesting requirement and does not establish a requirement for yearly refreshing training. <b>Comment Generated</b></p> <p>The State has omitted most of the requirements for the training requirements for a radiographic trainee (assistant) as per 34.43(c) 1-3 <b>Comment Generated</b></p> <p>The State has omitted the requirement for practical re-examination of radiographers and trainees with lapses in operational experience grater than six months as per 34.43(e) (2) <b>Comment Generated</b></p> <p>The States retention period for records of the safety and training audits is two years. 34.43(f) requires three. <b>Comment Generated</b></p>



Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.45	Operating and Emergency procedures	33-10-05-05 (2)	C, except for D-paragraphs (a)(9) & (b)			The State has omitted the requirement to have an emergency procedure for an alarming rate meter or off scale pocket dosimeter as per 34.45(a) (8) <b>Comment Generated</b>
§34.46	Supervision of radiographer's assistants	33-10-05-05(4)	B- for States that authorize the use of radiographer's assistants  D- for other States	Y	Y	The State has omitted the clarifying statement for what is considered "personal supervision" as required by 34.46 (a)-(c) <b>Comment Generated</b>
§34.47	Personnel monitoring	33-10-05-05 (3)	C	Y	Y	The State has omitted the requirement that the dosimeters be worn on the trunk of the body and that the dosimeter be of the type that is processed and read by an accredited NVLAP processor. <b>Comment Generated.</b>  The States requirement for retention of records for pocket dosimeters correct response to radiation is two years, 34.47 (c) requires three years <b>Comment Generated</b>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
						<p>The State has omitted the processing requirements for dosimetry as required by 34.47 (a) (3)&amp;(4) <b>Comment Generated</b></p> <p>The State has incorrectly stated the requirements contained in 34.46 (a) (b) allowing a gap to be created in dosimetry monitoring. <b>Comment Generated</b></p> <p>The States requirements for an off scale pocket dosimeter are less restrictive than the requirements of 34.47 (d). The 24 hour dosimetry processing has been replaced with “as soon as possible” and there is no mention of a supervisory work site evaluation, or the retention records associated with the assessment. <b>Comment Generated</b></p> <p>The State has omitted the requirement to document the loss or damage of a film badge or thermoluminescent dosimeter as per 34.47 (e) <b>Comment Generated</b></p> <p>The State has omitted the dosimetry record requirements found in 34.47(f) <b>Comment Generated</b></p> <p>The State has omitted the alarm ratemeter record retention requirements found in 34.47(g)(4) <b>Comment Generated</b></p>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.49	Radiation surveys	33-10- 05-06 (3)	C- parag raphs (a), (b), and (c) D- parag raph (d)	Y	N	The State used a different word order but the objectives are met. Not a compatibility issue.
§34.51	Surveillance	33-10- 05-06(1)	C	N		
§34.53	Posting	33-10- 05-06 (2)	C	N		
§34.61	Records of the specific license for industrial radiography		D	N/A		
§34.63	Records of receipt and transfer of sealed sources	Missing	C	Y	Y	The State does not have a section with this requirement. <b>Comment Generated</b>

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.65	Records of radiation survey instruments	33-10-05-04 (5) (c)	C	N		
§34.67	Records of leak testing	33-10-05-04 (6) (c)	C	N		
§34.69	Records of quarterly inventory	33-10-05-04 (7)	C	N		
§34.71	Utilization logs	33-10-05-04 (8)	B	N		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.73	Records of inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments	33-10-05-04 (9)	C	N		
§34.75	Records of alarm system and entrance control check at permanent radiographic equipment	33-10-05-04 (10) (b)	D			
§34.79	Records of training and certification	33-10-05-05 (1) (b)	C	N		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.81	Copies of operating and emergency procedures	33-10-05-05 (2)	C	Y	Y	The State has omitted the requirement for maintaining emergency procedures IAW 34.81 <b>Comment Generated</b>
§34.83	Records of personnel monitoring procedures	Various	C	Y	Y	The State has omitted the documentation requirements of this section but comments were made in other section of the review.
§34.85	Records of radiation surveys		D	N/A		
§34.87	Forms of records	Missing	C	Y	Y	The State does not have these requirements. <b>Comment Generated</b>
§34.89	Location of documents and records	33-10-05-06	C	Y	Y	The State has omitted most of the requirements for documentation required by 34.89 <b>Comment Generated</b>
§34.101	Notifications	33-10-05-04 (11)	C	N		
§34.111	Applications for exemptions		D	N/A		
§34.121	Violations		D	N/A		

Nrc Section	Section Title	State Section	Cat	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
§34.123	Criminal Penalties		D	N/A		
Appendix A	Radiographer certification	Missing	B			

Change to Nrc Section	Title	State Section	Comparabil ity Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Radiation Protection Requirements: Amended Definitions and Criteria (60 FR 36038) RATS ID 1995-5 Effective August 14, 1995							
19.12	Instruction to workers	33-10-10- 02,subsection 2	C	Section 19.12 is revised to read as follows Below:	Y	Y	The statement “to the individual and potential offspring,” was omitted from §19.12(a)(2). The statement “may request” was used in place of “must be furnished” in §19.12(a)(6). This section is compatibility category C, in which the essential objectives should be adopted to avoid conflicts, duplications or gaps. <b>COMMENT GENERATED</b>
		33-10-10- 02,subsection 2		Section 19.12 (a) All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv) shall be-- (1) Kept informed of the storage, transfer, or use of radiation and/or radioactive material; (2) Instructed in the health protection problems associated with exposure to radiation and/or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; (3) Instructed in, and required to observe, to the extent within the workers control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposure to radiation and/or radioactive material; (4) Instructed of their responsibility to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations and licenses or unnecessary exposure to radiation and/or radioactive material; (5) Instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation and/or radioactive material; and (6) Advised as to the radiation exposure reports which workers may request pursuant to Sec. 19.13. (b) In determining those individuals subject to the requirements of paragraph (a) of this section, licensees must take into consideration assigned activities during normal and abnormal			



Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				situations involving exposure to radiation and/or radioactive material which can reasonably be expected to occur during the life of a licensed facility. The extent of these instructions must be commensurate with potential radiological health protection problems present in the work place.			
20.1003	Definitions	33-10-01-04, subsections 65, 72 and 82		In Sec. 20.1003, the definitions of ``Member of the public" ``Occupational dose," and ``Public dose" are revised to read as follows:  * * * * * <b>Member of the public</b> means any individual except when that individual is receiving an occupational dose.\1\----- \1\ Except as delineated in other parts of 10 CFR chapter I. ----- * * * * *	Y	Y	The statement "or to radioactive material from licensed and unlicensed sources of radiation," was omitted from the definition for "Occupational Dose" in §20.1003. This section is compatibility category A, in which the State should adopt essentially identical language.
20.1003 (cont'd)			A				
			A	<b>Occupational dose</b> means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation and/or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include dose received from background radiation, as a patient from medical practices, from voluntary participation in medical research programs, or as a member of the public. * * * * *			
			A	<b>Public dose</b> means the dose received by a member of the public from exposure to radiation and/or radioactive material released by a			

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				licensee, or to any other source of radiation under the control of a licensee. It does not include occupational dose or doses received from background radiation, as a patient from medical practices, or from voluntary participation in medical research programs. *****			

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Criteria for the Release of Individuals Administered Radioactive Material (62 FR 4120, January 29, 1997) RATS ID 1997-3 Effective May 29, 1997]							
20.1003	Definitions	33-10-01-04,Sub section 72 and 82	A	<p>In Sec. 20.1003, the footnote to the definition of member of the public is removed and the definitions of occupational dose and public dose are revised to read as follows:</p> <p>*****</p> <p><b>Occupational dose</b> means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with Sec. 35.75, from voluntary participation in medical research programs, or as a member of the public.</p> <p>*****</p> <p><b>Public dose means</b> the dose received by a member of the public from exposure to radiation or radioactive material released by a</p>	N		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				licensee, or to any other source of radiation under the control of a licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with Sec. 35.75, or from voluntary participation in medical research programs. * * * * *			
20.1301	Dose limits for individual members of the public	33-10-04.1-07.1.a	A- paragraphs (a)&(b) C- paragraph (c) D- paragraph (e) Paragraph (d) - A for States with authority to regulate u-mill activities and D for States without authority	In Sec. 20.1301, paragraph (a) is revised to read as follows:  (a) Each licensee shall conduct operations so that-- (1) The total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (1 millisievert) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with Sec. 35.75, from voluntary participation in medical research programs, and from the licensee's disposal of radioactive material into sanitary sewerage in accordance with Sec. 20.2003, and (2) The dose in any unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material	N		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				and released in accordance with Sec. 35.75, does not exceed 0.002 rem (0.02 millisievert) in any one hour.			
20.1903	Exceptions to posting requirements	33-10-04.1-13.3b	D	In Sec. 20.1903, paragraph (b) is revised to read as follows:  * * * * * (b) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to Sec. 20.1902 provided that the patient could be released from licensee control pursuant to Sec. 35.75 of this chapter. * * * * *	N		
35.75	Release of individuals containing radiopharmaceuticals or permanent implants	33-10-07-05.13	C- paragraph (a)  D/H&S - paragraph (b)  D - Paragraphs (c) and (d)	Section 35.75 is revised to read as follows:  (a) The licensee may authorize the release from its control of any individual who has been administered radiopharmaceuticals or permanent implants containing radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 millisieverts (0.5 rem).\1\-----\1\  Regulatory Guide 8.39, “Release of Patients Administered Radioactive Materials,” describes methods for calculating doses to other individuals and contains tables of activities not	N		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>likely to cause doses exceeding 5 millisieverts (0.5 rem)</p> <p>-----</p> <p>(b) The licensee shall provide the released individual with instructions, including written instructions, on actions recommended to maintain doses to other individuals as low as is reasonably achievable if the total effective dose equivalent to any other individual is likely to exceed 1 millisievert (0.1 rem). If the dose to a breast- feeding infant or child could exceed 1 millisievert (0.1 rem) assuming there were no interruption of breast-feeding, the instructions shall also include: (1) Guidance on the interruption or discontinuation of breast- feeding and (2) Information on the consequences of failure to follow the guidance. (c) The licensee shall maintain a record of the basis for authorizing the release of an individual, for 3 years after the date of release, if the total effective dose equivalent is calculated by: (1) Using the retained activity rather than the activity administered, (2) Using an occupancy factor less than 0.25 at 1 meter, (3) Using the biological or effective half-life, or (4) Considering the shielding by tissue. (d) The licensee shall maintain a record, for 3 years after the date of release, that instructions were provided to a breast-feeding woman if the radiation dose to the infant or child from continued breast-feeding could</p>			

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				result in a total effective dose equivalent exceeding 5 millisieverts (0.5 rem).			
35.315	Safety precautions	33-10-07-08.3.a(6)	D	In Sec. 35.315, paragraph (a)(6) is removed and reserved.	N		
35.415	Safety precautions	33-10-07-10.3a and 3.1(1). Als deletion of the former 33-10-07-10.3a(5).	D	<p>In Sec. 35.415, the introductory text to paragraph (a) and paragraph (a)(1) are revised and paragraph (a)(5) is removed.</p> <p>Sec. 35.415 Safety precautions. (a) For each patient or human research subject receiving implant therapy and not released from licensee control pursuant to Sec. 35.75 of this part, a licensee shall: (1) Not quarter the patient or the human research subject in the same room as an individual who is not receiving radiation therapy.</p>	N		

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
"Clarification of Decommissioning Funding Requirements" Parts 30,40,70 (60 FR 38235) RATS ID 1995-6 Effective November 24, 1995							
30.35	Financial assurance and recordkeeping for de-commissioning  (By Product Material)	33-10-03-05, subsection 14	D, except D/H&S - paragraphs (a), (b), (d) & (g)	<p>Section 30.35 is amended by revising paragraphs (b)(2), (c)(2), (c)(3), and (e) and by adding a new paragraph (c)(4) to read as follows:</p> <p>*****</p> <p>(b) ***</p> <p>(2) Submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by paragraph (d) of this section using one of the methods described in paragraph (f) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section must be submitted to NRC before receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the</p>	Y	N	<p>⚡</p> <p>The state <sup>uses</sup> "issued before July 27, 1990," was omitted from § 30.35, paragraphs (c) (2), (c)(2)(a), (c)(3), and (c)(3)(b). This is not a compatibility issue. The State's requirement encompasses all of the licensees.</p>



Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
30.35 (cont'd)				<p>certification, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.</p> <p>(c) * * *</p> <p>(2) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (a) of this section shall submit, on or before July 27, 1990, a decommissioning funding plan as described in paragraph (e) of this section or a certification of financial assurance for decommissioning in an amount at least equal to \$750,000 in accordance with the criteria set forth in this section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal.</p> <p>(3) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (b) of this section shall submit, on or before July 27, 1990, a decommissioning funding plan as described, in paragraph (e) of this section, or a certification of financial assurance for decommissioning in accordance with the criteria set forth in this section.</p> <p>(4) Any licensee who has submitted an application before July 27,</p>			

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
				<p>1990, for renewal of license in accordance with Sec. 30.37 shall provide financial assurance for decommissioning in accordance with paragraphs (a) and (b) of this section. This assurance must be submitted when this rule becomes effective November 24, 1995.</p> <p>*****</p> <p>(e) Each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph (f) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.</p> <p>*****</p>			

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
30.36	Expiration and termination of licenses and de-commissioning of sites and separate buildings or outdoor areas  (By Product Material)	33-10-03-05,subsection 8	D/H&S-paragraphs (c), (d), (e), (g), (h), (j) and (k) D- paragraphs (a), (b), (f) and (i)	<p>Section 30.36 is amended by redesignating paragraphs (e) through (j) as (f) through (k) and adding a new paragraph (e) to read as follows:</p> <p>*****</p> <p>(e) Coincident with the notification required by paragraph (d) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to Sec. 30.35 in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (g)(4)(v) of this section.</p> <p>(1) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so when this rule becomes effective November 24, 1995.</p> <p>(2) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Commission.</p>	N		

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
40.36	Financial assurance and recordkeeping for de-commissioning  (Source Material)	33-10-03-05,subsection 14	D- paragraphs (c) and (e)  D/H&S - paragraphs (a), (b), (d) and (f)	<p>Section 40.36 is amended by revising paragraphs (b)(2), (c)(2), (c)(3), and (d) and by adding a new paragraph (c)(4) to read as follows:</p> <p>*****</p> <p>(b) ***</p> <p>(2) Submit a certification that financial assurance for decommissioning has been provided in the amount of \$150,000 using one of the methods described in paragraph (e) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section must be submitted to NRC prior to receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section.</p> <p>(c) ***</p>	N		

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
40.36 (cont'd)				<p>(2) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (a) of this section shall submit, on or before July 27, 1990, a decommissioning funding plan as described in paragraph (d) of this section or a certification of financial assurance for decommissioning in an amount at least equal to \$750,000 in accordance with the criteria set forth in this section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal.</p> <p>(3) Each holder of a specific license issued before July 27, 1990, and of a type described in paragraph (b) of this section shall submit, on or before July 27, 1990, a decommissioning funding plan, as described in paragraph (d) of this section, or a certification of financial assurance for decommissioning in accordance with the criteria set forth in this section.</p> <p>(4) Any licensee who has submitted an application before July 27, 1990, for renewal of license in accordance with Sec. 40.43 shall provide financial assurance for decommissioning in accordance with</p>			

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
40.36 (cont'd)				<p>paragraphs (a) and (b) of this section. This assurance must be submitted when this rule becomes effective November 24, 1995.</p> <p>(d) Each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph (e) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of paragraph (e) of this section.</p> <p>*****</p>			

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
40.42	Expiration and termination of licenses and de-commissioning of sites and separate or outdoor areas  (Source Material)	33-10-03-05, subsection 8	D -paragraphs (a), (b) & (k)(4) D/H&S - paragraphs (c), (d), (e), (f), (g), (h), (i),(j) & (k)(1), (2), (3)	<p>Section 40.42 is amended by redesignating paragraphs (e) through (k) as (f) through (l) and adding a new paragraph (e) to read as follows:*****</p> <p>(e) Coincident with the notification required by paragraph (d) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to Sec. 40.36 in conjunction with a license issuance or renewal or as required by</p> <p>this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (g)(4)(v) of this section.</p> <p>(1) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so when this rule becomes effective November 24, 1995.</p> <p>(2) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Commission.</p> <p>*****</p>	N		

Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
70.25	Financial assurance and recordkeeping for de-commissioning  (Special Nuclear Material)	33-10-03-05(14)	D- except (a) is NRC and D/H&S - paragraphs (b), (d) & (g)	<p>Section 70.25 is amended by revising paragraphs (b)(2), (c)(2), (c)(3), and (e) and by adding a new paragraph (c)(4) to read as follows:</p> <p>(b) * * *</p> <p>(2) Submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by paragraph (d) of this section using one of the methods described in paragraph (f) of this section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section must be submitted to NRC before receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to NRC, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) of this section.</p> <p>(c) * * *</p> <p>(2) Each holder of a specific license issued before July 27, 1990,</p>	N		



Change to Nrc Section	Title	State Section	Category	Summary of Change	Difference Yes/No	Significant Yes/No	If Difference, Comment generated Why/ Why not
70.38	Expiration and termination of licenses and de-commissioning of sites and separate buildings or outdoor areas  (Special Nuclear Material)		D- paragraphs (a), (b) & (k)(4) D/H&S - paragraphs (c), (d), (e), (f), (g), (h),(i), (j) & (k)(1), (2) & (3)	<p>Section 70.38 is amended by redesignating paragraph (e) through (j) as (f) through (k) and adding a new paragraph (e) to read as follows: * * * * *</p> <p>(e) Coincident with the notification required by paragraph (d) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to Sec. 30.35 in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (g)(4)(v) of this section.</p> <p>(1) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so when this rule becomes effective November 24, 1995.</p> <p>(2) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Commission. approval of the Commission.of the Commission.</p>			