



STP Procedure Approval

Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements - SA-200

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NOTE

The STP Director's Secretary is responsible for the maintenance of this master copy document as part of the STP Procedure Manual. Any changes to the procedure will be the responsibility of the STP Procedure Contact.



Procedure Title: *Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements*

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I. INTRODUCTION

This procedure establishes the compatibility and health and safety components assigned to the U.S. Nuclear Regulatory Commission (NRC) regulations and program elements as determined in accordance with Management Directive (MD) and Handbook 5.9, *Adequacy and Compatibility of Agreement State Programs*.

II. OBJECTIVE

To provide guidance to the NRC staff, Agreement States, and States pursuing an Agreement State status on the compatibility and health and safety components assigned to NRC regulations and program elements.

III. BACKGROUND

- A. On September 3, 1997, the Commission implemented the Policy Statement on Adequacy and Compatibility of Agreement State Programs (Policy Statement) and this associated implementing procedure, which was developed by the Joint NRC-Agreement State Adequacy and Compatibility Working Group (Working Group). The Policy Statement sets forth the approach that the Commission will use when determining which of its regulations and program elements should be adopted by an Agreement State to maintain a compatible program. The Policy Statement also specifies that an Agreement State should have legally binding requirements to maintain adequate protection of public health and safety.
- B. MD 5.9, describes the criteria and process NRC staff should follow to determine which NRC regulations and program elements should be adopted by an Agreement State for purposes of compatibility as well as purposes of health and safety. In accordance with MD 5.9, each regulation and program element is analyzed and classified in a specific compatibility or health and safety component.
- C. Office of State and Tribal Programs (STP) Procedure SA-200 was developed for use by NRC and State staff. It identifies the assigned compatibility or health and safety component for each rule and program element, as determined in accordance with MD 5.9. The component classifications are set out in individual tables as described further below.

IV. ROLES AND RESPONSIBILITIES

- A. The Director, STP, is responsible for carrying out the responsibilities outlined in MD 5.9, Section 5.9-032.
- B. The Deputy Director, STP, is responsible for assigning a staff member to serve as lead Project Manager for adequacy and compatibility determinations, assisting in procedure updates, and assisting in determination of rule and program element designations in accordance with MD 5.9.
- C. The lead Project Manager for adequacy and compatibility is responsible for the review, evaluation and resolution of adequacy and compatibility concerns in collaboration and coordination with NRC staff members and Agreement State personnel. The lead Project Manager also is responsible for updating this procedure at a frequency established by STP management.

V. GUIDANCE

NRC staff should follow the guidance presented in MD Handbook 5.9, which describes the criteria and the process that will be used to determine the compatibility and health and safety components of NRC regulations and program elements that an Agreement State should adopt for an adequate and compatible program. In addition, the NRC staff should follow the guidance that a State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. In such cases, however, the State would need to commit to adopting the regulation, or to impose the regulation through license conditions or other legally binding means, if an application were to be received by the State.

MD 5.9 , Organizational Responsibilities and Delegations of Authority, provides that STP in coordination with other NRC offices will review, evaluate and determine those NRC regulations that an Agreement State should adopt as legally binding requirements for the purpose of compatibility or health and safety. In accordance with this provision, staff in FY 2002 implemented the “Compatibility Resolution (CR)” process.

During FY 2002, Agreement State and NRC staff identified concerns regarding the acceptability of differences in working between Agreement State and NRC regulations under certain compatibility designations. In some cases, staff review indicated that the compatibility comments in the regulation tables needed revision clarifying language on acceptable differences from NRC

wording, or the rules needed clarification. STP management determined that it would not be efficient and effective to wait until the next revision of this procedure to resolve these compatibility concerns, since no interpretation or implementation complex issues were involved. Thus, in the interim time period between finalization of revisions of the SA-200 procedure, staff will use the CR process to clarify or resolve minor concerns regarding the compatibility determinations of State Regulations. Significant compatibility issues will require Commission approval, and will be handled outside of the CR process. (Also see Section D.3)

The CR document will identify the issue, provide a discussion of the issue, and provide observations and/or conclusion of staff's resolution of the issue. The CR document will require concurrence by all relevant offices, i.e., Office of Nuclear Material Safety and Safeguards (NMSS) and the Office of General Counsel (OGC). The CR will be distributed to the Agreement States and States pursuing Agreement State status, the Conference of Radiation Control Program Directors, Inc., and all relevant NRC staff, and will be included as Appendix C to this procedure.

When using dual citation of the English System of Units and the Internationale System of Units (SI), States have the flexibility to determine which unit is cited first and which unit follows in brackets or parentheses in their regulations. The order in which these units appear in Agreement State regulations is not a matter of compatibility and does not have an effect on public health and safety. This flexibility accommodates various State editing styles when citing these units.

A. 10 CFR Regulations Addressing Agreement Materials

As noted earlier, on September 3, 1997, the Commission implemented the Policy Statement. The Statement of Consideration for NRC regulations developed prior to September 3, 1997 will not contain the current compatibility designations and associated rationale for compatibility designation under the Policy Statement. For NRC rules developed after September 3, 1997, the Statements of Consideration will contain a section entitled, "Agreement State Compatibility," which will include information on NRC rule compatibility designation and rationale. In order to easily access NRC rule compatibility information, this procedure, as of the 2004 revisions, will include information from the Statement of Consideration section on "Agreement State Compatibility," as appropriate.

The tables in Appendix A below, contain a section-by-section summary of an analysis of regulations in Title 10 of the Code of Federal Regulations

(10 CFR) and program elements that are applicable to the regulation of agreement materials. The analysis was based on the categorization criteria and processes set out in MD 5.9.

The Parts of 10 CFR for which tables are provided have been analyzed section-by-section; those Parts that do not have a corresponding table have been determined to address areas in which Agreement States either do not have regulatory authority or that are applicable specifically to NRC's regulatory program and need not be addressed by an Agreement State. For the purpose of completeness, those Parts that totally address areas of exclusive NRC authority are listed in Table 1. Those Parts that generally are applicable specifically to NRC's regulatory program, but are not areas of exclusive NRC authority, are listed in Table 2. Any future changes to these determinations will be reflected in revisions to Tables 1 and 2 and to the individual section-by-section analysis tables in Appendix A or Appendix B, as appropriate.

Table 1
Specific Parts of Title 10 of the Code of Federal Regulations That Address Areas of Exclusive NRC Authority
Parts 10, 11, 25, 26, 50, 51, 52, 53, 54, 55, 60, 62, 72, 73 ¹ , 74, 75 ² , 76, 81, 95, 100, 110, 140, and 160.

¹ Section 73.67 (Physical Protection of Special Nuclear Material of Moderate and Low Strategic Significance) of 10 CFR Part 73 is applicable to certain Agreement State licensees pursuant to 10 CFR 150.14. Agreement States, therefore, may wish to inform their licensees of the provisions of this part through a mechanism that is appropriate under the State's administrative procedure laws, but does not confer regulatory authority on the State in this area of exclusive NRC jurisdiction.

² Part 75 (Safeguards on Nuclear Material - Implementation of US/IAEA Agreement) may be applicable to certain Agreement State licensees as delineated in Section 75.2 - Scope. Agreement States, therefore, may wish to inform their licensees of the provisions of this part through a mechanism that is appropriate under the State's administrative procedure laws, but does not confer regulatory authority on the State in this area of exclusive NRC jurisdiction.

Table 2
Specific Parts of Title 10 of the Code of Federal Regulations That Address Areas That Generally Are Applicable Only to NRC's Regulatory Program
Parts 1, 2, 4, 7, 8, 9, 12, 13, 14, 15, 16, 21, ³ 170, and 171

B. Regulation and Other Program Element Tables

1. The Regulation Table is divided into four columns. These columns are: Regulation Section; Section Title; Compatibility Category; and Comments.
 - a. The Regulation Section column contains the numbering of the regulation section as it appears in the 10 CFR.
 - b. The Section Title column contains the section title as it appears in 10 CFR.
 - c. The Compatibility Category column contains compatibility or health and safety category for the regulation section that has been determined in accordance with the categorization criteria in MD 5.9.
 - d. Compatibility Categories & Health and Safety Identification

The key to the categories represented by either the symbols "A," "B," "C," "D," "NRC" or "H&S"⁴ are as follows:

³ The provisions in Part 21 derive from statutory authority in the Energy Reorganization Act, not the Atomic Energy Act, which does not apply to Agreement States. Therefore, this Part cannot be addressed under either compatibility or adequacy. While it may be argued that there are health and safety reasons to require States to adopt the provisions of Part 21, States may not have the statutory authority to do so.

⁴In order to be consistent with the Compatibility Categories and Health and Safety Identification provided in Management Directive 5.9, "Adequacy and Compatibility of Agreement State Programs," the compatibility designation of "D/H&S" has been replaced by the designation "H&S."

- A = Basic radiation protection standard or related definitions, signs, labels or terms necessary for a common understanding of radiation protection principles. The State program element should be essentially identical to that of NRC;
- B = Program element with significant direct transboundary implications. The State program element should be essentially identical to that of NRC;
- C = Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed need not be the same as NRC, provided the essential objectives are met;
- D = Not required for purposes of compatibility;
- NRC = Not required for purposes of compatibility. These are NRC program elements that address areas of regulation that cannot be relinquished to Agreement States pursuant to the Atomic Energy Act or provisions of 10 CFR regulations. The State should not adopt these program elements;
- H&S⁵ = Program elements identified by H&S in the Comment column are not required for purposes of compatibility; however, they do have particular health and safety significance. The State should

⁵An NRC program element that is not required for compatibility. This element is required for adoption by Agreement States because of a particular health and safety role in the regulation of Agreement material. If the essential objectives of the program element were not adopted, it could result directly (i.e., two or fewer failures) in an exposure to an individual in excess of the basic radiation protection standards. The concept embodied by “two or fewer failures” is that if the essential objectives of the program element were not adopted and implemented, then an event could occur that would not have taken place were the essential objectives adopted. This alone or in conjunction with, at most, one other event, could result in exposure of an individual in excess of limits set by basic radiation protection standards. (Management Directive 5.9., Handbook, Part II, Section E)

adopt the essential objectives of such program elements in order to maintain an adequate program.

[] = A bracket around a category means that the Section may have been adopted elsewhere and it is not necessary to adopt it again.

- e. The Comment column contains the rationale and supporting information for which a compatibility category or identification of health and safety significance was made. In all cases in which a regulation is designated as Category C or H&S, the Comment section should clearly provide supporting rationale for the compatibility determination and should clearly define the essential objective(s) of the rule. For regulations adopted after September 3, 2000, the Statements of Considerations for the rule should be consulted to obtain additional information on the compatibility determination for the rule. For regulations adopted before this date, the Statements of Considerations for the rule may not contain designation information, or the compatibility designation information included in the Notice was not based on the new Policy Statement, and thus shall not be used.

Effective as of the 2004 revisions of this procedure, the Comment column identifies the STP assigned regulation assessment tracking system (RATS) number in accordance with the chronology of amendments document discussed in SA-201, "Review of State Regulatory Requirements." This information will assist States in the revision of their regulations.

- f. In using the regulation tables, staff should be aware of the following points:
 - i. The following sections are found in multiple Parts of 10 CFR: *Purpose, Scope, Interpretations, Communications, OMB Approval, Violations, Criminal Penalties and Inspections*. They are all essentially identical from Part to Part. These requirements are not required for either compatibility or health and safety reasons. The State may elect to adopt similar sections based on its requirements;
 - ii. A number of terms and requirements are defined in more than one Part in 10 CFR. For purposes of consistency, the

tables show the compatibility category for the definition or requirements in the most appropriate Part and refer to that Part at all other occurrences of the term or requirements with the compatibility category shown in brackets. See, for example, the definition of "restricted area" in the table for Part 19, Section 19.3;

- iii. Unless otherwise indicated in the tables, the compatibility category or identification of health and safety significance applies to the entire section of the Part. See, for example, the table for Part 20, Section 20.2003, where individual paragraphs are assigned different components.
2. The Program Element Table is divided into three columns. These columns are: Program Element; Required For; and Comments. As directed by the Commission in Staff Requirements Memorandum, SECY-93-349-Draft Policy Statement for Agreement State Adequacy and Compatibility, dated April 21, 1994, the program elements identified in the table are consistent with the common and non-common performance indicators identified in Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)." Staff should use Management Directive 5.6 along with other IMPEP guidance document in the review of these program elements.
 - a. The Program Element column describes the program element.
 - b. The Required For column provides whether the program element is required for purposes of adequacy or compatibility.
 - c. The Comment column contains the rationale and supporting information as to why a program element was designated as being required for either compatibility or adequacy.

C. Reviews

1. The lead Project Manager for adequacy and compatibility will review and revise these procedures, as needed, in accordance with MD 5.9.
2. The lead Project Manager will recommend to the Director of STP the cycle for review and update of this procedure taking into consideration periodic updates to incorporate new final rules or program elements adopted by the Commission. The revision of this procedure will also take into

consideration any changes of designation of current NRC regulations and program elements.

3. Significant revisions to this procedure will be distributed for review and comment to STP staff, the NMSS, OGC, the Agreement States, and States pursuing Agreement State status. A review and comment period of at least 30 days will be provided.
4. The lead Project Manager will review and address any comments provided on the revisions. Any significant comments will be coordinated with management and staff as appropriate.

D. Approvals

1. Approvals of designations of final regulations developed after September 3, 1997 will be done in accordance with MD 5.9, and MD 6.3, *The Rulemaking Process*.
2. Approvals of revisions to designations established during the efforts of the Joint NRC/Agreement State Working Group which was implemented on September 3, 1997, will be made by STP management. As needed, staff will seek input from NMSS, OGC, and Agreement States.
3. Approvals of revisions to designations of rules developed after the implementation of the Policy Statement in September 3, 1997, will be submitted to the Commission for approval. The rules developed after September 1997, were developed in accordance with MD 5.9, and MD 6.3, *The Rulemaking Process*, which included Commission review and approval and public notice in the Federal Register ; thus, it is essential to obtain Commission approval of these revisions.

VI. APPENDICES

- Appendix A - 10 CFR PARTS 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 61, 70, 71, and 150
- Appendix B - Program elements
- Appendix C - Compatibility Resolutions

VII. REFERENCES

1. STP Procedure SA-200, *Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements*
2. STP Procedure SA-201, *Review of State Regulatory Requirements*
3. Title 10, Code of Federal Regulations
4. Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs*
5. *Final Policy Statement on Adequacy and Compatibility of Agreement State Programs*, dated September 3, 1997
6. Management Directive 6.3, *Rulemaking Process*
7. Management Directive 5.6, *“Integrated Materials Performance Evaluation Program (IMPEP)”*

Part 19 - NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§19.1	Purpose	D	
§19.2	Scope	D	
§19.3	Definitions		
	Act	D	
	Commission	D	
	Exclusion	D	
	License	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Licensee	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category D.
	Restricted area	[A]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category A.
	Sequestration	D	
	Worker	C	This definition is needed for a common understanding of the term "worker" as used in the regulation of agreement material. The same definition should apply to persons working in more than one jurisdiction.
§19.4	Interpretations	D	
§19.5	Communications	D	
§19.8	Information collection requirement: OMB approval	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§19.11	Posting of notices to workers	C	These requirements are needed to provide a minimum level of information to workers and to assure that this information is consistent from one jurisdiction to another since workers may work in multiple jurisdictions.
§19.12	Instructions to workers	C	This provision should be adopted by States to assure a minimum level of required worker training since workers may work in multiple jurisdictions.
§19.13	Notification and reports to individuals	C	These requirements are needed to provide a minimum level of information to workers and to assure that this information is consistent from one jurisdiction to another since workers may work in multiple jurisdictions.
§19.14	Presence of representatives of licensees and workers during inspections	C	
§19.15	Consultation with workers during inspections	C	
§19.16	Requests by workers for inspections	C	
§19.17	Inspection not warranted; informal review	C	
§19.18	Sequestration of witnesses and exclusion of counsel in interviews conducted under subpoena	D	This section addresses an administrative matter between the NRC and it's licensees, the absence of which from Agreement State programs does not create a conflict or gap.
§19.20	Employee protection	D	
§19.30	Violations	D	
§19.31	Application for exemptions	D	
§19.32	Discrimination prohibited	D	
§19.40	Criminal penalties	D	

Part 20 - STANDARDS FOR PROTECTION AGAINST RADIATION

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.1001	Purpose	D	
§20.1002	Scope	D	
§20.1003	Definitions		
	Absorbed Dose	A	
	Act	D	
	Activity	A	
	Adult	A	
	Airborne radioactive material	A	
	Airborne Radioactivity area	A	
	Air-purifying respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	ALARA	A	
	Annual limit on intake (ALI)	A	
	Assigned protection factor (APF)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Atmosphere-supplying respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Background Radiation	A	
	Bioassay (radio bioassay)	A	
	Byproduct material	[A]	This definition also appears in 10 CFR §150.3(c). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Class	A	Also referred to as “Lung Class or Inhalation Class”
	Collective Dose	A	
	Commission	D	
	Committed dose equivalent	A	
	Committed effective dose equivalent	A	
	Constraint	C	
	Controlled Area	D	
	Critical group	B	
	Declared Pregnant Woman	A	The term “declared pregnant woman was changed to a Compatibility Category A in the amendments, “Minor Corrections, Clarifying Changes, and a Minor Policy Change,” 63 FR 393477, July 23, 1998 and 63 FR 45393, August 26, 1998.
	Decommission	[C]	This definition also appears in 10 CFR 30.4. For purposes of compatibility, the language of the Part 30 definition should be used where it is assigned to Compatibility Category C.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Deep-dose equivalent	A	
	Demand respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Department	D	
	Derived air concentration (DAC)	A	
	Derived air concentration-hour (DAC-hour)	A	
	Disposable respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Distinguishable from background	B	
	Dose or radiation dose	D	This definition is not required for compatibility. No definition is presented. Rather, several terms are referenced, which are later defined.
	Dose equivalent	A	
	Dosimetry processor	D	
	Effective dose equivalent	A	
	Embryo/fetus	A	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Entrance or access point	C	This definition provides the minimum information needed for a common understanding and because differing definitions may jeopardize an orderly regulatory pattern in the regulation of agreement material.
	Exposure	D	This definition does not provide any information that is essential to understanding basic radiation protection principles beyond the plain dictionary meaning.
	External dose	D	This definition does not provide any information that is essential to understanding basic radiation protection principles beyond the plain dictionary meaning
	Extremity	A	
	Fit factor	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Fit test	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Filtering facepiece (dusk mask)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Generally applicable environmental radiation standards	A- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority	This term is needed for common understanding in applying the dose limit requirements in 10 CFR 20.1301 and the reporting requirements in 10 CFR 20.2203. These sections reference requirements that are applicable to the uranium fuel cycle.
	Government agency	D	
	Gray	See 10 CFR §20.1004	This term is not defined in this section. Refer to the referenced section for the definition where it is assigned Compatibility Category A.
	Helmet	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Hood	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	High radiation area	A	
	Individual	A	
	Individual monitoring	A	
	Individual monitoring devices	C	This definition provides the minimum information needed for a common understanding of the term and because inconsistent definitions may jeopardize an orderly regulatory pattern for the regulation of agreement material.
	Internal dose	A	
	Lens dose equivalent	A	This term replaces “Eye dose equivalent” to avoid confusion.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	License	D	
	Licensed material	D	
	Licensee	D	
	Limits	A	
	Loose-fitting facepiece	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Lost or missing licensed material	B	This term and definition are needed for a common understanding in collecting and reporting information on regulation of agreement material on a nationwide basis.
	Member of the public	A	
	Minor	A	
	Monitoring	A	
	Negative pressure respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Nonstochastic effect	A	The term, “deterministic,” if defined essentially identically to “nonstochastic” is an acceptable substitute.
	NRC	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Occupational Dose	A	This definition was revised as a result of amendment, “Medical Use of Byproduct Material,” (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The Agreement State implementation date is October 24, 2005. This definition was amended to replace the phrase “to exposure from individuals administered radioactive material and released in accordance with §35.75” with the phrase “to exposure from individuals administered radioactive material and released under §35.75.” This amendment reflects that violations to the requirements in §35.75 (patient release criteria) will be cited against §35.75 and not against the 0.1 rem public dose limit in 10 CFR Part 20. The existing compatibility designations for this regulation is not affected by this revision.
	Person	[C]	This definition also appears in 10 CFR §150.3(g). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category C.
	Planned special exposure	D	
	Positive pressure respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Powered air-purifying respirator (PAPR)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Pressure demand respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Public dose	A	This definition was revised as a result of amendment, “Medical Use of Byproduct Material,” (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The Agreement State implementation date is October 24, 2005. This definition was amended to replace the phrase “to exposure from individuals administered radioactive material and released in accordance with §35.75” with the phrase “to exposure from individuals administered radioactive material and released under §35.75.” This amendment reflects that violations to the requirements in §35.75 (patient release criteria) will be cited against §35.75 and not against the 0.1 rem public dose limit in 10 CFR Part 20. The existing compatibility designations for this regulation is not affected by this revision.
	Qualitative fit test (QLFT)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Quantitative fit test (QNFT)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Quality Factor	A	
	Quarter	D	
	Rad	See 10 CFR §20.1004	This term is not defined in this section. Refer to the referenced section for the definition where it is assigned to Compatibility Category A.
	Radiation	A	
	Radiation area	A	
	Reference man	A	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Rem	See 10 CFR §20.1004	This term is not defined in this section. Refer to the referenced section for the definition where it is assigned to Compatibility Category A.
	Residual radioactivity	B	
	Respiratory protective device	C	
	Restricted area	A	
	Sanitary sewerage	A	
	Self-contained breathing apparatus (SCBA)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Shallow-dose equivalent	A	This definition was revised as a result of amendment, “Revision of Skin Dose Limit,” (66 FR 16298, April 5, 2002) effective June 4, 2002 (RATS ID: 2002-1). The Agreement State implementation date is June 4, 2005. This amendment revises the definition to delete the words “averaged over an area of 1 square centimeter.” The existing compatibility designations for this regulation is not affected by this revision. For a detailed explanation of this change see NRC Regulatory Issue Summary 2002-10, dated July 9, 2002, available at the NRC web site.
	Sievert	See 10 CFR §20.1004	This term is not defined in this section. Refer to the referenced section for the definition where it is assigned to Compatibility Category A.
	Site boundary	D	
	Source Material	[A]	This definition also appears in 10 CFR §40.4. For purposes of compatibility, the language of the Part 40 definition should be used and it is assigned to Compatibility Category A. The Part 40 definition is used in the SSR’s, as previously approved by NRC. The Part 150 definition contains an ambiguity that many States would be unable to adopt.
	Special Nuclear Material	[A]	This definition also appears in 10 CFR §70.4. For purposes of compatibility, the language of the Part 70 definition should be used and it is assigned to Compatibility Category A. The Part 70 definition is used in the SSR’s, as previously approved by NRC.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Stochastic effects	A	The term “probabilistic,” if defined essentially identically to “stochastic” is an acceptable substitute.
	Supplied-air respirator (SAR) or airline respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Survey	A	
	Tight-fitting facepiece	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Total Effective Dose Equivalent (TEDE)	A	
	Unrestricted Area	A	
	Uranium Fuel Cycle	D	If a state chooses to adopt a definition of uranium fuel cycle, it must be essentially identical.
	User seal check (fit check)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Very High Radiation Area	A	
	Week	D	
	Weighting factor	A	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Whole body	A	
	Working level (WL)	A	
	Working level month (WLM)	A	
	Year	A	
§20.1004	Units of radiation dose	A	
§20.1005	Units of radioactivity	A	
§20.1006	Interpretations	D	
§20.1007	Communications	D	
§20.1008	Implementation	D	
§20.1009	Information collection requirements: OMB approval	D	
§20.1101	Radiation protection programs	H&S, except C- paragraph (d)	
§20.1201	Occupational dose limits for adults	A	This section was revised as a result of amendment, "Revision of Skin Dose Limit," (66 FR 16298, April 5, 2002) effective June 4, 2002 (RATS ID: 2002-1). The Agreement State implementation date is June 4, 2005. This amendment revised §10CFR 20.1201 (a)(2) (ii) to clarify that the shallow-dose equivalent (SDE) limit of 50 rem (0.5 Sv) is the dose limit to the skin of any extremity, as well as the skin of the whole body. This amendment also revised §10CFR 20.1201 (c) to specify that the assigned SDE must be the dose averaged over the 10 contiguous square centimeters of skin receiving the highest dose. The existing compatibility designations for this regulation is not affected by this revision. For a detailed explanation of this change see NRC Regulatory Issue Summary 2002-10, dated July 9, 2002, available at the NRC web site.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.1202	Compliance with requirements for summation of external and internal doses	A	
§20.1203	Determination of external dose from airborne radioactive material	A	
§20.1204	Determination of internal exposure	A	
§20.1205	Reserved		
§20.1206	Planned special exposures	D	
§20.1207	Occupation dose limits for minors	A	
§20.1208	Dose to an Embryo/fetus	A	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.1301	Dose limits for individual members of the public	A- paragraphs (a)&(b) A-paragraph (c) C-paragraph (d) Paragraph (e) - A for States with authority to regulate u-mill activities and D for States without authority D- paragraph (f)	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material ,” (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The Agreement State implementation date is October 24, 2005. This amendment revised the introductory text of paragraph (a) and paragraph (a)(1). This amendment also revised §10CFR 20.1301(a)(1) to replace the phrase “to exposure from individuals administered radioactive material and released in accordance with §35.75” with the phrase “to exposure from individuals administered radioactive material and released under §35.75.” This amendment reflects that violations to the requirements in §35.75 (patient release criteria) will be cited against §35.75 and not against the 0.1 rem public dose limit in 10 CFR Part 20. The revision also redesignated paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f), and a new paragraph (c) was added. The dose limits are established in paragraphs (a) and (b); thus these provisions are designated A and their compatibility designations did not change as a result of this revision. The new Paragraph (c) was assigned a compatibility category “A.” This provision establishes the considerations to allow members of the public to receive a dose greater than 0.1 rem, but less than 0.5 rem when they visit individuals who have been administered radioactive material and cannot be released. The compatibility designation for Paragraph (d) did not change; it provides a process for allowing a license to operate up to an annual dose of 0.5 for a member of the public, which is not a dose limit. For paragraph (d), the Statements of Consideration for the amendment, “Standards For Protection Against Radiation,” (56 FR 23360, May 21, 1991) effective June 20, 1991, stated that 0.5 rem per year limit was retained only to alleviate the immediate need to redesign or reshield facilities that were designed to meet the former 0.5 rem limit. For new facilities, the 0.1 rem should be used.</p>
§20.1302	Compliance with dose limits for individual members of the public	H&S - paragraphs (a)&(b) D- paragraph (c)	
§20.1401	General provisions and scope	C	
§20.1402	Radiological criteria for unrestricted use	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.1403	Criteria for license termination under restricted use	C	
§20.1404	Alternate criteria for license termination	C	
§20.1405	Public notification and public participation	C	
§20.1406	Minimization of contamination	C	
§20.1501	Surveys and Monitoring - General	H&S	
§20.1502	Conditions requiring individual monitoring of external and internal occupational dose	H&S	
§20.1601	Control of access to high radiation areas	H&S	
§20.1602	Control of access to very high radiation areas	H&S	
§20.1701	Use of process or other engineering controls	H&S	
§20.1702	Use of other controls	H&S	
§20.1703	Use of individual respiratory protection equipment	H&S	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.1704	Further restrictions on the use of respiratory protection equipment	D	
§20.1705	Application for use of higher assigned protection factors	B	This section is added as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000.
§20.1801	Security of stored material	H&S	
§20.1802	Control of material not in storage	H&S	
§20.1901	Caution signs	A	
§20.1902	Posting requirements	A	In adopting these provisions, States have the flexibility to omit the wording “grave danger.”
§20.1903	Exceptions to posting requirements	D	
§20.1904	Labeling containers	A	
§20.1905	Exceptions to labeling requirements	A	
§20.1906	Procedures for receiving and opening packages	H&S	
§20.2001	General requirements (Waste Disposal)	C	Agreement States should adopt the essential objectives of provision in order to eliminate confusion regarding the disposal of agreement material on a nationwide basis.
§20.2002	Method for obtaining approval of proposed disposal procedures	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.2003	Disposal by release into sanitary sewerage	A- paragraphs (a)(2) & (a)(3) C- paragraph (a)(4) D- paragraph (b) H&S- (a)(1)	
§20.2004	Treatment or disposal by incineration	D	
§20.2005	Disposal of specific wastes	D	
§20.2006	Transfer for disposal and manifests	B	
§20.2007	Compliance with environmental and health protection regulations	D	
§20.2101	General provisions	C	The use of SI units is the essential objective of this requirement.
§20.2102	Records of radiation protection programs	D	
§20.2103	Records of surveys	D	
§20.2104	Determination of prior occupational dose	D	If a State chooses to adopt “planned special exposure,” paragraph (b) should be adopted as a Category H&S.
§20.2105	Records of planned special exposures	D	
§20.2106	Records of individual monitoring results	C- paragraphs (a) & (e) D- paragraphs (b), (c), (d) & (f)	Agreement States should adopt paragraphs (a) and (e) to eliminate confusion in obtaining information in support of implementation of basic radiation protection standards since individuals may receive exposure in more than one licensee's facility or in more than one jurisdiction.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.2107	Records of Dose to individual members of the Public	D	
§20.2108	Records of Waste Disposal	D	
§20.2110	Form of Records	D	
§20.2201	Reports of theft or loss of licensed material	C- paragraphs (a), (b), (d) & (e) D- paragraph (c)	These requirements are needed for a common understanding in collecting and reporting information on the regulation of agreement material on a nationwide basis.
§20.2202	Notification of Incidents	C- paragraphs (a), (b), (c) & (d) D- paragraph (e)	All of this provision, except paragraph (e), is needed for a common understanding in collecting and reporting information on the regulation of agreement material on a nationwide basis. Meeting the essential objective of this regulation for the purpose of compatibility means the State should adopt the numerical values noted in the regulation as the minimum level acceptable. If State adopts planned special exposure, then the state should adopt paragraph (e).
§20.2203	Reports of exposures, etc, exceeding the limits.	C- paragraphs (a), (b) D- paragraph (d) NRC- paragraph (c)	Paragraphs (a) and (b) provide requirements that are needed for a common understanding in collecting and reporting information on the regulation of agreement material on a nationwide basis.
§20.2204	Reports of Planned special exposures	D	If a State adopts planned special exposure, then the State should adopt this provision.
§20.2205	Reports to individuals of exceeding dose limits	C	
§20.2206	Reports of Individuals Monitoring	D-paragraphs (a)(2), (a)(6), (a)(7), (b) &(c) NRC- (a)(1), (a)(3), (a)(4), (a)(5)	
§20.2301	Applications for Exemptions	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.2302	Additional Requirements	D	
§20.2401	Violations	D	
§20.2402	Criminal Penalties	D	
Appendix A	Protection Factors for Respirators	B	Assigned protection factors provide acceptable levels of protection to be afforded by respirators. Consistency is required in protection factors that are established as acceptable in NRC and Agreement State regulations to reduce impacts on licensees who may operate in multiple jurisdictions
Appendix B (Tables 1,2, & 3)	Annual Limits on Intake (ALIs), Derived Air Concentrations (DACs), of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage	A	
Appendix C	Quantities of licensed materials requiring labeling	A	
Appendix D	United States Nuclear Regulatory Commission Offices	D	
Appendix E-F	Reserved		

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
Appendix G	Requirements for Low-level Waste Transfer for disposal at land disposal facilities and Manifest	B	The provisions are needed in order to provide consistency in regulating agreement material which cross multiple jurisdictions.
Appendix G	Requirements for Low-level radioactive waste intended for disposal at land disposal facilities and manifests	B, except definitions of forms 540, 540A, 541, 542, & 542A are D	These provisions are needed by Agreement States to provide consistency in regulating agreement material which cross multiple jurisdictions. However, Agreement States should not adopt the definition of NRC forms (540, 540A, etc.) as part of this section because they will establish their own forms consistent with their program. In addition, if the Agreement States have adopted the definitions of “package,” “source material” and “special nuclear material” in accordance with 10 CFR in other provisions of their regulations, it is not necessary to adopt these provisions in this section.

Part 30 - RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§30.1	Scope	D	
§30.2	Resolution of Conflict	D	
§30.3	Activities requiring license	C	This requirement is needed for common understanding regarding activities requiring a license.
§30.4	Definitions		
	Act	D	
	Agreement State	[B]	This definition also appears in 10 CFR §150.3(b). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category B.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Alert	A	
	Byproduct material	[A]	This definition also appears in 10 CFR §150.3(b). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Commencement of construction	D	
	Commission	D	
	Curie	[A]	This definition also appears in 10 CFR §20.1005(b). For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category A.
	Decommission	C	This definition is needed for effective communication regarding regulation of agreement material on a nationwide basis.
	Dentist	[D]	This definition also appears in 10CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category D.
	Department and Department of Energy	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Effective dose equivalent	[A]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category A.
	Government agency	D	
	License	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Medical use	[C]	This definition also appears in 10 CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category C.
	Microcurie	D	
	Millicurie	D	
	Person	[C]	This definition also appears in 10 CFR §150.3(g). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category C.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Physician	[D]	This definition also appears in 10 CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category D.
	Podiatrist	[D]	This definition also appears in 10CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category D.
	Principal activities	D	
	Production facility	[D]	This definition also appears in 10 CFR §150.3(h). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category D. This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Research and development	D	
	Sealed source	B	This definition is needed for a common understanding because of transboundary effects.
	Site area emergency	A	
	Source material	[A]	This definition also appears in 10 CFR §150.3(i). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Special nuclear material	[A]	This definition also appears in 10 CFR §150.3(j). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	United States	D	
	Utilization facility	[D]	This definition also appears in 10 CFR §150.3(l). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category D. This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§30.5	Interpretations	D	
§30.6	Communications	D	
§30.7	Employee protection	D	
§30.8	Information collection requirements: OMB approval	D	
§30.9	Completeness and accuracy of information	D	
§30.10	Deliberate misconduct	C	The Commission determined in response to SECY-97-156 that Agreement States should adopt the essential objectives of this provision. If deliberate misconduct and wrongdoing issues involving Agreement State licensees were not pursued and closed by Agreement States, then a potential gap may be created between NRC and Agreement State programs.
§30.11	Specific exemptions	D	
§30.12	Persons using by-product material under certain Department of Energy (DOE) and Nuclear Regulatory Commission (NRC) contracts	B	This provision should be adopted by Agreement States in an essentially identical manner since it is required by Federal law.
§30.13	Carriers	B	
§30.14	Exempt concentrations	B	
§30.15	Certain items containing byproduct material	B	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§30.16	Resins containing scandium-46 and designed for sand-consolidation in oil wells	B	
§30.18	Exempt quantities	B	
§30.19	Self-luminous products containing tritium, krypton-85, or promethium-147	B	
§30.20	Gas and aerosol detectors containing byproduct material	B	
§30.21	Radioactive drug: Capsules containing carbon-14 urea for “in vivo” diagnostic use for humans	B, except paragraph (c) is NRC.	<p>This section was designated a Category B because of the need for nationwide consistency in the use of products which are widely distributed. The Agreement States will need to make appropriate provisions in their programs to allow any person to receive capsules containing one microcurie of carbon-14 urea for in vivo diagnostic use in humans without need for a license.</p> <p>Paragraph (c) was changed from Category B to NRC because it addresses and refers to an area that cannot be relinquished to Agreement States, which is requirements for an exempt distribution license.</p>
§30.31	Types of licenses	C	<p>This provision is needed for effective communication regarding the different types of licenses. This section was revised as a result of amendment, “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (65 FR 79162, December 18, 2000) effective February 16, 2001 (RATS ID: 2001-1). The Agreement State implementation date is February 16, 2004. This amendment reconciles the apparent conflict between the description of a general license and a registration requirement. The existing compatibility designations for this regulation is not affected by this revision.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§30.32	Application for specific licenses	C- paragraph (g) D- paragraphs (a), (b), (c), (d), (e), (f), & (h) and H&S- paragraph (i)	
§30.33	General requirements for issuance of specific licenses	D, except H&S - paragraphs (a)(2) & (a)(3)	
§30.34	Terms and conditions of licenses	C- paragraphs (a), (b), (c) D- paragraphs, (e)(2), (e)(4), (f), (g) NRC- paragraphs (d), (e)(1) & (e)(3) H&S- paragraph (h)	The essential objective(s) of paragraphs (a), (b), and (c) should be adopted by Agreement States because of the reciprocal recognition of licenses, transboundary effects in transferring material through multiple jurisdictions and to avoid conflicts and confusion in regulation of agreement material on a nationwide basis. Paragraph (d) is NRC because these provisions address areas reserved to the Commission by the Atomic Energy Act. Paragraph (h) is designated “H&S” because the notification of bankruptcy will alert agencies to the possibility of abandonment of licensed facilities at which there is potential for exposure in excess of Part 20 limits. This section was revised as a result of amendment, “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (65 FR 79162, December 18, 2000) effective: February 16, 2001 (RATS ID: 2001-1). The Agreement State implementation date is February 16, 2004. This amendment revised §10CFR 30.34(h)(1) to make the bankruptcy notification requirement applicable to those general licensees subject to the registration requirement. The existing compatibility designations for this regulation is not affected by this revision.
§30.35	Financial assurance and recordkeeping for decommissioning	D, except H&S - paragraphs (a), (b), (d) & (g)	States are given flexibility to allow different dollar amounts based upon jurisdiction and local conditions. The H&S designation for paragraph (g) is warranted because of the requirement for transfer of certain records (e.g. spills or spread of contamination) important for decommissioning to a subsequent licensee at the same facility.
§30.36	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas	H&S- paragraphs (c), (d), (e), (g), (h), (j) and (k) D- paragraphs (a), (b), (f) and (i)	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§30.37	Application for renewal of licenses	D	
§30.38	Application for amendment of licenses	D	
§30.39	Commission Action on applications to renew or amend	D	
§30.41	Transfer of byproduct material	C, except (a)(6) is NRC	This provision is needed for coherent regulation of agreement material on a nationwide basis. Paragraph (a)(6) authorizes transfer by export, a function reserved to NRC
§30.50	Reporting Requirements	C- paragraphs (a), (b), (c), except D-paragraph (c)(3)	States have the flexibility to require additional event reporting information. This information would depend on local conditions, laws, etc.
§30.51	Records	C- paragraphs (a) and (b) D- paragraph (c) H&S- paragraphs (d), (e) and (f)	The time required for record retention under paragraph (b) may vary in accordance with the type of activity being licensed. The H&S designation for paragraph (e) is warranted by the requirement for transfer of certain records (e.g. spills or spread of contamination) important for decommissioning to a subsequent licensee at the same facility and termination.
§30.52	Inspections	D	
§30.53	Tests	D	
§30.55	Tritium reports	[NRC]	The provision in this section also appears in 10 CFR 150.19 where it is applicable to licensees of Agreement States. It is assigned to Compatibility Category NRC since it requires reports to NRC.
§30.61	Modification and revocation of licenses	D	
§30.62	Right to cause the withholding or recall or byproduct material	D	
§30.63	Violations	D	
§30.64	Criminal penalties	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§30.70	Schedule A- exempt concentrations table	B	
§30.71	Schedule B - exempt quantity table	B	
§30.72	Schedule C- Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release	H&S	
Appendix A	Criteria Relating to Use of Financial tests and Parent Company Guarantees for Providing Reasonable Assurance of funds for Decommissioning	D	The amount of financial assurance required should reflect the current economic conditions at time of decommissioning.
Appendix B	Quantities of Licensed Material Requiring Labeling	B	
Appendix C	Criteria Relating to Financial Tests and Self Guarantees for Providing Reasonable Assurance of Funds for Decommissioning	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
Appendix D	Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Commercial Companies that Have no Outstanding Rated Bonds	D	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees (63 FR 29535; June 1, 1998) effective July 1, 1998.
Appendix E	Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Nonprofit Colleges, Universities, and Hospitals	D	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees (63 FR 29535; June 1, 1998) Effective July 1, 1998.

Part 31 - GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§31.1	Purpose and Scope	D	This section was revised as a result of amendment, “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (65 FR 79162, December 18, 2000) effective February 16, 2001 (RATS ID: 2001-1). The Agreement State implementation date was February 16, 2004. Revision clarifies that only those paragraphs in 10 CFR Part 30 specified in Sec. 31.2 or the particular general license apply to Part 31 general licensees. The existing compatibility designations for this regulation is not affected by this revision.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§31.2	Terms and Conditions	D	This section was revised as a result of amendment, “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (65 FR 79162, December 18, 2000) effective February 16, 2001 (RATS ID: 2001-1). The Agreement State implementation date was February 16, 2004. Revision clarifies references to the sections of Part 30 that are applicable to all of the Part 31 general licensees. The existing compatibility designations for this regulation is not affected by this revision.
§31.3	Certain devices and equipment	B	Agreement States should adopt this provision because it contains requirements for devices and equipment which are distributed nationwide.
§31.4	Information collection requirements: OMB approval	D	
§31.5	Certain measuring, gauging or controlling devices	B	This section was revised as a result of amendment, “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material,” (65 FR 79162, December 18, 2000) effective February 16, 2001 (RATS ID: 2001-1). The Agreement State implementation date was February 16, 2004. As a result of this amendment, the compatibility designation for this section was changed from Category D to Category B . The change in compatibility category was made because the Commission determined that a higher degree of compatibility between the NRC and Agreement States was needed to ensure: (1) a better tracking of certain general licensees and the devices they possess; (2) that general licensees are aware of and understand the requirements for the possession of devices containing byproduct material. Thus, the Commission determined that these provisions have significant transboundary implications that meet the requirements for a compatibility category B designation.
§31.6	General license to install devices generally licensed in §31.5	B	The compatibility designation for this section was changed from Category C to Category B as a result of amendment, “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material ,” (65 FR 79162, December 18, 2000) effective February 16, 2001 (RATS ID: 2001-1). The Agreement State implementation date was February 16, 2004. The change from Category C to Category B was made because the Commission determined that a higher degree of compatibility between the NRC and Agreement States was needed to ensure: (1) a better tracking of certain general licensees and the devices they possess; (2) that general licensees are aware of and understand the requirements for the possession of devices containing byproduct material. Thus, the Commission determined that these provisions have significant transboundary implications that meet the requirements for a compatibility category B designation.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§31.7	Luminous safety devices for use in aircraft	B	Agreement States should adopt this provision because it contains requirements for devices that are distributed nationwide and because of their nature they frequently cross multiple jurisdictions.
§31.8	Americium-241 in the form of calibration or reference sources	D	
§31.9	General license to own byproduct material	C	Changed to be consistent with 40.21 and 70.20.
§31.10	General license for strontium 90 in ice detection devices	B	Agreement States should adopt this provision because it contains requirements for devices that are distributed nationwide.
§31.11	General license for use of byproduct material for certain in vitro clinical or laboratory testing	D	Agreement States have the flexibility to authorize the use of these materials under a specific license.
§31.12	Maintenance of records	D	
§31.13	Violations	D	
§31.14	Criminal penalties	D	

Part 32 - SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.1	Purpose and Scope	D	
§32.2	Definitions		

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Dose commitment	[A]	This term and definition are superseded by the new term and definition in 10 CFR Part 20, "committed dose equivalent," which is stated in more current radiation protection terminology and is assigned to compatibility Category A. The Part 20 term and definition should be used for purposes of compatibility and States should adopt this terminology consistently throughout their requirements.
	Lot Tolerance Percent Defective	B	
§32.3	Maintenance of records	D	
§32.8	Information collection requirements: OMB approval	D	
§32.11	Introduction of byproduct material in exempt concentrations into products or materials and transfer of ownership or possession: Requirements for license	C- paragraphs (a) & (b) B- paragraph (c)	
§32.12	Same: Records and material transfer reports	C	The time required for record retention may vary in accordance with the type of activity being licensed.
§32.13	Same: Prohibition of introduction	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.14	Certain items containing byproduct material; requirements for license to apply or initially transfer	NRC	The Statement of Consideration in 31 FR 5314, dated April 2, 1966-- The Commission determined that these items are intended for use by the general public. Accordingly, pursuant to Section 150.15(a)(6) of 10 CFR 150, Exemptions and Continued Regulatory Authority in Agreement States under Section 274, the transfer of their possession or control by the manufacturer, processor, or producer is subject to the Commission's licensing and regulatory requirements even if the product is manufactured pursuant to an Agreement State license. A manufacturer, processor or producer of such items when located in an Agreement State should file an application with the Commission for a specific license authorizing the transfer of such items.
§32.15	Same: Quality assurance, prohibition of transfer and labeling	NRC	
§32.16	Certain items containing byproduct material: Records and reports of transfer	NRC	
§32.17	Resins containing scandium-46 and designed for sand-consolidations in oil wells: Requirements for license to manufacture, or initially transfer for sale or distribution	B	This provision was previously designated as an area reserved to the NRC. A review of the Statements of Considerations for this rule (32 FR 4241, 3/18/67) indicates that this activity can be licensed by an Agreement State. The Commission considered that scandium-46 resins were not a product intended for use by the general public. Therefore, the transfer of such resins in an Agreement State by any manufacturer licensed by that Agreement State would not be licensed or regulated by the Commission.
§32.18	Manufacture, distribution and transfer of exempt quantities: Requirements for license	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.19	Same: Conditions of licenses	NRC	
§32.20	Same: Records and material transfer reports	NRC	
32.21	Radioactive drug: Manufacture, preparation or transfer for commercial distribution of capsules containing carbon-14 urea each for “in vivo” diagnostic use for humans to persons exempt from licensing; requirements for a license	NRC	This section establishes the manufacturing and preparation requirements for approval of an exempt distribution license. Since an exempt distribution license can only be issued by the NRC, these requirements are under NRC’s regulatory jurisdiction.
§32.22	Self luminous products containing tritium, krypton-85 and promethium-147: Requirements for license to manufacture, process, produce, or initially transfer:	NRC	
§32.23	Same: Safety criteria	NRC	
§32.24	Same: Table of organ doses	B	See 10 CFR §32.51. Column IV of this table should be adopted in essentially identical language since §32.51 should be so adopted. The table may be incorporated with the Agreement State’s requirements which are equivalent to §32.51, as appropriate, rather than referenced separately.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.25	Conditions of licenses issued under §32.22: Quality Control, labeling and reports of transfer	NRC	
§32.26	Gas and aerosol detectors containing byproduct material: Requirements for license to manufacture, process, produce or initially transfer	NRC	
§32.27	Same: Safety criteria	NRC	
§32.28	Same: Table of organ doses	NRC	
§32.29	Conditions of licenses issued under §32.26: Quality control, labeling and reports of transfer	NRC	
§32.40	Schedule A: Prototype tests for automobile lock illuminators	NRC	
§32.51	Byproduct material contained in devices for use under §31.5: Requirements for license to manufacture or initially transfer	B	This section was revised as a result of amendment, “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (65 FR 79162, December 18, 2000) effective February 16, 2001 (RATS ID: 2001-1). The Agreement State implementation date was February 16, 2004. The existing compatibility designations for this regulation is not affected by this revision. Section 10CFR 32.51(a)(4) and (5) revisions add a requirement for an additional label on any separable source housing and a permanent label on devices meeting the criteria for registration.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.51a	Same: Conditions of licenses	B	This section was revised as a result of amendment, “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (65 FR 79162, December 18, 2000) effective February 16, 2001 (RATS ID: 2001-1). The Agreement State implementation date was February 16, 2004. The existing compatibility designations for this regulation is not affected by this revision.
§32.52	Same: Material transfer reports and records	B	This section was revised as a result of amendment, “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (65 FR 79162, December 18, 2000) effective February 16, 2001 (RATS ID: 2001-1). The Agreement State implementation date was February 16, 2004. The existing compatibility designations for this regulation is not affected by this revision.
§32.53	Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer	B	
§32.54	Same: Labeling of devices	B	
32.55	Same: Quality assurance; prohibition of transfer	B	
§32.56	Same: Material transfer reports	B	
§32.57	Calibration or reference sources Am-241: Requirements for license to manufacture or initially transfer	B	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.58	Same: Labeling of devices	B	
§32.59	Same: Leak testing of each source	B	
§32.60	[Reserved]		
§32.61	Ice detection devices containing strontium-90; Requirements for license to manufacture or initially transfer	B	
§32.62	Same: Quality Assurance; prohibition of transfer	B	
§32.71	Manufacture and distribution of byproduct material for certain in vitro clinical or laboratory testing under general license	B	
§32.72	Manufacture, preparation or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under Part 35	B	This section was revised as a result of amendment, "Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The Agreement State implementation date is October 24, 2005. The existing compatibility designations for this section is not affected by this revision. This amendment revised §32.72 (b)(1) to correct the reference to read "paragraphs (b)(2) and (b)(4)" and the reference to "10 CFR 35.25" is revised to read "10 CFR 35.27." In addition, in §32.72 (b)(2)(ii) the reference to "34.980(b) and 35.972" was revised to read "10 CFR 35.55 (b) and 35.59."

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.74	Manufacture and distribution of sources or devices containing byproduct material for medical use	B	This section was revised as a result of amendment, "Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The Agreement State implementation date is October 24, 2005. The existing compatibility designations for this section is not affected by this revision. This amendment revised §32.74(a) to correct the reference to read "§35.400, 35.500, and 35.600." In addition, this amendment revised §32.74(a)(3) to correct the reference to read "§35.65, 35.400, 35.500, and 35.600" was revised to read "10 CFR 35.55 (b) and 35.59."
§32.101	Schedule B-prototype tests for luminous safety devices for use in aircraft	B	
§32.102	Schedule C-prototype tests for calibration or reference sources containing americium-241	B	
§32.103	Schedule D-prototype tests for ice detection devices containing strontium 90	B	
§32.110	Acceptance sampling procedures under specific licenses	B	
§32.210	Registration of product information	B- for States that perform SS&D evaluations D- for States that do not perform SS&D evaluations	Changed to clarify that States that do not have an SS&D evaluation program do not need to adopt this section for purposes of compatibility.
§32.301	Violations	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.303	Criminal penalties	D	

Part 33 - SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§33.1	Purpose and scope	D	
§33.8	Information collection requirements: OMB approval	D	
§33.11	Types of specific licences of broad scope	D	
§33.12	Applications for specific licenses of broad scope	D	
§33.13	Requirements for the issuance of a Type A specific license of broad scope	D	
§33.14	Requirements for the issuance of a Type B specific license of broad scope	D	
§33.15	Requirements for the issuance of a Type C specific license of broad scope	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§33.16	Application for other specific licenses	D	
§33.17	Conditions of specific licenses of broad scope	D	
§33.21	Violations	D	
§33.23	Criminal penalties	D	
§33.100	Schedule A	D	

Part 34 - LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.1	Purpose and Scope	D	
§34.3	Definitions		
	ALARA	[A]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category A.
	Annual refresher safety training	C	
	Associated equipment	B	
	Becquerel	[A]	This definition also appears in 10 CFR 20.1005. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category A.
	Certifying entity	B	
	Collimator	B	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Control (drive) cable	B	
	Control drive mechanism	B	
	Control tube	B	
	Exposure head	B	
	Field Station	C	The categorization of this section was changed to a Category C from Category D because this is a technical term used in the radiography industry and the essential objectives of this term should be adopted by the States.
	Gray	[A]	This definition also appears in 10 CFR 20.1004. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category A.
	Guide tube (projection sheath)	B	
	Hands-on experience	C	
	Independent certifying organization	B	
	Industrial radiography (radiography)	B	
	Lay-barge radiography	B- for States that authorize licensees to perform lay-barge radiography D- for States that do not authorize lay-barge radiography	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Offshore platform radiography	B- for States that authorize platform radiography in inland waters or tidal waters subject to the States jurisdiction D- for States that do not authorize offshore radiography	
	Permanent radiographic installation	C	The categorization of this section was changed to a Category C from Category D because this is a technical term used in the radiography industry and the essential objectives of this term should be adopted by the States.
	Practical examination	C	
	Radiation safety officer for industrial radiography	C	The categorization of this section was changed to a Category C from Category D because this is a technical term used in the radiography industry and the essential objectives of this term should be adopted by the States.
	Radiographer	C	
	Radiographer's assistant	B- for States that authorize the use of radiographer's assistants D- for States that do not authorize the use of radiographer assistants	
	Radiographer certification	B	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Radiographic exposure device	B	
	Radiographic operations	C	
	S-tube	B	
	Sealed source	[A]	This definition also appears in 10CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category A.
	Shielded position	C	The categorization of this section was changed to a Category C from Category D because this is a technical term used in the radiography industry and the essential objectives of this term should be adopted by the States. .
	Sievert	[A]	This definition also appears in 10 CFR 20.1004. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category A.
	Source assembly	B	
	Source changer	B	
	Storage area	D	
	Storage container	B	
	Temporary jobsite	B	
	Underwater radiography	B- for States that authorize under-water radiography D- for States that do not authorize under-water radiography	
§34.5	Interpretations	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.8	Information collection requirements: OMB approval	D	
§34.11	Application for a specific license	D	
§34.13	Specific license for industrial radiography	C	<p>Based upon Handbook 5.9 Part II, "Categorization Criteria," Section (C), this section is designated as a Category C which requires the Agreement State to adopt the essential objective of the rule. The essential objective of this rule is that Agreement States should establish basic requirements for approval of industrial radiography license applications which address the following: (a) general requirements in §30.33; (b) procedures for verifying and documenting the certification status of radiographers and ensuring that the certification of individuals acting as radiographers remain valid; (c) written operating and emergency procedures; (d) the program for inspections of the job performance of each radiographer and radiographer's assistant at intervals not to exceed six months as described in §34.43 (e); (e) overall organization structure as it applies to the radiation safety responsibilities in industrial radiography, including delegation of authority and responsibility; (f) qualifications of the individual designated as the radiation safety officer as described in §34.42; (g) if the applicant intends to perform leak testing of the sealed sources or exposure devices containing depleted uranium (DU) shielding, the applicant must describe the procedures for performing the test—methods of sample collection; qualifications of person analyzing samples; instruments to be used; and method of analyzing the samples. In addition, for the purposes of further clarification, §34.13(h)(3) refers to the qualifications of the individual who analyzes the samples, not the person taking the samples; (For additional information, see Appendix C, CR-02-02) (h) if the applicant intends to perform calibrations of survey instruments, the applicant describes methods to be used and the experience of the person(s) who will perform the calibrations prescribe in § 34.25; (i) locations of all field stations and permanent radiographic installations; and (j) the storage location of all required records.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.20	Performance requirements of industrial radiography equipment	B, except paragraph (a)(2) is D	Paragraph (a)(2) was changed to a Category D because it provides an alternative to meeting the requirements in paragraph (a)(1). Some Agreement States and the Suggested State Regulations for industrial radiography require, in part, that “except when physically impossible, collimators shall be used for industrial radiographic operations that use radiographic exposure devices that allow the source to be moved out of the device.” There is no comparable requirement in 10 CFR 34. The staff has determined that there is no compatibility issue associated with the difference between NRC’s regulation and this provision. For additional information, see Appendix C, CR-02-01.
§34.21	Limits on external radiation from storage containers and source changers	B	
§34.23	Locking of radiographic exposure devices, storage containers and source changers	B	
§34.25	Radiation survey instruments	C	
§34.27	Leak testing and replacement of sealed sources	C	
§34.29	Quarterly Inventory	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.31	Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers and survey instruments	C	
§34.33	Permanent Radiographic Installations	H&S	
§34.35	Labeling, storage, and transportation	B	
§34.41	Conducting industrial radiography operations	B, except paragraph (c) is B for States that authorize offshore platform or underwater radiography or D- for States that do not authorize these types of radiography and paragraph (d) is D	<p>An Agreement State need not adopt paragraph (c) unless it authorizes these activities. If paragraph (c) is adopted, the requirements should be essentially identical to those of NRC.</p> <p>Paragraph (d) was added to specify the effective date of June 27, 1998 for having two qualified individuals present at locations other than a permanent radiographic installation.</p>
§34.42	Radiation safety officer for industrial radiography	D, except H&S for the first sentence only of this section and paragraph (a) is C.	Paragraph (a) is designated a compatibility Category C. The essential objective of this requirement is the minimum qualifications, training, and experience for RSOs for industrial radiography. The essential objectives of this provision should be adopted because the lack of it could potentially create an undue burden on interstate commerce since the practice of industrial radiography requires the crossing of multiple jurisdictions.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.43	Training	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 States that do not authorize radiographer assistants In paragraphs (b)(1) and (c)(1), the references to 30.7 and 30.9 are a compatibility category D.	<p>Because of certification requirements, there should be uniformity required by the transboundary implications of reciprocal recognition of certifications. If a State wishes to clearly specify the number of hours of formal classroom training as specified in the SSRs, this would be considered compatible.</p> <p>In paragraphs (b)(1) and (c)(1), the references to 30.7 and 30.9 are not required for adoption by an Agreement State because these sections, 30.7, "Employee Protection, and 30.9, "Completeness and accuracy of information," are assigned compatibility category D.</p>
§34.45	Operating and Emergency procedures	C, except for D- paragraphs (a)(9) & (b)	
§34.46	Supervision of radiographer's assistants	B- for States that authorize the use of radiographer's assistants D- for States that do not authorize the use of radiographer assistants	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.47	Personnel monitoring	C	<p>This section was revised as a result of amendment, “New Dosimetry Technology,” (65 FR 63750, October 24, 2000 and 66 FR 1573, January 9, 2001) effective January 8, 2001 (RATS ID: 2000-2). The Agreement State implementation date was January 8, 2004. The existing compatibility designation for this section is not affected by this revision. This section was amended to delete the limitation to the use of film badges and TLDs and to allow the use of any personnel dosimeter that requires processing to determine the radiation dose, provided that the processor of the dosimeter holds appropriate NVLAP accreditation. The introductory text of paragraph (a), and paragraphs (a)(2), (a)(3), (a)(4), (d), (e), and (f) were revised. This section is designated as a Category C which requires the Agreement State to adopt the of the rule. The essential objective of this rule is to ensure that radiographers’ and radiographer assistants’ doses are properly monitored. To meet this essential objective, at the minimum, States should adopt requirements addressing the provisions in paragraph (a), (b), (c), (d), (e), (f), and (g). In accordance with MD 5.9 Handbook, and this procedure, the requirements for records in 34.47(c), (d), (e), (g), and §34.83 is regulatory duplication; thus, an Agreement State may choose to place all record requirement in one section along with information on the required record retention period. In addition, the States have flexibility in determining the length of time these records are retained.</p>
§34.49	Radiation surveys	C- paragraphs (a), (b), and (c) D- paragraph (d)	
§34.51	Surveillance	C	
§34.53	Posting	C	
§34.61	Records of the specific license for industrial radiography	D	
§34.63	Records of receipt and transfer of sealed sources	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.65	Records of radiation survey instruments	C	
§34.67	Records of leak testing	C	
§34.69	Records of quarterly inventory	C	
§34.71	Utilization logs	B	
§34.73	Records of inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments	C	
§34.75	Records of alarm system and entrance control check at permanent radiographic equipment	D	
§34.79	Records of training and certification	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.81	Copies of operating and emergency procedures	C	
§34.83	Records of personnel monitoring procedures	C	This section was revised as a result of amendment, “New Dosimetry Technology,” 65 FR 63750, Published October 24, 2000 and 66 FR 1573, Published January 9, 2001; Effective January 8, 2001, RATS ID: 2000-2; Agreement State implementation date January 8, 2004. 10 CFR 34.83, paragraphs (c) and (d) were modified to use conforming terminology of “personnel dosimeter” in place of “film badges or TLDs” This section is designated as a Category C which requires the Agreement State to adopt the essential objective of the rule. The essential objective of the rule is to maintain the exposure records for direct dosimeter readings and operability checks; records of alarm ratemeter calibrations; reports from dosimetry processing companies; and records of estimations of exposures. The States have flexibility in determining the length of time these records are retained.
§34.85	Records of radiation surveys	D	
§34.87	Forms of records	C	
§34.89	Location of documents and records	C	
§34.101	Notifications	C	
§34.111	Applications for exemptions	D	
§34.121	Violations	D	
§34.123	Criminal Penalties	D	
Appendix A	Radiographer certification	B	

Part 35 - MEDICAL USE OF BYPRODUCT MATERIAL⁶

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.1	Purpose and scope	D	This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The Agreement State implementation date is October 24, 2005. This section was amended to specify that Part 35 provides for the radiation safety of workers, the general public, patients, and human research subjects. The NRC included the phrase “patients, and human research subjects” to make it clear that the provisions of this rule apply to the radiation safety of those individuals. The existing compatibility designation of “D” for this section is not affected by this revision. This section does not meet any of the criteria of Category A, B, C, or H&S.
§35.2	Definitions		
	Address of use	D	This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition was amended to clarify that it also includes the building where byproduct material is prepared for use. The existing compatibility designation of “D” for this section is not affected by this revision. This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Agreement State	[B]	This definition also appears in 10 CFR §150.3(b). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category B. The bracketed “B”, [B], indicates that if a State has adopted the 10 CFR §150.3(b) definition in their regulations, it is not necessary to adopt the definition appearing in this section.
	Area of use	D	This definition was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition was amended to clarify that it also includes the building where byproduct material is prepared for use. The existing compatibility designation of “D” for this definition is not affected by this revision. This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

⁶This Part was revised in its entirety as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The Agreement State implementation date is October 24, 2005.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Authorized medical physicist	B	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition provides information that is essential to the common understanding beyond the plain dictionary meaning. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.
	Authorized nuclear pharmacist	B	This definition was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The compatibility designation for this definition was changed from Category D to Category B. This definition provides information that is essential to the common understanding beyond the plain dictionary meaning. The definition for authorized nuclear pharmacist (ANP) was revised to eliminate the specific board certifications by name and to refer to the specific section(s) in Part 35 containing the requirements the individual must meet to be considered an ANP. The reference to the specific board certifications was deleted and replaced with a provision providing for NRC recognition of the boards. The definition of ANP was also revised to include individuals identified as ANPs on certain regulatory documents. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Authorized user	B	This definition was revised as a result of amendment, "Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The compatibility designation for this definition was changed from Category C to Category B. The definition for an authorized user (AU) was revised to eliminate the specific board certifications by name and to refer to the specific section(s) in Part 35 containing the requirements the individual must meet to be considered an AU. The reference to the specific board certifications was deleted and replaced with a provision providing for NRC recognition of the boards. The definition of AU was also revised to include individuals identified as AUs on certain licenses or permits. This definition provides information that is essential to the common understanding beyond the plain dictionary meaning. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.
	Brachytherapy	D	This definition was added as a result of amendment, "Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category "D" because it does not meet any of the criteria of Category A, B, C, or H&S.
	Brachytherapy source	D	This definition was revised as a result of amendment, "Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The definition for a brachytherapy source was revised to acknowledge current practices within the radiation oncology field. In addition, the word "sealed" was deleted from the definition to include sources that do not meet the definition of "sealed source," i.e., radioactive plated, embedded, and activated sources. The existing compatibility designation of "D" for this definition is not affected by this revision. This definition is assigned a compatibility category "D" because it does not meet any of the criteria of Category A, B, C, or H&S.
	Client's address	D	This definition was added as a result of amendment, "Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category "D" because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Dedicated check source	D	This definition was included in the of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2); however, it was not revised. This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Dental use	D	
	Dentist	D	This definition was included in the of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2); however, it was not revised. This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Diagnostic clinical procedures manual	D	
	High dose-rate remote afterloader	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Low dose-rate remote afterloader	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Management	D	This definition was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The definition of management was revised to recognize an individual having the authority to manage, direct, or administer the licensee's activities who may not have the title of Chief Executive Officer. This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Manual Brachytherapy	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Medical event	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A.
	Medical institution	D	This definition was included in the amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2); however, it was not revised. This definition is assigned a compatibility category “D” because it does not meet any of the [criteria of Category A, B, C, or H&S.
	Medical use	C	This definition was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The definition was amended to replace the word “therefrom” with the phrase “from byproduct material” because the regulations in Part 35 apply only to the medical use of byproduct material. The existing compatibility designation of “C” for this definition is not affected by this revision. This definition provides information that is essential to the common understanding beyond the plain dictionary meaning. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraph (2)(e), this definition was identified as a Category C. The essential objectives of this definition should be adopted because the lack of it could potentially impair effective communication. To meet the essential objective, at a minimum, the State definition should provide that this term means the application of radioactive materials to humans under the supervision of an authorized user.
	Medium dose- rate remote afterloader	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Mobile medical service	D	This definition was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The definition of “mobile nuclear medicine service” was deleted from this section and was replaced by the definition “mobile medicine service.” The new definition is a broader term that encompasses all modalities that could be performed by a mobile medical service. This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Output	D	This definition was included in the of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2); however, it was not revised. The definition of output was revised to refer to the exposure rate or dose rate coming from a brachytherapy source, remote afterloader, or gamma stereotactic radiosurgery unit, since the previous definition only addressed the output from a teletherapy unit. This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Patient intervention	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Pharmacist	D	This definition was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Physician	D	This definition was included in the of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2); however, it was not revised. This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Podiatrist	D	This definition was included in the of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2); however, it was not revised. This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Preceptor	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Prescribed dosage	C	<p>This definition was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The definition of prescribed dosage was revised to allow the authorized user to prescribe a range of activity, without reference to the diagnostic clinical procedures manual. The term unsealed byproduct material in this definition replaces the term radiopharmaceutical. This definition provides information that is essential to the common understanding beyond the plain dictionary meaning. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraphs (2)(c) and (2)(e), this definition was identified as a Category C. The essential objectives of this definition should be adopted because the lack of it could potentially preclude an effective review or evaluation by the Commission and Agreement State programs for agreement materials with respect to protection of public health and safety and impair effective communication. To meet the essential objective, at a minimum, the State definition should provide that this term means the correct quantity of unsealed byproduct material (radiopharmaceutical) activity prescribed by the authorized user for administration to a patient.</p>
	Prescribed dose	C	<p>This definition was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The definition of prescribed dose was revised to add a reference to remote afterloaders. This definition provides information that is essential to the common understanding beyond the plain dictionary meaning. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraphs (2)(c) and (2)(e), this definition was identified as a Category C. The essential objective of this definition should be adopted because the lack of it could potentially preclude an effective review or evaluation by the Commission and Agreement State programs for agreement materials with respect to protection of public health and safety and impair effective communication. To meet the essential objective, at a minimum, the State definition should provide that this term means the correct quantity of unsealed byproduct material (radiopharmaceutical) activity prescribed by the authorized user for administration to a patient..</p>
	Pulsed dose-rate remote afterloader	D	<p>This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Radiation safety officer	B	This definition was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The definition of radiation safety officer (RSO) was revised to recognize individuals identified as an RSO on a medical use permit issued by a Commission master material licensee as one who would meet the requirements for an RSO under an NRC license. The compatibility designation for this definition was changed from Category D to Category B. This definition provides information that is essential to the common understanding beyond the plain dictionary meaning. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.
	Recordable event	D	
	Sealed source	[B]	This definition was included in the amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2); however, it was not revised. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (B), paragraph (2)(c), this definition was identified as a Category B because it is a definition of a product that licensees routinely transport in multiple jurisdictions. This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category B. The bracketed “B” , [B], indicates that if a State has adopted the 10 CFR §30.4 definition elsewhere in their regulations, it is not necessary to adopt the definition appearing in this section.
	Sealed source and device registry	D	This definition was included in the of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Stereotactic radiosurgery	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Structured educational program	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Teletherapy	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Temporary jobsite	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Therapeutic dosage	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Therapeutic dose	D	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
	Treatment site	C	This definition was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition provides information that is essential to the common understanding beyond the plain dictionary meaning. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraphs (2)(c) and (2)(e), this definition was identified as a Category C. The essential objective of this definition should be adopted because the lack of it could potentially preclude an effective review or evaluation by the Commission and Agreement State programs for agreement materials with respect to protection of public health and safety and impair effective communication. To meet the essential objective, at a minimum, the State definition should provide that this term means the correct anatomical description of the area intended to receive a radiation dose.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Type of use	D	This definition was added as a result of amendment, "Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category "D" because it does not meet any of the criteria of Category A, B, C, or H&S.
	Unit dosage	D	This definition was added as a result of amendment, "Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This definition is assigned a compatibility category "D" because it does not meet any of the criteria of Category A, B, C, or H&S.
	Written directive	D	This definition was revised as a result of amendment, "Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The compatibility designation for this definition was changed from Category C to Category D. This definition was revised to delete the provisions for the date the directive was signed, the signature of the AU before administration of any byproduct material or radiation from byproduct material to a specific patient or human research subject, and the specific information that must be included in written directives. These provisions were considered to be substantive requirements and were moved to Sec. 35.40, Written directives. This definition is assigned a compatibility category "D" because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.5	Maintenance of records	D	This section was revised as a result of amendment, "Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section was amended to insert "and" in the phrase "drawings and specifications." The existing compatibility designation of "D" for this section is not affected by this revision. This section is assigned a compatibility category "D" because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.6	Provisions for the protection of human subjects	C	This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The title of Sec. 35.6 was amended to read “Provisions for the protection of human research subjects. The compatibility designation for this section was changed from Category D to Category C. This section was restructured; an introductory paragraph was added; and paragraph (d) was added. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraph (1), this section was designated a Category C. The lack of this section could create a gap whereby the Federal Policy for the Protection of Human Subjects would not be applied. The essential objective of this requirement is to assure the consistent application of this Federal Policy. To meet this essential objective, at a minimum, the State requirement should address the provisions in paragraphs (a), (b), (c), and (d).
§35.7	FDA, other Federal, and State requirements	D	This section was included in the of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2); however, it was not revised. This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.8	Information collection requirements: OMB Approval	D	This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The section was revised to reflect the renumbering of some sections within the rule and the additional recordkeeping and reporting sections which are in separate subparts in the new rule. The existing compatibility designation of “D” for this section is not affected by this revision. This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.10	Implementation	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section discusses the provisions for implementing the final rule and replaces Sec. 35.999, “Resolution of conflicting requirements during transition period.” This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.11	License required	[C]	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Paragraphs (a), (b)(1) and (b)(2) were revised. Paragraph (a) was revised to more clearly state that a person must have a specific license issued by the Commission or an Agreement State or as allowed in paragraphs (b) (1) and (b)(2) of this section to manufacture, produce, acquire, receive, possess, prepare, use or transfer byproduct material for medical use. Paragraphs (b)(1) and (b)(2) were revised to reflect that the requirements for supervision in the previous section 35.25 were replaced by the requirements in 35.27. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraph (2)(f), this section was designated Category C because Agreement States should adopt the Part 30 provision as a minimum requirement for their licensees. The general requirement for activities to be licensed appears in 10 CFR 30.3 which has been designated compatibility category C. If an Agreement State has adopted 10 CFR 30.3 elsewhere, it is not necessary to adopt this section since the requirements are covered in Part 30.3 and this section would be a duplication of those provisions.</p>
§35.12	Application of license, amendment, or renewal	D	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Paragraphs (a), (b), (c), (d), and (d)(1) were revised. Paragraph (a) was revised to provide that a license, amendment or renewal must be signed by the licensee’s management. Paragraph (b) was revised to address license application uses in sections 35.600 and 35.1000, and to include the information that must be submitted in support of an application. The previous paragraph (c) was deleted and new paragraph was inserted. Both paragraphs (b) and (c) were revised to remove the references to regulatory guides. The new paragraph (d) addresses applications for medical use of byproduct material as described in §35.1000. Paragraph (d) (1) provides a list of the additional information needed by NRC to approve a license or amendment for efficient licensing of emerging technologies (applications that are not specifically addressed in Subparts D through H). The existing compatibility designation of “D” for this section is not affected by this revision. This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.13	License amendments	D	This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Paragraphs (a) (b), (c), (d), (e), and (f) were revised. In addition, a new paragraph (g) was added. The existing compatibility designation of “D” for this section is not affected by this revision. This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.14	Notifications	D	This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Paragraphs (a) and (b) were revised. The existing compatibility designation of “D” for this section is not affected by this revision. This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.15	Exemptions regarding Type A specific licenses of broad scope	D	This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Paragraph (e) was revised; and new paragraphs (f) and (g) were added. The existing compatibility designation of “D” for this section is not affected by this revision. This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.18	License issuance	D	This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). A new paragraph (b) was added. The existing compatibility designation of “D” for this section is not affected by this revision. This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.19	Specific exemptions	D	This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section was revised to delete the statement that the Commission will review requests for exemptions from training and experience requirements with the assistance of its Advisory Committee on the Medical Uses of Isotopes. The existing compatibility designation of “D” for this section is not affected by this revision. This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.24	Authority and responsibilities for the radiation protection program	D - paragraphs (a), (c), (d), (e), (f) and (h) H&S- paragraphs (b) and (g)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Paragraphs (a), (c), (d), (e), (f), and (h), do not meet any of the criteria of Category A, B, C, or H&S. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (E), paragraphs (b) and (g) were designated Category H&S because they assist in establishing a minimum level of safety for the medical use of agreement materials since they deal with the implementation of the radiation protection program. The essential objective of paragraph (b) is to assure that the RSO agrees to implement the radiation safety program. The essential objective of paragraph (g) is to require that management provides the RSO with sufficient authority, time and resources to identify radiation problems, initiate corrective actions, stop unsafe operations and verify the implementation of corrective actions.</p> <p>The H&S two or fewer failure test scenario: If unapproved changes are made to the radiation safety program, or if unsafe operations are not stopped, the public and workers could receive radiation exposures in excess of the radiation protection limits in Parts 20 & 35 and a medical event may occur.</p>
§35.26	Radiation protection program changes	D	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The requirements in this section are similar to the requirements in the current Sec. 35.31, which was deleted. This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.27	Supervision	H&S	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The requirements in this section are similar to the requirements in the previous Sec. 35.25, which was deleted. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, this requirement was designated a H&S because it assists in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a worker overexposure and medical event. The essential objectives of this requirement are to assure the instruction of the supervised individuals in radiation safety procedures and to hold licensees responsible for acts or omissions of supervised individuals.</p> <p>The H&S two or fewer failure test scenario: If a licensee fails to instruct supervised individuals in radiation safety procedures, regulations and license conditions and radioactive material is mishandled, the public and workers could receive radiation exposures in excess of limits and a medical event could occur.</p>
§35.40	Written directives	H&S - paragraphs (a) and (b) D- paragraphs (c) and (d)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) and (b) were designated H&S because it assists in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of these requirements are to assure that correct information on the intended patient and the prescribed dose is communicated to the licensee’s staff.</p> <p>The H&S two or fewer failure test scenario: If a licensee administers byproduct material that requires a written directive and a misinterpretation of the authorized users’ orders occurs, a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.41	Procedures for administrations requiring a written directive	H&S, paragraph (a) D- paragraphs (b) and (c)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraph (a) was designated H&S because it assists in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of this requirement is to provide high confidence that byproduct material is administered as directed by the authorized user.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not verify patient identity, radioactive material or radiation could be administered to the wrong person, and an exposure in excess of limits could occur. In addition, if the prescribed dose is not verified before administration, the prescribed dose could be exceeded and a medical event could occur.</p>
§35.49	Suppliers for sealed sources or devices for medical use	[C]	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section was revised to add a new paragraph (b) to permit noncommercial transfer of sealed sources or devices for medical use between Part 35 licensees that have a license to possess the source or device. This section is a bracketed Category C, because it is already required by 10 CFR 30.32 (g) and 32.74. As a result of this amendment, the compatibility designation for this section was changed from Category D to Category [C]. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraph (2)(f), 10 CFR § 30.32 (g) was designated a Category C. This section requires that licensees, authorized to possess and use sealed sources or devices for medical use, obtain these products from a licensed vendor. In addition, 10 CFR 32.74, “Manufacture and distribution of sources or devices containing byproduct material for medical use,” is designated a Category B. This designation was based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (B), paragraph (b), requirements for approval of products that are distributed nationwide. If an Agreement State has adopted 10 CFR 30.32 (g) and 10 CFR 32.74, it is not necessary to adopt this section since the requirements are covered by these provisions.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.50	Training for Radiation Safety Officer	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an RSO were moved, with some modifications, from Section. 35.900, Radiation Safety Officer to 35.50. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.900 or 35.50. After the two year transition period, Section 35.50 will replace Section 35.900 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.50. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>
§35.51	Training for an authorized medical physicist	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an AMP were moved, with some modifications, from the Section 35.961, Training for teletherapy physicist. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.961 or 35.51. After the two year transition period, Section 35.51 will replace Section 35.961 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.51. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.55	Training for an authorized nuclear pharmacist	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an ANP were moved, with some modifications, from the Sec. 35.980, Training for an authorized nuclear pharmacist. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.980 or 35.55. After the two year transition period, Section 35.55 will replace Section 35.980 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.55. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>
§35.57	Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This new section replaces the requirements in Secs. 35.901, 35.970, and 35.981. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Secs. 35.901, 35.970, and 35.981 or 35.57. After the two year transition period, Section 35.57 will replaces Secs. 35.901, 35.970, and 35.981 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.57. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.59	Recentness of training	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This new section replaces the requirements in Sec. 35.972. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>
§35.60	Possession, use, and calibration of instruments to measure the activity of unsealed byproduct material	H&S, paragraphs (a) and (b) D- paragraph (c)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This new section replaces the Secs. 35.50 and 35.52. This section addresses calibration of all instruments used to measure the activity of all unsealed byproduct materials. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) and (b) were designated a H&S. They assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of paragraph (a) and (b) is to assure the measurement of the dosage with properly calibrated instrumentation prior to administration.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not properly measure the dosage with the appropriate instrumentation, the administered dose could differ from the prescribed dose and a medical event could occur.</p>
§35.61	Calibration of survey instruments	H&S, except D- paragraphs (a)(3) and (c)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This new section replaces Sec. 35.51. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, some portions of this section were designated a H&S. These provision assists in establishing a minimum level of safety for the medical use of agreement materials. Without properly calibrated survey instruments overexposures could occur. The essential objective of this requirement is to assure the possession of calibrated survey instruments.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not calibrate or check survey instruments as required by this rule, and a contamination event occurs, radiation levels in excess of Part 20 limits could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.63	Determination of dosages of unsealed byproduct material for medical use	H&S, except paragraph (e) is D.	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This is a new section that replaces Sec. 35.53. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) through (d) were designated H&S because they assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of this requirement is to assure proper determination of prescribed dosages by proper measurement and/or calculation prior to human use.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not measure a dosage, and a preparation error occurs, a medical event could occur.</p>
§35.65	Authorization for calibration, transmission and reference sources	D	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This is a new section that replaces Sec. 35.57. This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.</p>
§35.67	Requirements for possession of sealed sources and brachytherapy sources	H&S, except D-paragraphs (d) and (f)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This is a new section that replaces Sec. 35.59. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, some portions of this section were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event and worker overexposure. The essential objective of these requirements are to assure the safe handling, periodic leak testing, and inventory of sealed sources.</p> <p>The H&S two or fewer failure test scenario: If the licensee does not follow the manufacturers’ instructions, including testing for leakage, and a source is damaged or misplaced, public and worker exposures in excess of limits and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.69	Labeling of vials and syringes	H&S	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This is a new section that replaces Secs. 35.60 and 35.61. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, this section was designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event and worker overexposure. The essential objective of these requirements is to ensure that the correct unsealed byproduct material is administered to the patient. To meet this essential objective, at a minimum, the State should adopt requirements addressing the labeling of syringes and, vials that contain unsealed byproduct materials, and the labeling of syringe shields, and vial shields that contain unsealed byproduct materials, unless the label on the syringe or vial is visible when shielded.</p> <p>The H&S two or fewer failure test scenario: If the syringe, syringe shield, or vial shield is not labeled, then the wrong unsealed byproduct material could be administered, and a medical event could occur.</p>
§35.70	Surveys for ambient radiation exposure rate	H&S, paragraph (a) D- paragraphs (b) and (c)	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The term “contamination” was deleted from the title because this section no longer addresses contamination surveys. The final rule requires that licensees survey, at the end of each day of use, all areas where unsealed byproduct material requiring a written directive is prepared for use or administered, except in areas where patients or human research subjects are confined and cannot be released under 35.75. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraph (a) was designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event and worker overexposure. The essential objective of paragraph (a) is to assure that daily radiation surveys are performed in areas where unsealed byproduct materials requiring a written directive are used.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not conduct surveys for ambient radiation exposure rates, and an unplanned release of radioactive material occurs, contamination could go undetected and cause public and worker exposure in excess of the radiation protection limits in Part 20.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.75	Release of individuals containing unsealed byproduct material or implants containing byproduct material	C, paragraphs (a) and (b) D- paragraphs (c) and (d)	This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The title and paragraph (a) were changed. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraphs (2)(a) and (f), paragraphs (a) and (b) were designated a Category C. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials on a nationwide basis by reducing the likelihood of public overexposures in multiple jurisdictions. The essential objective of this requirement is to assure that 0.5 rem TEDE is not exceeded by a member of the public from exposed to the individual containing unsealed byproduct material or implants containing byproduct material released from licensee control, to ensure that the released individual receives instructions on how to maintain does ALARA if the TEDE to any other individual is likely to exceed 0.1 rem.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.80	Provision of mobile medical service	<p>H&S- paragraphs (a)(2),(a)(3), (a)(4) & (b) for those States which authorize this activity and D for States not authorizing this activity</p> <p>D- paragraphs (a)(1) and (c)</p>	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The title was changed; the previous paragraphs (a), (b), and (c) were deleted; and the remainder of the previous requirements in the section were incorporated into paragraphs (a) or (c). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a)(2), (a)(3), (a)(4) and (b) were designated H&S those Agreement States which authorize this service. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a public exposure. The essential objective of paragraph (a) is to ensure that licensees survey all areas of use to ensure compliance with the dose limits in Part 20. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions in (a)(2), (a)(3) and (a)(4). The essential objective of paragraph (b) is to allow only an authorized person to receive direct delivery of byproduct material from a manufacturer or distribution.</p> <p>The H&S two or fewer failure test scenario: Paragraphs (a)(2) and (a)(3) require that the instruments for measuring the material and the survey instruments are operating properly. If a mobile service licensee does not measure dosages with a proper operating instrumentation, then the prescribed dose could be exceeded, causing a medical event and the radiation protection limits in Part 20 for workers and the public could be exceeded. Paragraph (a)(4) requires that the mobile service survey all areas of use to assure compliance with Part 20 before leaving the client’s address of use. If an exit survey is not conducted and byproduct material is left at the client’s address of use, radiation protection limits in Part 20 for workers and the public could be exceeded. For paragraph (b), if the therapeutic doses are received by persons unlicensed and is improperly handled, radiation protection limits in Part 20 for workers and the public could be exceeded.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.92	Decay-in-storage	H&S - for those States that authorize this activity and D for States not authorizing this activity	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This amendment allows decay-in-storage for byproduct material with a physical half-life of less than 120 days, while the previous requirement only allowed material with a half-life of less than 65 days. This change provides licensees with greater flexibility in handling radioactive waste and codifies current licensing practice. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, this section is designated H&S for those Agreement States which authorize this activity. This provision assists in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a public overexposure. The essential objective of this requirement is to allow decay in storage for byproduct materials with less than 120 day half-life and to assure that surveys will be performed on the material and radiation labels will be removed before disposal and that records are kept.</p> <p>The H&S two or fewer failure test scenario: If byproduct material is allowed to decay-in-storage and is improperly surveyed, it may be disposed of as normal trash. Byproduct material could then be released into the public domain and potentially overexpose non-radiation workers and members of the public.</p>
§35.100	Use of unsealed byproduct material for uptake, dilution, and excretion studies for which a written directive is not required	H&S	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The title and introductory paragraph were changed, paragraphs (a) and (b) were revised; and paragraphs (c) and (d) were added. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, this provision was designated a H&S. This provision assists in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of this requirement is to assure that unsealed byproduct materials are obtained from a licensed vendor or authorized preparer.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not obtain unsealed byproduct materials from a licensed manufacturer or authorized preparer, a preparation error could occur, and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.190	Training for uptake, dilution and excretion studies	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an authorized user for unsealed byproduct material for uptake, dilution, and excretion studies for which a written directive is not required were moved, with some modifications, from Sec. 35.910, Training for uptake, dilution, and excretion studies. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.190 or 35.910. After the two year transition period, Section 35.190 will replace Section 35.910 and licensees will be required to comply with the training and experience requirements in the new 35.190. To be included in Category B, an NRC program element must apply to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>
§35.200	Use of unsealed byproduct material for imaging and localization for which a written directive is not required	H&S	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The title and introductory paragraph were changed, paragraphs (a) and (b) were revised; and paragraphs (c) and (d) were added. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, this provision was designated a H&S. This provision assists in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of this requirement is to assure that unsealed byproduct materials are obtained from a licensed vendor or authorized preparer.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not obtain unsealed byproduct materials from a licensed manufacturer or authorized preparer, a preparation error could occur, and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.204	Permissible molybdenum-99 concentration	H&S, paragraphs (a) and (b) D- paragraph (c)	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Paragraphs (a) and (b) were revised and the recordkeeping requirements for this section were moved to Sec. 35.2204, Records of molybdenum-99 concentration. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) and (b) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of these provisions are to ensure that the generator was not damaged in shipment and to ensure that the acceptable limit established by U.S. Pharmacopeia (USP) and FDA of 0.15 microcurie of molybdenum-99 per millicurie of technetium-99m for human application is not exceeded. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions in paragraphs (a) and (b).</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform a Mo-99 measurement and the 0.15 microcurie of molybdenum-99 per millicurie of technetium-99m limit is exceeded, and this contaminant is administered, this would exceeded the USP and FDA acceptable limits.</p>
§35.290	Training for imaging and localization studies	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an Authorized user for unsealed byproduct material for imaging and localization studies for which a written directive is not required were moved, with some modifications, from the Sec. 35.920, Training for imaging and localization studies. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.920 or 35.290. After the two year transition period, Section 35.290 will replace Section 35.920 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.290. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.300	Use of unsealed byproduct material for which a written directive is required	H&S	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The title and introductory paragraph were changed, paragraphs (a) and (b) were revised; and paragraphs (c) and (d) were added. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, this section was designated H&S. This provision assists in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of this requirement is to assure that unsealed byproduct materials are obtained from a licensed vendor or authorized preparer.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not obtain unsealed byproduct materials from a licensed manufacturer or authorized preparer, a preparation error or medical event could occur.</p>
§35.310	Safety instruction	H&S- paragraph (a) D- paragraph (b)	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section was revised to state explicitly that the instruction requirements of this section are in addition to, and not in lieu of, the training requirements in Sec. 19.12. Paragraphs (a), (a)(2), and (a)(5) were revised. As a result of this amendment, the compatibility designation for paragraph (a) of this section was changed from Category D to H&S, paragraph (b) remains D. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraph (a) was designated H&S. Paragraph (a) assists in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of overexposure to members of the public. The essential objective of this requirement is to ensure that medical personnel caring for patients and human research subjects who cannot be released under 10 CFR 35.75 receive appropriate initial and annual radiation safety instruction.</p> <p>The H&S two or fewer failure test scenario: If the personnel caring for patients are not properly instructed, then personnel could be overexposed and persons visiting the patient could be overexposed. In addition, contaminated material could be released into the public domain, and a public overexposure could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.315	Safety precautions	H&S	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Paragraphs (a), (a)(1), (a)(2) and (b) were revised. Paragraphs (a)(3), (a)(4), (a)(6), (a)(7), and (a)(8) were deleted. The section was revised to clarify that the requirements in this section only apply if a patient or research subject cannot be released under Sec. 35.75. As a result of this amendment, the compatibility designation for this section was changed from Category D to H&S. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, this section was designated H&S. This provision assists in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of worker and public exposure. The essential objective of this requirement is to limit unnecessary patient contact with members of the public, and to assure that proper notifications are made if the patient dies.</p> <p>The H&S two or fewer failure test scenario: If the safety precautions are not taken, then hospital personnel could be overexposed and persons visiting the patient could be overexposed. Contaminated material could also be released into the public domain, and public overexposures could occur. In addition, if the proper persons are not notified if a patient dies or, if a medical emergency occurs, other personnel could be overexposed.</p>
§35.390	Training for use of unsealed byproduct material for which a written directive is required	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an Authorized User for unsealed byproduct material for which a written directive is required were moved, with some modifications, from the Sec. 35.930, Training for therapeutic use of unsealed byproduct material. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.930 or 35.390. After the two year transition period, Section 35.390 will replace Section 35.930 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.390. To be included in Category B, an NRC program element must apply to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.392	Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 Gigabecquerels (33 millicuries)	B	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an Authorized User for iodine-131 treatment of hyperthyroidism were moved, with some modifications, from the current 35.932, Training for treatment of hyperthyroidism. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.932 or 35.392. After the two year transition period, Section 35.392 will replace Section 35.932 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.392. To be included in Category B, an NRC program element must apply to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.
§35.394	Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 Gigabecquerels (33 millicuries)	B	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an Authorized User for iodine-131 for treatment of thyroid carcinoma were moved, with some modifications, from the 35.934, Training for treatment of thyroid carcinoma. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.934 or 35.394. After the two year transition period, Section 35.394 will replace Section 35.934 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.394. To be included in Category B, an NRC program element must apply to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.400	Use of sealed sources for manual brachytherapy	[C]	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The title was revised along with the introductory paragraph, paragraphs (a) through (g) were deleted, and new paragraphs (a) and (b) were added. As a result of this amendment, the compatibility designation for this section was changed from Category D to [C]. This section is a bracketed Category C, because it is already required by 10 CFR 30.32 (g) and 32.74. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraph (2)(f), 10 CFR 30.32 (g) was designated a Category C. The essential objective of this section is the use of only sealed sources in the SS&D Registry for therapeutic medical uses or for research, the use of an FDA approved Investigational Device Exemption (IDE) application that meets the requirements of §35.49(a). In addition, 10 CFR 32.74, “Manufacture and distribution of sources or devices containing byproduct material for medical use,” is designated a Category B. This designation was based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (B), paragraph (b), requirements for approval of products that are distributed nationwide. If an Agreement State has adopted 10 CFR 30.32 (g) and 10 CFR 32.74, it is not necessary to adopt this section since the requirements are covered by these provisions.</p>
§35.404	Surveys after source implant and removal	H&S- paragraphs (a) and (b) D- paragraph (c)	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The title was revised. Paragraphs (a) and (b) were revised and renumbered. A new paragraph (a) was added. As a result of this amendment, the compatibility designations for portions of this section were changed from Category C to H&S or D. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) and (b) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event and exposures in excess of Part 20 limits. The essential objective of this requirement is to assure that patient and area surveys are performed immediately after implantation and removal of sources from the patient or human research subject.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform a patient radiation survey after implanting sources, sources could be misplaced and the public and workers could be exposed to radiation in excess of basic radiation protection limits in Part 20 and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.406	Brachytherapy sources accountability	H&S- paragraphs (a) and (b) D- paragraph (c)	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The title was revised; in addition the majority of the prescriptive requirements and associated recordkeeping requirements were removed to give the licensee flexibility in program management. The requirements in paragraph (c) were moved to Sec. 35.404. As a result of this amendment, the compatibility designation for portions of this section were changed from Category D to H&S. This change was based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a lost source, medical event, public and worker overexposure. The essential objective of this requirement is to ensure the security and accountability of sources at all times.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not maintain source accountability a source may be misplaced and the public and workers could be overexposed and a medical event could occur.</p>
§35.410	Safety instruction	H&S- paragraph (a) D- paragraph (b)	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of this amendment, the compatibility designation for portions of this section were changed from Category D to H&S. This section was revised to state explicitly that the instruction requirements in this section are in addition to, and not in lieu of, the training requirements of Sec. 19.12. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraph (a) was designated a H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of exposure to members of the public. The essential objective of this requirement is to ensure that medical personnel caring for a patient or human research subject who is receiving brachytherapy and cannot be released under section 35.75, receives proper radiation safety instruction.</p> <p>The H&S two or fewer failure test scenario: If the medical personnel caring for patients are not properly instructed, then the personnel could be overexposed and persons visiting the patient could be overexposed.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.415	Safety precautions	H&S	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Paragraphs (a), (a)(1), (a)(2), (a)(3), and (b) were revised; paragraph (a)(4) was deleted; and a paragraph (c) was added. The posting requirements in §35.41 are in addition to the posting requirements in Part 20 to ensure that individuals entering the room would be aware of the presence of radioactive materials in the room. As a result of this amendment, the compatibility designation for this section was changed from Category D to H&S. This change was based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of worker and public overexposure. The essential objective of paragraph (a) is to limit patient or human research subject contact with members of the public by placing limitations on room sharing, by posing of warning signs and limiting visitors stay in patient’s room. The essential objective of paragraph (b) is to assure the availability of emergency response equipment and the essential objective of paragraph (c) is to assure that proper notifications are made if the patient dies.</p> <p>The H&S two or fewer failure test scenario: If the safety precautions are not taken, then hospital personnel could be overexposed and persons visiting the patient could be overexposed. In addition, if the proper persons are not notified if a patient dies or, if a medical emergency occurs, other hospital personnel could be overexposed and material could be released into the public domain, and public overexposures could occur.</p>
§35.432	Calibration measurements of brachytherapy sources	H&S- paragraphs (a), (b), and (c) D- paragraph (d)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a), (b), and (c) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of this requirement is to ensure that source activity or output and positioning is determined using nationally acceptable protocols before the first use of the source or source/applicator configuration, and that the output or activity is corrected at least at intervals consistent with 1 percent physical decays.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform calibration measurements of brachytherapy sources, a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.433	Decay of strontium-90 sources for ophthalmic treatments	H&S - paragraph (a) D- paragraph (b)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraph (a) was designated H&S. This provision assists in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of this requirement is to allow only an authorized medical physicist to calculate the activity of each strontium-90 source used to determine the treatment times for ophthalmic treatments.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not properly decay the source and it’s strength is not accurately determined, a medical event could occur.</p>
§35.457	Therapy-related computer systems	H&S	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part paragraphs (a) and (b) was designated II, “Categorization Criteria,” Section E, this provision was designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood a medical event. The essential objective of this requirement is to assure that therapy related computer systems are functioning properly and testing is done in accordance with nationally accepted protocols.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not verify that computerized treatment planning systems are operating properly, a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.490	Training for use of manual brachytherapy sources	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an Authorized User of manual brachytherapy sources were moved, with some modifications, from the Sec. 35.940, Training for use of brachytherapy sources. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.940 or 35.490. After the two year transition period, Section 35.490 will replace Section 35.940 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.490. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>
§35.491	Training for ophthalmic use of strontium-90	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an Authorized User of strontium-90 sources for ophthalmic treatment were moved, with some modifications, from the Sec. 35.941, Training for ophthalmic use of strontium-90. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.941 or 35.491. After the two year transition period, Section 35.491 will replace Section 35.941 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.491. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.500	Use of sealed sources for diagnosis	[C]	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section was revised to delete the specific sources and uses listed in paragraphs (a) and (b). The essential objective of this section is that only sealed sources in the SS&D Registry can be used by all specific licensees. This section is a bracketed Category C, because it is already required by 10 CFR 30.32 (g) and 32.74. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraph (2)(f), 10 CFR § 30.32 (g) was designated Category C. In addition, 10 CFR 32.74, “Manufacture and distribution of sources or devices containing byproduct material for medical use,” is designated a Category B. This designation was based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (B), paragraph (b), requirements for approval of products that are distributed nationwide. If an Agreement State has adopted 10 CFR 30.32 (g) and 10 CFR 32.74, it is not necessary to adopt this section since the requirements are covered by these provisions.</p>
§35.590	Training for use of sealed sources for diagnosis	B	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The training and experience requirements for an Authorized User of a diagnostic sealed source in a device were moved, with some modifications, from the Sec. 35.950, Training for use of sealed sources for diagnosis. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.950 or 35.590. After the two year transition period, Section 35.590 will replace Section 35.950 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.590. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.600	Use of a sealed source in a remote afterloader unit, teletherapy unit or gamma stereotactic radiosurgery unit	[C]	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). The title for this section was revised, and any references to specific radionuclides and devices was deleted to allow the licensee flexibility to use sealed sources in photon emitting devices for therapeutic medical uses as approved in the sealed source and device registry (SSDR). In addition, paragraph (b) was added. As a result of this amendment, the compatibility designation for this section was changed from Category D to [C]. This section is a bracketed Category C, because it is already required by 10 CFR 30.32 (g) and 32.74. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraph (2)(f), 10 CFR 30.32 (g) was designated a Category C. The essential objective of this section is the use of only sealed sources in the SS&D Registry for therapeutic medical uses or for research, the use of an FDA approved Investigational Device Exemption (IDE) application that meets the requirements of §35.49(a). In addition, 10 CFR 32.74, “Manufacture and distribution of sources or devices containing byproduct material for medical use,” is designated a Category B. This designation was based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (B), paragraph (b), requirements for approval of products that are distributed nationwide. If an Agreement State has adopted 10 CFR 30.32 (g) and 10 CFR 32.74, it is not necessary to adopt this section since the requirements are covered by these provisions.</p>
§35.604	Surveys of patients and human research subjects treated with a remote afterloader unit	H&S- paragraph (a) D- paragraph (b)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraph (a) was designated H&S. This provision assists in establishing a minimum level of safety for the medical use of agreement materials on a nationwide basis by reducing the likelihood of a lost source, medical event, and public/worker overexposure. The essential objective of this requirement is to assure that a survey is conducted on the unit and the patient or human research subject before release from licensee control to that sources have been removed and returned to the safe shielded position of the unit.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform a patient radiation survey after implanting sources, sources could be misplaced and the public and workers could be exposed to radiation in excess of radiation protection limits in 10 CFR Parts 20 and 35 and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.605	Installation, maintenance, adjustment and repair	H&S - paragraphs (a), (b), and (c) D- paragraph (d)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section was retitled and revised. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a), (b) and (c) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event and public and worker overexposure. The essential objective of these requirements is to assure that installation, maintenance, and adjustments are performed by a person specifically licensed by the Commission or an Agreement State.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not use a person who is specifically licensed to install and service devices and an equipment failure occurs, the person servicing the device could become overexposed. In addition, the public and workers could receive exposures in excess of the radiation protection limits in Part 20, if the device is not serviced properly.</p>
§35.610	Safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units	H&S paragraphs (a), (b), (c), (d), and (e) D- paragraphs (f) and (g)	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section was retitled and revised. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) through (e) were designated H&S. These provisions assist in establishing a minimum level of safety for agreement materials by reducing the likelihood of a medical event and public and worker overexposure. The essential objective of these requirements is to ensure the licensee secures the unit and the treatment room when not in use or unattended; the licensee establish and implement procedures addressing persons required to be present during treatment, responses to emergencies involving the unit and emergency drills.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not develop and implement safety procedures and instructions, and radioactive material is mishandled, workers and the public could receive radiation exposures in excess of the radiation protection limits in Part 20 and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.615	Safety precautions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units	H&S	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section was retitled and revised. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, these provisions were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event, worker and public exposure. The essential objective of these requirements is to ensure that the licensee controls are implemented during the use of the medical devices. To meet this essential objective, at a minimum, the State should adopt requirements addressing access to the treatment room while treatment is being conducted, observation of the patient or human research subject during treatment, emergency procedures to promptly remove lodged sources, physical presence of the authorized user and/or authorized medical physicist during the use of the device, and requiring the accessibility of emergency equipment.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not control access to therapy equipment and treatment rooms, and an equipment failure occurs, the public and workers could receive exposures in excess of the radiation protection limits in Part 20 and a medical event could occur.</p>
§35.630	Dosimetry equipment	H&S- paragraphs (a) and (b) D- paragraph (c)	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) and (b) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objective of this requirement is to ensure the use of a dosimetry system that has been calibrated in accordance with protocols accepted by nationally recognized bodies.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not calibrate and check dosimetry equipment in accordance with acceptable protocols, and an equipment failure occurs, the public and workers could be exposed to radiation in excess of radiation limits in Part 20 and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.632	Full calibration measurements on teletherapy units	H&S-paragraphs (a), (b), (c), (d), (e), and (f) D- paragraph (g)	<p>This section was revised as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section was retitled and revised. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) through (f) were designated H&S. These provisions assist in establishing a minimum level of safety basis by reducing the likelihood of a medical event. The essential objectives of these requirements are to ensure that the medical device is performing properly. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions that only an authorized medical physicist can perform full calibrations and physical decay corrections of teletherapy units; that only protocols accepted by nationally recognized bodies can be used; that full calibrations and decay corrections should at least be performed at the intervals stated in paragraphs (a)(1), (a)(2), (a)(3), and (e); and that full calibration must address the requirements in paragraphs (b) and (c).</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform full calibration measurements on teletherapy units in accordance with acceptable protocols and an equipment failure occurs, the public and workers could be exposed to radiation in excess of the radiation protection limits in Part 20 and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.633	Full calibration measurements on remote afterloader units	H&S-paragraphs (a), (b), (c), (d), (e), (f), (g), and (h) D- paragraph (i)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) through (h) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objectives of these requirements are to ensure that the medical device is performing properly. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions that only an authorized medical physicist can perform full calibrations and physical decay corrections of remote afterloader unit; that only protocols accepted by nationally recognized bodies can be used; that full calibrations and decay corrections should at least be performed at the intervals stated in paragraphs (a)(1), (a)(2), (a)(3), (a)(4) and (g); that autoradiograph of the low dose rate sources should at least be conducted at intervals not exceeding 1 quarter; and that full calibration must address the requirements in paragraphs (b) and (c). An Agreement State has flexibility in applying paragraph (f), a licensee may use measurements provided by the source manufacturer.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform full calibration measurements on remote afterloaders in accordance with acceptable protocols, and an equipment failure occurs, the public and workers could be exposed to radiation in excess of the radiation protection limits in Part 20 and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.635	Full calibration measurements on gamma stereotactic radiosurgery units	H&S- paragraphs (a), (b), (c), (d), (e) and (f) D- paragraph (g)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This is a new section that contains the requirements for the calibration of gamma stereotactic radiosurgery units. This section is similar in content to Sec. 35.632. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) through (f) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objectives of these requirements are to ensure that the medical device is performing properly. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions that only an authorized medical physicist can perform full calibrations and physical decay corrections of gamma stereotactic radiosurgery units; that only protocols accepted by nationally recognized bodies can be used; that full calibrations and decay corrections should at least be performed at the intervals stated in paragraphs (a)(1), (a)(2), (a)(3), and (e); and that full calibration must address the requirements in paragraphs (b) and (c).</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform full calibration measurements on gamma stereotactic radiosurgery units in accordance with acceptable protocols, and an equipment failure occurs, the public and workers could be exposed to radiation in excess of the radiation protection limits in Part 20 and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.642	Periodic spot-checks for Teletherapy units	H&S- paragraphs (a), (b), (c), (d), and (e) D- paragraph f	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) through (e) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement material by reducing the likelihood of a medical event. The essential objectives of these requirements are to ensure that the medical device is performing properly. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions that the determinations in paragraphs (a) and (d) are conducted at least monthly and after each source installation; that the authorized medical physicist is to develop the spot-check measurement procedures and is to review the results of each spot-check within at least 15 days; and that malfunctioning units are removed from service.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform periodic spot checks of teletherapy units, and an equipment failure occurs, the public and workers could receive exposures in excess of radiation protection limits in Part 20 and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.643	Periodic spot-checks for remote afterloader units	H&S- paragraphs (a), (b), (c), (d), and (e) D- paragraph f	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is a new section that replaces the Sec. 35.643, Modification of teletherapy unit or room before beginning a treatment program. The NRC deleted requirements in the Sec. 35.643 because they were considered overly prescriptive. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) through (e) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event. The essential objectives of these requirements are to ensure that the medical device is performing properly. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions that the determinations in paragraph (d) are performed at least at the intervals established in paragraph (a); that the authorized medical physicist is to develop the spot-check measurement procedures and is to review the results of each spot-check within at least 15 days; and that malfunctioning units are removed from service.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform periodic spot checks of high dose-rate and pulsed dose-rate remote afterloaders, and an equipment failure occurs, the public and workers could receive exposures in excess of radiation protection limits in Part 20 and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.645	Periodic spot-checks for gamma stereotactic radiosurgery units	H&S, except D- paragraph (g)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section replaces the Sec. 35.645, Reports of teletherapy surveys, checks, tests, and measurements. The requirements in the previous Sec. 35.645 were deleted. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) through (f) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a medical event by checking instrument performance between maintenance and full calibrations. The essential objectives of these requirements are to ensure that the medical device is performing properly. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions that the determinations in paragraphs (c) and (d) are conducted at least at the intervals established in paragraph (a); that the authorized medical physicist is to develop the spot-check measurement procedures and is to review the results of each spot-check within at least 15 days; and that malfunctioning units are removed from service.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform periodic spot checks of gamma stereotactic radiosurgery units, and an equipment failure occurs, then the public and workers could receive exposures in excess of radiation protection limits in Part 20 and a medical event could occur.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.647	Additional technical requirements for mobile remote afterloader units	<p>H&S- paragraphs (a), (b), (c), and (d) for those States which authorize this activity, or D - for States not authorizing this activity</p> <p>D- paragraph (e)</p>	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) through (d) were designated H&S for those Agreement States which authorize this service. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of a public exposure. The essential objectives of these requirements are to ensure that sources are properly controlled and to ensure the device is operating properly before use. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions that the performance of survey instruments is checked at least at the intervals in paragraph (a); that the checks in paragraphs (b) and (c) are conducted before use at each location; that surveying and accounting for all sources are conducted before leaving each location; and that malfunctioning units are removed from service.</p> <p>The H&S two or fewer failure test scenario: If these requirements are not adopted, a mobile remote afterloader licensee would not be required to check survey instruments and verify sources after use, then sources could be misplaced and the public and workers could be exposed to radiation in excess of radiation protection limits in Part 20 and a medical event could occur.</p>
§35.652	Radiation surveys	<p>H&S- paragraphs (a) and (b) D- paragraph (c)</p>	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section replaces the previous requirements in Sec. 35.641. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) and (b) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood of public and worker overexposures. The essential objective of these requirements are to assure that radiation levels from the source(s) in the shielded position do not exceed the levels stated in the SSDR. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions that require the license to perform the surveys described in paragraphs (a) at least at the intervals in paragraph (b).</p> <p>The H&S two or fewer failure test scenario: If a licensee does not perform these radiation surveys, and the radiation safety of the device is compromised, then the public and workers could receive exposures in excess of radiation protection limits in Part 20.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.655	Five-year inspection for teletherapy and gamma stereotactic radiosurgery units	H&S- paragraphs (a) and (b) D- paragraph (c)	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section replaces the requirements for inspections that were in the previous Sec. 35.647. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, paragraphs (a) and (b) were designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood a medical event, and public and worker exposure. The essential objective of this requirement is to ensure that teletherapy and gamma stereotactic radiosurgery units are operating properly. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions that inspections and servicing of the units are performed at the intervals in paragraph (a); and that the inspection and servicing of the units are performed by persons specifically licensed by the Commission or an Agreement State.</p> <p>The H&S two or fewer failure test scenario: If a licensee does not have their teletherapy and gamma stereotactic radiosurgery units inspected and serviced at 5-year intervals and an equipment failure occurs, the public and workers could receive radiation exposures in excess of radiation protection limits in Part 20 and a medical event could occur.</p>
§35.657	Therapy-related computer systems	H&S	<p>This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section E, this provision was designated H&S. These provisions assist in establishing a minimum level of safety for the medical use of agreement materials by reducing the likelihood a medical event. The essential objective of this requirement is to ensure that therapy related computer systems are functioning properly. To meet this essential objective, at a minimum, the State should adopt requirements addressing the provisions that tests are performed in accordance with nationally accepted protocols and that, at a minimum, these tests include the verifications in paragraphs (a) through (e).</p> <p>The H&S two or fewer failure test scenario: If a licensee does not verify that computerized treatment planning systems are operating properly, a medical event occurs.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.690	Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units	B	The training and experience requirements for an Authorized User of teletherapy units were moved, with some modifications, from the Sec. 35.960, Training for teletherapy, to section 35.690. Also Sec. 35.690 was expanded to include the training for Authorized Users of remote afterloaders and gamma stereotactic radiosurgery units. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.960 or 35.690. After the two year transition period, Section 35.690 will replace Section 35.960 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.690. To be included in Category B, an NRC program element is to be one that applies to activities that have direct and significant effects in multiple jurisdictions. The Commission directed the staff to assign a Category B to the training and experience requirements for all categories of physician authorized users and other individual to ensure that the training and experience requirements for medical use of byproduct material are consistent between NRC and the Agreement State.
Subpart J - Retained for 2-year Transition Period	Training & Experience Requirements	No compatibility category changes	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. The two year “Transition Period” has been established starting on the effective date of the revised Part 35. During this period, licensees have the option of complying with the training and experience requirements in Subpart J or B and D-H until October 24, 2004. Only two changes were made in Subpart J after revised Part 35 went into effect. The title in Sec. 35.960, “Training for teletherapy”, was changed to “Training for use of therapeutic medical devices”, and the title in Sec. 35.961, “Training for teletherapy physicist”, was changed to “Training for authorized medical physicist”. In addition, reference to “teletherapy physicist” was changed to “authorized medical physicist”.
§35.900	Radiation safety officer	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.900 or 35.50. After the two year transition period, Section 35.50 will replace Section 35.900 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.50.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.910	Training for uptake, dilution, and excretion studies	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of the amendment, one change has been made in this section to correspond to the revised numbering system. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in 35.910 or 35.190. After the two year transition period, Section 35.190 will replace Section 35.910 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.190.
§35.920	Training for imaging and localization studies	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of the amendment, one change has been made in this section to correspond to the revised numbering system. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.920 or 35.290. After the two year transition period, Section 35.290 will replace Section 35.920 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.290.
§35.930	Training for therapeutic use of unsealed byproduct material	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of the amendment, one change has been made in this section to correspond to the revised numbering system. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.930 or 35.390. After the two year transition period, Section 35.390 will replace Section 35.930 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.390.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.932	Training for treatment of hyperthyroidism	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of the amendment, one change has in this section to correspond to the revised numbering system. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.932 or 35.392. After the two year transition period, Section 35.392 will replace Section 35.932 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.392.
§35.934	Training for thyroid carcinoma	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of the amendment, one change has in this section to correspond to the revised numbering system. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.934 or 35.394. After the two year transition period, Section 35.394 will replace Section 35.934 and licensees will be required to comply with the training and experience requirements in the new Sec. 35..394.
§35.940	Training for use of brachytherapy sources	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of the amendment, one change has in this section to correspond to the revised numbering system. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.940 or 35.490. After the two year transition period, Section 35.490 will replace Section 35.940 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.490.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.941	Training for ophthalmic use of strontium-90	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of the amendment, one change has in this section to correspond to the revised numbering system. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.941 or 35.491. After the two year transition period, Section 35.491 will replace Section 35.941 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.491.
§35.950	Training for use of sealed sources for diagnosis	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of the amendment, one change has in this section to correspond to the revised numbering system. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.950 or 35.590. After the two year transition period Section 35.590 will replace Section 35.950 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.590.
§35.960	Training for teletherapy	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of the amendment, one change has in this section to correspond to the revised numbering system: Sec. 35.57, Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.960 or 35.690. After the two year transition period Section 35.690 will replace Section 35.960 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.690.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.961	Training for teletherapy physicist	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of the amendment, one change has in this section to correspond to the revised numbering system: Sec. 35.57, Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.961 or 35.51. After the two year transition period, Section 35.51 will replace Section 35.961 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.51.
§35.981	Training for experienced nuclear pharmacist	D	This section was retained from the previous regulation as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section was not changed. This section will be retained until October 24, 2004, which is two years after the effective date of the final rule. During the two year transition period, October 24, 2002 through October 24, 2004, licensees will have the option of complying with either the training requirements in Section 35.981 or 35.57. After the two year transition period, Section 35.57 will replace Section 35.981 and licensees will be required to comply with the training and experience requirements in the new Sec. 35.57.
§35.1000	Other medical uses of byproduct material or radiation from byproduct material	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2024	Records of authority and responsibilities for radiation protection programs	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2026	Records of radiation protection program changes	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.2040	Records of written directives	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2041	Records for procedures for administrations requiring a written directive	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2060	Records of calibrations of instruments used to measure the activity of unsealed byproduct materials	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2061	Records of radiation survey instrument calibrations	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2063	Records of dosage of unsealed byproduct material for medical use	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2067	Records of leak test and inventory of sealed sources and brachytherapy sources	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.2070	Records of surveys for ambient radiation exposure rate	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2075	Records of the release of individuals containing unsealed byproduct material or implants containing byproduct material	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2080	Records of mobile medical services	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2092	Records of decay-in-storage	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2204	Records of molybdenum-99 concentrations	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2310	Records of safety instruction	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.2404	Records of surveys after source implant and removal	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2406	Records of brachytherapy source accountability	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S..
§35.2432	Records of calibration measurements of brachytherapy sources	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2433	Records of decay of strontium-90 sources for ophthalmic treatments	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2605	Records of installation, maintenance, adjustment and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2610	Records of safety procedures	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.2630	Records of dosimetry equipment used for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2632	Records of teletherapy, remote afterloader, and gamma stereotactic radiosurgery full calibrations	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2642	Records of periodic spot-checks for teletherapy units	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2643	Records of periodic spot-checks for remote afterloader units	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2645	Records of periodic spot-checks for gamma stereotactic radiosurgery units	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2647	Records of additional technical requirements for mobile remote afterloader units	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.2652	Records of surveys of therapeutic treatment units	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.2655	Records of 5-year inspection of teletherapy and gamma stereotactic radiosurgery units	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.3045	Report and notification of a medical event	C	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). As a result of this amendment, the term” misadministration” used in the previous Part 35 was replaced by the term “medical event.” This new term recognizes wrong treatment site, patient intervention during treatment, and dose to skin. Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraph (2)(c), this section was designated a Category C because absent this provision there could be a potential preclusion of an effective review or evaluation by the Commission and Agreement State programs for agreement material with respect to protection of public health and safety. The essential objective of this section is to ensure that the medical events described in paragraphs (a) and (b) are reported to the regulatory agency within 24-hours of discovery; the report to the regulatory agency should at least address the information and time frames in paragraph (d); and the notifications of the referring physician and the patient should at the least address the requirements in paragraph (e).

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.3047	Report and notification of a dose to an embryo/fetus or a nursing child	C	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraph (2)(c), this section was designated a Category C because absent this provision there could be a potential preclusion of an effective review or evaluation by the Commission and Agreement State programs for agreement material with respect to protection of public health and safety. The essential objective of this section is to ensure that the events described in paragraphs (a) and (b) are reported to the regulatory agency within 24-hours of discovery; the report to the regulatory agency should at least address the information and time frames in paragraph (d) and the notifications of the referring physician and the patient should at the least address the requirements in paragraph (e).
§35.3067	Report of a leaking source	C	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). Based upon Handbook 5.9 Part II, “Categorization Criteria,” Section (C), paragraph (2)(c), this requirement was designated a Category C because absent this provision there could be a potential preclusion of an effective review or evaluation by the Commission and Agreement State programs for agreement material with respect to protection of public health and safety. The essential objective of this requirement is to ensure that the regulatory agency is reported sources leaking at least 0.005 microcuries of material within 5 days of discovery and the report should at least address the information described in this section.
§35.4001	Violations	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.
§35.4002	Criminal penalties	D	This section was added as a result of amendment, “Medical Use of Byproduct Material (67 FR 20250, April 24, 2002) effective October 24, 2002 (RATS ID: 2002-2). This section is assigned a compatibility category “D” because it does not meet any of the criteria of Category A, B, C, or H&S.

Part 36 - LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§36.1	Purpose & Scope	D- paragraph (a) C- paragraphs (b) & (c)	States should adopt the quantitative values and irradiator types in paragraphs (b) and (c) to meet the essential objectives of this requirement in order to avoid potential conflicts between jurisdictions.
§36.2	Definitions		
	Annually	D	
	Doubly encapsulated sealed source	D	
	Irradiator	C	
	Irradiator operator	D	
	Panoramic dry-source-storage irradiator	D	
	Panoramic irradiator	D	
	Panoramic wet-source-storage irradiator	D	
	Pool irradiator	D	
	Product conveyor system	D	
	Radiation room	D	
	Radiation safety officer	D	
	Sealed source	[B]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category B.
	Seismic area	D	
	Underwater irradiator	D	
§36.5	Interpretations	D	
§36.8	Information collection requirements: OMB approval	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§36.11	Application for a specific license	D	
§36.13	Specific licenses for irradiators	H&S	
§36.15	Start of construction	D	
§36.17	Applications for exemptions	D	
§36.19	Request for written statements	D	
§36.21	Performance criteria for sealed sources	B	
§36.23	Access control	H&S	
§36.25	Shielding	H&S	
§36.27	Fire protection	H&S	
§36.29	Radiation monitors	H&S	
§36.31	Control of source movement	H&S	
§36.33	Irradiator pools	H&S	
§36.35	Source rack protection	D	
§36.37	Power failures	H&S	
§36.39	Design requirements	H&S	
§36.41	Construction monitoring and acceptance testing	H&S	
§36.51	Training	H&S	
§36.53	Operating & Emergency procedures	H&S	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§36.55	Personnel monitoring	H&S	This provision was changed from category “D” to “H&S” to be consistent with similar provisions and because it meet the “H&S” category criteria. The essential objective of this provision is that the irradiator operator and other individuals who enter the radiation room should wear personnel monitoring devices. This section was revised as a result of amendment, New Dosimetry Technology,” 65 FR 63750, Published October 24, 2000 and 66 FR 1573, Published January 9, 2001; Effective January 8, 2001, RATS ID: 2000-2; Agreement State implementation date January 8, 2004. Paragraph (a) was amended to allow irradiator operators to wear any personnel dosimeter provided that the dosimeter is processed and evaluated by an accredited NVLAP processor.
§36.57	Radiation surveys	H&S	States should adopt the quantitative values for surveys in this provision to meet the essential objectives of this requirement.
§36.59	Detection of leaking sources	H&S	States should adopt the quantitative values for detection of leaking sources in this provision to meet the essential objectives of this requirement.
§36.61	Inspection and maintenance	H&S	
§36.63	Pool water purity	H&S	States should adopt the quantitative values for pool water purity in this provision to meet the essential objectives of this requirement.
§36.65	Attendance during operation	H&S	
§36.67	Entering and leaving the radiation room	H&S	
§36.69	Irradiation of explosive or inflammable materials	H&S	
§36.81	Records and retention periods	D	This section was revised as a result of amendment, “New Dosimetry Technology,” 65 FR 63750, Published October 24, 2000 and 66 FR 1573, Published January 9, 2001; Effective January 8, 2001, RATS ID: 2000-2; Agreement State implementation date January 8, 2004. Paragraph (e) was modified to use conforming terminology of “personnel dosimeter” in place of “film badges and TLDs.”
§36.83	Reports	C	
§36.91	Violations	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§36.93	Criminal penalties	D	

Part 39 - LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§39.1	Purpose and Scope	D	
§39.2	Definitions		
	Energy compensation source	B	This definition is added as a result of amendment, “Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” (65 FR 20337, April 17, 2000), effective May 17, 2000. This definition is assigned a Compatibility Category B because the sources are routinely transported across jurisdictional boundaries for use. It is adopted essentially identical to assure uniform regulation.
	Field station	B	
	Fresh water aquifer	D	
	Injection tool	D	
	Irretrievable well logging source	D	
	Licensed material	D	
	Logging assistant	D	
	Logging supervisor	C	
	Logging tool	D	
	Personal supervision	D	
	Radioactive marker	D	
	Safety review	D	
	Sealed source	[B]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category B.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Source holder	D	
	Subsurface tracer study	D	
	Surface casting for protecting fresh water aquifers	D	
	Temporary jobsite	D	
	Tritium neutron generator target source	B	This definition is added as a result of amendment, "Energy Compensation Sources for Well Logging and Other Regulatory Clarifications," (65 FR 20337, April 17, 2000), effective May 17, 2000. This definition is assigned a Compatibility Category B because the sources are routinely transported across jurisdictional boundaries for use. It is adopted essentially identical to assure uniform regulation.
	Uranium sinker bar	D	
	Well	D	
	Well logging	C	
§39.5	Interpretations	D	
§39.8	Information collection requirements: OMB approval	D	
§39.11	Application for a specific license	D	
§39.13	Specific licenses for well logging	H&S	
§39.15	Agreement with well owner or operator	C	
§39.17	Request for written statements	D	
§39.31	Labels, security, and transportation precautions	D- paragraph (a) C- paragraph (b)	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§39.33	Radiation detection instruments	C- paragraphs (a) & (c) H&S- paragraph (b) D- paragraph (d)	
§39.35	Leak testing of sealed sources	C	
§39.37	Physical inventory	H&S	
§39.39	Records of material use	C	
§39.41	Design and performance criteria for sealed sources	B	
§39.43	Inspection, maintenance, and opening of a source or source holder	C	
§39.45	Subsurface tracer studies	C	
§39.47	Radioactive markers	D	
§39.49	Uranium sinker bars	C	
§39.51	Use of sealed source in a well without surface casing	D	
§39.53	Energy compensation source	C	This section is added as a result of amendment, “Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” (65 FR 20337, April 17, 2000), effective May 17, 2000. This section is assigned a Compatibility Category C. Agreement States should adopt the essential safety objectives of this provision, and should be no less stringent than the NRC provisions.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§39.55	Tritium neutron generator target source	C	This provision is added as a result of amendment, “Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” (65 FR 20337, April 17, 2000), effective May 17, 2000. This provision is assigned a Compatibility Category C. Agreement States should adopt the essential safety objectives of this provision, and should be no less stringent than the NRC provisions.
§39.61	Training	B	This was changed to be consistent with §34.43 - radiographer training, since the transboundary impacts are similar.
§39.63	Operating & Emergency procedures	C	
§39.65	Personnel monitoring	C- paragraph (a) D- paragraphs (b) & (c)	This section was revised as a result of amendment, “New Dosimetry Technology,” 65 FR 63750, Published October 24, 2000 and 66 FR 1573, Published January 9, 2001; Effective January 8, 2001, RATS ID: 2000-2; Agreement State implementation date January 8, 2004. Paragraph (a) was revised to remove the limitation to the use of film badges and TLDs, and to permit the use of a personnel dosimeter that is processed by an accredited NVLAP processor. The essential objective of this provision is to ensure that a logging supervisor’s or logging assistant’s dose is properly monitored. To meet this essential objective, at a minimum, the State should adopt the requirements addressing the provisions in paragraph (a) and the State requirements should be no less stringent than these provisions. Paragraph (c) was modified to use conforming terminology of “personnel dosimeter” in place of “film badges and TLDs.”
§39.67	Radiation surveys	C	
§39.69	Radioactive contamination control	C	
§39.71	Security	C	
§39.73	Documents & records required at field stations	C	
§39.75	Documents & records required at temporary job sites	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§39.77	Notification of incidents: abandonment procedures for irretrievable sources	C- paragraphs (a), (c) & (d) D- paragraph (b)	
§39.91	Applications for exemptions	D	
§39.101	Violations	D	
§39.103	Criminal penalties	D	

Part 40 - DOMESTIC LICENSING OF SOURCE MATERIAL

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.1	Purpose	D	
§40.2	Scope	D	
§40.2a	Coverage of inactive tailings sites	A- States with authority to regulate 11e.(2) byproduct material (uranium mill activities) or NRC- States without 11e.(2) byproduct material authority	States without 11e.(2) byproduct material authority should not adopt this provision. This provision should not be adopted because it, in and of itself, it could set requirements for uranium mill activities without the State first entering into an Agreement with the NRC to assume such authority. This a situation could potentially result in confusion from perceived dual regulation. [Note: If a State is pursuing an Agreement with the NRC to assume 11e.(2) byproduct material authority, these provisions can be adopted in preparation for that Agreement.]
§40.3	License requirements	C	
§40.4	Definitions		
	Act	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Agreement State	[B]	This definition also appears in 10 CFR §150.3(b). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category B.
	Alert	[A]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category A.
	Byproduct material	[A]	This definition also appears in 10 CFR §150.3(c). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Commencement of construction	<p>C - States with authority to regulate 11e.(2) byproduct material (uranium mill activities)</p> <p>D - States without 11e.(2) byproduct material authority</p>	<p>This definition was changed from a [D] to a C for States with 11e.(2) byproduct material (uranium mill) authority. This change was needed because this definition is used to implement the statutory requirements in the Uranium Mill Radiation Control Act of 1978, Section 274o.3(D) of the Atomic Energy Act, as amended.</p> <p>This definition is not required for States without 11.e.(2) byproduct material authority. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it, in and of itself, does not convey any authority whereby a State can exercise 11.e(2) byproduct material authority without first entering into an Agreement with the NRC. However, if a State chooses to define the term then the essential objectives of the definition should be adopted.</p>
	Commission	D	
	Corporation	D	This definition is not required for compatibility since it defines an entity, the regulation of which is reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Decommission	[C]	This definition also appears in 10 CFR § 20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category C.
	Department of Energy	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Depleted uranium	A	
	Effective kilogram	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Government agency	D	
	License	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category D.
	Persons	[C]	This definition also appears in 10 CFR §150.3(g). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category C.
	Pharmacist	[D]	This definition also appears in 10 CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category D.
	Physician	[D]	This definition also appears in 10 CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category D.
	Principle activities	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category D.
	Residual radioactive material	<p>A- States with authority to regulate 11e.(2) byproduct material (uranium mill activities)</p> <p>D - States without 11e.(2) byproduct material authority</p>	<p>For clarification, please note that a similar term, “residual radioactivity,” appears in 10 CFR §20.1003. The application of the term in Part 20 is distinctly different from the term used in this part.</p> <p>This definition is not required for States without 11.e.(2) byproduct material authority. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it, in and of itself, does not convey any authority whereby a State can exercise 11.e(2) byproduct material authority without first entering into an Agreement with the NRC. However, if a State chooses to define the term then the definition should be essentially identical. In addition, the State should also clearly delineate this term from the term “residual radioactivity,” which appears in 10 CFR §20.1003.</p>
	Site area emergency	[A]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category A.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Source material	[A]	This definition also appears in 10 CFR §150.3(i). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Special nuclear material	[A]	This definition also appears in 10 CFR §150.3(j). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Transient shipment	[D]	This definition also appears in 10 CFR §70.4. For purposes of compatibility, the language of the Part 70 definition should be used where it is assigned to Compatibility Category D.
	United States	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used where it is assigned to Compatibility Category D.
	Unrefined and unprocessed ore	B	
	Uranium enrichment facility	[D]	This definition also appears in 10 CFR §150.3(m). For purposes of compatibility, the language of the Part 150 definition should be used where it is assigned to Compatibility Category D. This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Uranium milling	<p>A- States with authority to regulate 11e.(2) byproduct material (uranium mill activities)</p> <p>D - States without 11e.(2) byproduct material authority</p>	<p>The compatibility designation was changed from a “C” to “A” for States with uranium mill authority. This definition provides information that is essential to the common understanding beyond the plain dictionary meaning and to be consistent with Section 84 of the Atomic Energy Act. To be included in Category A, an NRC program element is to be one that is necessary to understand basic radiation principles.</p> <p>This definition is not required for States without 11.e.(2) byproduct material authority. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it, in and of itself, does not convey any authority whereby a State can exercise 11.e(2) byproduct material authority without first entering into an Agreement with the NRC. However, if a State chooses to define the term then the definition should be essentially identical.</p>
§40.5	Communications	D	
§40.6	Interpretations	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.7	Employee protection	D	
§40.8	Information collection requirements: OMB approval	D	
§40.9	Completeness and accuracy of information	D	
§40.10	Deliberate misconduct	C	The Commission determined in response to SECY-97-156 that Agreement States should adopt the essential objectives of this provision. If deliberate misconduct and wrongdoing issues involving Agreement State licensees were not pursued and closed by Agreement States, then a potential gap may be created between NRC and Agreement State programs.
§40.11	Persons using source material under certain Department of Energy and Nuclear Regulatory Commission contracts	B	
§40.12	Carriers	B, except 40.12(b) is NRC	Paragraph 40.12(b) addresses import/export of material.
§40.13	Unimportant quantities of source material	B	
§40.14	Specific exemptions	D	Paragraphs (c) and (d) were changed from “NRC” to “D” to be consistent with the categorization of other 10 CFR exemption sections, i.e., 30.11, 61.6 and 70.14. Paragraph (b) is reserved.
§40.20	Types of licenses	D, except paragraph (a) is a C.	State may adopt a single provision that incorporates those of this paragraph and those of 30.31 and 70.18
§40.21	General license to receive title to source or byproduct material	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.22	Small quantities of source material	B	
§40.23	General license for carriers of transient shipments of natural uranium other than in the form of ore or ore residue	NRC	
§40.24	Reserved		
§40.25	General license for use of certain industrial products or devices	C	
§40.26	General license for possession and storage of byproduct material as defined in this part	<p>C - States with authority to regulate 11e.(2) byproduct material (uranium mill activities)</p> <p>NRC - States without 11e.(2) byproduct material authority</p>	<p>States without 11e.(2) byproduct material authority should not adopt this provision. This provision should not be adopted because it, in and of itself, could set requirements for uranium mill activities without the State first entering into an Agreement with the NRC to assume such authority. This situation could potentially result in confusion from perceived dual regulation. [Note: If a State is pursuing an Agreement with the NRC to assume 11e.(2) byproduct material authority, these provisions can be adopted in preparation for that Agreement.]</p>
§40.27	General license for custody and long-term care of residual radioactive material disposal sites	NRC	
§40.28	General license for custody and long-term care of uranium or thorium byproduct materials disposal sites	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.31	Application for specific licenses	D, except paragraph (i) is H&S and paragraphs (j)(k) & (l) are NRC.	Paragraph (k) and (l) was changed from Category D to Category NRC because this provision addresses uranium enrichment facilities, which is an area reserved to the NRC.
§40.32	General requirements for issuance of specific licenses	D -paragraphs (a) & (f) H&S - paragraphs (b), (c), and the portions of paragraph (e) which apply to uranium mills for States with uranium mill authority NRC -paragraphs (d), (g), and those portions of paragraph (e) which apply to uranium enrichment and uranium hexafluoride facilities and paragraph (e) is NRC for States without 11e.(2) byproduct material authority.	<p>The compatibility designation was changed for portions of this section from “NRC” to “H&S” for States with 11e.(2) byproduct material (uranium mill) authority. Previously, all of paragraph (e) was designated a compatibility NRC. Staff reexamined the section and changed the compatibility designation of those portions of the paragraph applicable to uranium mills to “H&S.” The “NRC” designation was retained for those portions of the regulation applicable to uranium enrichment and uranium hexafluoride facilities and those States without 11e.(2) byproduct material authority.</p> <p>States without 11e.(2) byproduct material authority should not adopt this provision. This provision should not be adopted because it, in and of itself, could set requirements for uranium mill activities without the State first entering into an Agreement with the NRC to assume such authority. [Note: If a State is pursuing an Agreement with the NRC to assume 11e.(2) byproduct material authority, these provisions can be adopted in preparation for that Agreement.]</p>
§40.33	Issuance of a license for a uranium enrichment facility	NRC	
§40.34	Special requirements for issuance of specific licenses	B- paragraphs (a)(2) & (a)(3) D- paragraphs (a)(1), (b) & (c)	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.35	Conditions of specific licenses issued pursuant to §40.34	B -paragraphs (b) and (c) C -paragraph (a) D -paragraphs (d), (e) and (f)	
§40.36	Financial assurance and recordkeeping for decommissioning	D- paragraphs (c) and (e) H&S - paragraphs (a), (b), (d) and (f)	States have the flexibility to specify different dollar amounts based on jurisdiction and local conditions. The H&S designation for paragraph (f) is warranted by the requirement for transfer of certain records (e.g. spills or spread of contamination) important for decommissioning to a subsequent licensee at the same facility.
§40.38	Ineligibility of certain applicants	NRC	
§40.41	Terms and conditions of licenses	C -paragraphs (a), (b) and (c) D -paragraphs (e)(2) & (e)(4) NRC -paragraphs (d), (e)(1), (e)(3) & (g) H&S -paragraph (f)	The essential objective(s) of paragraphs (a), (b), and (c) should be adopted by Agreement States because of the reciprocal recognition of licenses, transboundary effects in transferring material through multiple jurisdictions and to avoid conflicts and confusion in regulation of agreement material on a nationwide basis. Paragraphs (d), (e)(1), (e)(3), and (g) are NRC because these provisions address areas reserved to the Commission by the Atomic Energy Act. Paragraph (f) is designated “H&S” because the notification of bankruptcy will alert agencies to the possibility of abandonment of licensed facilities at which there is potential for exposure in excess of Part 20 limits.
§40.42	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas	D -paragraphs (a), (b) & (k)(4) H&S - paragraphs (c), (d), (e), (f), (g), (h), (i),(j) & (k)(1), (2), (3)	
§40.43	Renewal of licenses	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.44	Amendment of licenses at request of licensee	D	
§40.45	Commission action on application to renew or amend	D	
§40.46	Inalienability of licenses	C	
§40.51	Transfer of source or byproduct material	C- paragraphs (a),(b)(1) through (b)(5), (b)(7),(c), (d) NRC- paragraph (b)(6)	
§40.60	Reporting requirements	C- paragraphs (a), (b) & (c), except D- paragraph (c)(3)	
§40.61	Records	C - paragraphs (a)&(b) D - paragraphs (c)&(f) H&S - paragraphs (d)&(e)	The H&S designation for paragraph (e) is warranted by the requirement for transfer of certain records (e.g. spills or spread of contamination) important for decommissioning to a subsequent licensee at the same facility.
§40.62	Inspections	D	
§40.63	Tests	D	
§40.64	Reports	NRC	
§40.65	Effluent monitoring reporting requirements	C - States with authority to regulate 11e.(2) byproduct material (uranium mill activities) NRC - States without 11e.(2) byproduct material authority	States without 11e.(2) byproduct material authority should not adopt this provision. This provision should not be adopted because it, in and of itself, could set requirements for uranium mill activities without the State first entering into an Agreement with the NRC to assume such authority. [Note: If a State is pursuing an Agreement with the NRC to assume 11e.(2) byproduct material authority, these provisions can be adopted in preparation for that Agreement. In addition, States that regulate 11e.(2) byproduct material should not include the references to uranium enrichment and hexafluoride facilities.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.66	Requirements for advance notice of export shipments of natural uranium	NRC	
§40.67	Requirement for advance notice of importation of natural uranium from countries that are not party to the Convention on the Physical Protection of Nuclear Material	NRC	
§40.71	Modification and revocation of licenses	D	
§40.81	Violations	D	
§40.82	Criminal penalties	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
APPENDIX A		<p>Definitions -A for States with authority to regulate uranium mill activities (11e.(2) byproduct material) Criterion 11A.thru F and Criterion 12 are NRC.</p> <p>All of the remaining portions of the section are C-for States with authority to regulate uranium mill activities or</p> <p>NRC - States without 11e.(2) byproduct material authority</p>	<p>The compatibility designation was changed for portions of this section from “C” to “A” for States with uranium mill authority. Staff determined that for Agreement States with uranium mill authority, these definitions provide information that is essential to the common understanding beyond the plain dictionary meaning. To be included in Category A, staff determined that these definitions provide a program element that is necessary to understand basic radiation principles for the regulation of uranium mill activities.</p> <p>Criterion 11A thru F and Criterion 12 are designated NRC per 150.15a(b), “Continued Commission authority pertaining to byproduct material,” for the regulation of uranium mills.</p> <p>States without 11e.(2) byproduct material authority should not adopt this provision. This provision should not be adopted because it, in and of itself, could set requirements for uranium mill activities without the State first entering into an Agreement with the NRC to assume such authority. This situation could potentially result in confusion from perceived dual regulation. [Note: If a State is pursuing an Agreement with the NRC to assume 11e.(2) byproduct material authority, these provisions can be adopted in preparation for that Agreement.]</p>

Part 61 - LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§61.1	Purpose & Scope	D	
§61.2	Definitions		
	Active maintenance	H&S	
	Buffer zone	D	
	Chelating agent	B	This definition appears in Appendix G to Part 20 Section I, Manifest definitions. This definition is designated a category B because of its significant transboundary implications in the disposal of low level waste.
	Commencement of construction	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Commission	D	
	Custodial Agency	D	
	Director	D	
	Disposal	C	
	Disposal site	C	
	Disposal unit	D	
	Engineered barrier	D	
	Explosive material	D	
	Government agency	D	
	Hazardous waste	C	
	Hydrogeologic unit	D	
	Inadvertent intruder	C	
	Indian Tribe	D	
	Intruder barrier	C	
	Land disposal facility	B	This definition appears in Appendix G to Part 20 Section I, Manifest definitions. This definition is designated a category B because of its significant transboundary implications in the disposal of low level waste.
	License	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Monitoring	C	
	Near-surface disposal facility	D	
	Person	[C]	This definition also appears in 10 CFR §150.3(g). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category C.
	Pyrophoric liquid	D	
	Site closure and stabilization	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	State	D	
	Stability	D	
	Surveillance	D	
	Tribal governing body	D	
	Waste	B	
§61.3	License required	C	
§61.4	Communications	D	
§61.5	Interpretations	D	
§61.6	Exemptions	D	
§61.7	Concepts	H&S	
§61.8	Information collection requirements: OMB approval	D	
§61.9	Employee protection	D	
§61.9a	Completeness and accuracy of information	D	
§61.9b	Deliberate misconduct	C	The Commission determined in response to SECY-97-156 that Agreement States should adopt the essential objectives of this provision. If deliberate misconduct and wrongdoing issues involving Agreement State licensees were not pursued and closed by Agreement States, then a potential gap that may be created between NRC and Agreement State programs.
§61.10	Content of application	D	
§61.11	General information	D	
§61.12	Specific technical information	D	
§61.13	Technical analysis	H&S	
§61.14	Institutional information	H&S	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§61.15	Financial information	D	
§61.16	Other information	NRC	
§61.20	Filing and distribution of application	D	
§61.21	Elimination of repetition	D	
§61.22	Updating of application	D	
§61.23	Standards for issuance of a license	H&S- paragraphs (a) through (h) NRC- paragraphs (i) & (j) D- paragraphs (k) & (l)	
§61.24	Conditions of licenses	D	
§61.25	Changes	D	
§61.26	Amendment of license	D	
§61.27	Application for renewal or closure	D	
§61.28	Contents of application for closure	D	
§61.29	Post-closure observation and maintenance	D	
§61.30	Transfer of license	H&S	
§61.31	Termination of license	D	
§61.40	General requirement	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§61.41	Protection of the general population from releases of radioactivity	A	
§61.42	Protection of individuals from inadvertent intrusion	H&S	
§61.43	Protection of individuals during operations	H&S	This provision references the radiation protection standards in 10 CFR Part 20.
§61.44	Stability of the disposal site after closure	H&S	
§61.50	Disposal site suitability requirements for land disposal	H&S	
§61.51	Disposal site design for land disposal	H&S	
§61.52	Land disposal facility operation and disposal site closure	H&S	
§61.53	Environmental monitoring	H&S	
§61.54	Alternative requirements for design and operations	H&S	
§61.55	Waste classification	B	
§61.56	Waste characteristics	H&S	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§61.57	Labeling	H&S	States should adopt this provision for safety to prevent overexposure from mishandling of wastes with high activities.
§61.58	Alternative requirements for waste classification and characteristics	D	
§61.59	Institutional requirements	H&S	
§61.61	Applicant qualifications and assurances	D	
§61.62	Funding for disposal site closure and stabilization	H&S	
§61.63	Financial assurances for institutional controls	H&S	
§61.70	Scope	D	
§61.71	State and Tribal government consultation	D	
§61.72	Filing of proposals for State and Tribal participation	D	
§61.73	Commission approval of proposals	D	
§61.80	Maintenance of records, reports, and transfers	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§61.81	Tests at land disposal facilities	D	
§61.82	Commission inspections of land disposal facilities	D	
§61.83	Violations	D	
§61.84	Criminal penalties	D	

Part 70 - DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.1	Purpose	D, except paragraphs (c), (d) and (e) are NRC	Paragraphs (c) and (d) address spent fuel and high level waste and physical security and accountability of materials, areas reserved to NRC. Paragraph (e) was changed from Category D to Category NRC because this provision addresses uranium enrichment facilities, which is an area reserved to the NRC.
§70.2	Scope	D	
§70.3	License requirements	C	
§70.4	Definitions		
	Act	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Acute	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Agreement State	[B]	This definition also appears in 10 CFR §150.3(b). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category B.
	Alert	[A]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category A.
	Atomic Energy	D	
	Atomic Weapon	D	
	Available and reliable to perform function when needed	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Commencement of construction	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category D.
	Commission	D	
	Common defense and security	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Configuration management (CM)	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Contiguous sites	D	
	Corporation	[D]	This definition also appears in 10 CFR § 40.4. For purposes of compatibility, the language of the Part 40 definition should be used where it is assigned to Compatibility Category D. This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Critical mass of special nuclear material	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Decommission	[C]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category C.
	Department or Department of Energy	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Double contingency principle	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Effective dose equivalent	[A]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category A.
	Effective kilograms of special nuclear material	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Formula quantity	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Government agency	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Hazardous chemicals produced from licensed materials	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Integrated safety analysis (ISA)	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Integrated safety analysis (ISA) summary	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Items relied on for safety	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	License	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Management measures	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Person	[C]	This definition also appears in 10 CFR §150.3(g). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category C.
	Plutonium processing and fuel fabrication plant	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Principal activities	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category D.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Produce	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Research and development	D	
	Restricted data	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Sealed source	[B]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category B.
	Site area emergency	[A]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category A.
	Source material	[A]	This definition also appears in 10 CFR §150.3(i). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Special nuclear material	[A]	This definition also appears in 10 CFR §150.3(j). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Special nuclear material of low strategic significance	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Special nuclear material of moderate strategic significance	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Special nuclear material scrap	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Strategic special nuclear material	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Transient shipment	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Unacceptable performance deficiencies	D	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. This definition is not a matter of compatibility because it relates to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	United States	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used where it is assigned to Compatibility Category D.
	Uranium enrichment facility	[D]	This definition also appears in 10 CFR §150.3(m). For purposes of compatibility, the language of the Part 150 definition should be used where it is assigned to Compatibility Category D. This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Worker	[C]	This definition was added as a result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000. However, this definition also appears in 10 CFR §19.3. For purposes of compatibility, the language of the Part 19.3 definition should be used and it is assigned to Compatibility Category C.
§70.5	Communications	D	
§70.6	Interpretations	D	
§70.7	Employee protection	D	
§70.8	Information collection requirements; OMB approval	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.9	Completeness and accuracy of information	D	
§70.10	Deliberate misconduct	C	The Commission determined in response to SECY-97-156 that Agreement States should adopt the essential objectives of this provision. If deliberate misconduct and wrongdoing issues involving Agreement State licensees were not pursued and closed by Agreement States, then a potential gap may be created between NRC and Agreement State programs..
§70.11	Persons using special nuclear material under certain DOE and NRC contracts	B	
§70.12	Carriers	B	
§70.13	Department of Defense	NRC	
§70.14	Foreign military aircraft	NRC	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, an administrative change was made to redesignate this section from §70.13a to §70.14. As a result of this amendment, the compatibility designation for this section was not changed.
§70.17	Specific exemption	D	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, an administrative change was made to redesignate this section from §70.14 to §70.17. As a result of this amendment, the compatibility designation for this section was not changed.
§70.18	Types of licenses	C	State may adopt a single provision that incorporates those of this paragraph and those of 30.31 and 40.20(a). Changed to be consistent with 30.31.
§70.19	General license for calibration or reference sources	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.20	General license to own special nuclear material	C	
§70.20a	General license to possess special nuclear material for transport	NRC	
§70.20b	General license for carriers of transient shipments of formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance, special nuclear material of low strategic significance, and irradiated reactor fuel	NRC	
§70.21	Filing	D- paragraphs (a)(2), (a)(3), (b), (d) & (e) NRC- paragraphs (a)(1), (c), (f), (g), (h)	<p>Paragraphs (a)(2), (a)(3), (b) and (d) did not meet the compatibility or H&S criteria. In addition, they were changed to be consistent with similar sections in Parts 30 and 40.</p> <p>Paragraph (a)(1) was changed to NRC because it deals with an area that can not be relinquished to the Agreement States.</p>
§70.22	Contents of application	D- paragraphs (a), (d) & (e) NRC- paragraphs (b), (c), (f), (g), (h), (i), (j), (k), (l), (m) (n)	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.23	Requirements for the approval of applications	D- paragraphs (a)(1) & (a)(5) H&S - paragraphs (a)(2), (a)(3) & (a)(4) NRC- paragraphs (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12) & (b)	<p>Paragraphs (a)(2), (a)(3), and (a)(4) were changed because they have particular health and safety significance and to be consistent with 10 CFR 30.33 and 40.32.</p> <p>Paragraph (a)(6) was changed to NRC because it addresses and refers to an area that cannot be relinquished to Agreement States.</p> <p>Paragraph (b) was added because it was omitted from the earlier charts.</p>
§70.23a	Hearing required for uranium enrichment facility	NRC	
§70.24	Critically accident requirements	NRC	
§70.25	Financial assurance and recordkeeping for decommissioning	D- except (a) is NRC and H&S - paragraphs (b), (d) & (g)	<p>States have the flexibility to specify different dollar amounts based on jurisdiction and local conditions.</p> <p>Paragraph (a) addresses areas reserved to the NRC because it concerns uranium enrichment facilities and special nuclear materials in quantities sufficient to form a critical mass.</p> <p>Paragraph (g) was changed from Category D to H&S for consistency with similar provisions in 10 CFR Parts 30 and 40.</p>
§70.31	Issuance of license	D- paragraphs (a) & (b) NRC- paragraphs (c), (d) & (e)	<p>Paragraphs (c), (d) and (e) were changed from Category D to Category NRC because these provisions address uranium enrichment facilities, which is an area reserved to the NRC.</p> <p>However, the statement in paragraph (d) which provides, “no licenses will be issued if it would constitute an unreasonable risk to the health and safety of the public,” can be incorporated into the State program for Agreement materials.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.32	Conditions of licenses	C- paragraphs (a)(2) (a)(3) & (a)(8) D- paragraphs (b)(2) & (b)(5) H&S- paragraph (a)(9) NRC- paragraphs (a)(1), (a)(4), (a)(5), (a)(6), (a)(7), (b)(1), (b)(3), (b)(4),(c), (d), (e), (f), (g), (h), (i), (j) & (k)	<p>The essential objective(s) of paragraphs (a) (2), (a)(3) and (a)(8) should be adopted by Agreement States because of the reciprocal recognition of licenses, transboundary effects in transferring material through multiple jurisdictions and to avoid conflicts and confusion in regulation of agreement material on a nationwide basis. This section was also changed for consistency with similar provisions in 10 CFR 40.41 and 30.34.</p> <p>Paragraph (a)(9) is designated “H&S” because the notification of bankruptcy will alert agencies to the possibility of abandonment of licensed facilities at which there is potential for exposure in excess of Part 20 limits.</p>
§70.33	Renewal of licenses	D	
§70.34	Amendment of licenses	D	
§70.35	Commission action on applications to renew or amend	D	
§70.36	Inalienability of licenses	C	
§70.37	Disclaimer of warranties	NRC	
§70.38	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas	D- paragraphs (a), (b) & (k)(4) H&S - paragraphs (c), (d), (e), (f), (g), (h),(i), (j) & (k)(1), (2) & (3)	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.39	Specific licenses for the manufacture or initial transfer of calibration sources	C	
§70.40	Ineligibility of certain applicants	NRC	This section was added by 62 FR 6669, Feb. 12, 1997, "USEC Privatization Act: Certification and Licensing of Uranium Enrichment Facilities."
§70.41	Authorized use of special nuclear material	C	The essential objective(s) of this provision should be adopted by Agreement States because of the reciprocal recognition of licenses, transboundary effects in transferring material through multiple jurisdictions and to avoid conflicts and confusion in regulation of agreement material on a nationwide basis. In addition, the designation was changed to be consistent with 10 CFR 40.41 and 30.34.
§70.42	Transfer of special nuclear material	C, except paragraph (b)(6) is NRC	The designation was changed from "B" to "C" because the transboundary implications did not raise to those of a being direct and significant and to be consistent with 10 CFR 30.41.
§70.44	Creditor regulations	NRC	
§70.50	Reporting requirements	C - paragraphs (a), (b), (c), except D - paragraph (c)(3)	
§70.51	Material balance, inventory, and records requirements	C - paragraphs (a) & (b) NRC - paragraphs (c), (d) & (e)	This requirement differs from the equivalent Part 30 requirement in that a physical inventory of SNM is included. This should apply to Agreement State licensees so that a gap is not created in the nationwide regulation of this class of materials.
§70.52	Reports of accidental critically or loss or theft or attempted theft of special nuclear material	NRC	
§70.53	Material status reports	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.54	Nuclear material transfer reports	NRC	
§70.55	Inspections	NRC, except (a) and (b) are D	Paragraphs (a) and (b) apply to Agreement State authority and was changed to be consistent with 10 CFR 30.52.
§70.56	Tests	NRC, except (a) and (b) are D	Paragraphs (a) and (b) apply to Agreement State authority and was changed to be consistent with 10 CFR 30.53.
§70.57	Measurement control program for special nuclear material accounting and control	NRC	
§70.58	Fundamental nuclear material controls	NRC	
§70.59	Effluent monitoring reporting requirements	NRC	
§70.60	Applicability	NRC	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, this section was added. This provision is designated NRC because it applies to the possession of greater than a critical mass of special nuclear material, which is reserved to the NRC.
§70.61	Performance requirements	NRC	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, this section was added replacing “70.61 Modification of Licenses.” This provision is designated NRC because it applies to the possession of greater than a critical mass of special nuclear material, which is reserved to the NRC.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.62	Safety program and integrated safety analysis	NRC	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, this section was added replacing “70.62 Suspension and Operation in War or National Emergency.” This provision is designated NRC because it applies to the possession of greater than a critical mass of special nuclear material, which is reserved to the NRC.
§70.64	Requirements for new facilities or new processes at existing facilities	NRC	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, this section was added. This provision is designated NRC because it applies to the possession of greater than a critical mass of special nuclear material, which is reserved to the NRC.
§70.65	Additional content of application	NRC	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, this section was added. This provision is designated NRC because it applies to the possession of greater than a critical mass of special nuclear material, which is reserved to the NRC.
§70.66	Additional requirements for approval of license application	NRC	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, this section was added. This provision is designated NRC because it applies to the possession of greater than a critical mass of special nuclear material, which is reserved to the NRC.
§70.72	Facility changes and change process	NRC	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, this section was added. This provision is designated NRC because it applies to the possession of greater than a critical mass of special nuclear material, which is reserved to the NRC.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.74	Additional reporting requirements	NRC	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, this section was added. This provision is designated NRC because it applies to the possession of greater than a critical mass of special nuclear material, which is reserved to the NRC.
§70.76	Backfitting	NRC	As result of amendment, “Domestic Licensing of Special Nuclear Material: Possession of a Critical Mass of Special Nuclear Material” (65 FR 56211, September 18, 2000) effective October 18, 2000, this section was added. This provision is designated NRC because it applies to the possession of greater than a critical mass of special nuclear material, which is reserved to the NRC.
§70.81	Modification and revocation of licenses	D	
§70.82	Suspension and operation in war or national emergency	NRC	
§70.91	Violations	D	
§70.92	Criminal penalties	D	

Part 71 - PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.0	Purpose and Scope	D	
§71.1	Communications and Records	D	
§71.2	Interpretations	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.3.	Requirements for license	D	
§71.4	Definitions		
	A ₁	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this definition in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this definition is not necessary.
	A ₂	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this definition in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this definition is not necessary.
	Carrier	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this definition in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this definition is not necessary.
	Certificate holder	D- for those States which have no licensees that use Type B packages. or [B]- for those States which have licensees that use Type B packages.	This term is used in the sections concerning quality assurance programs for Type B packages. Those States which have no licensees that use Type B packages are not required to adopt this definition. This definition is designated Compatibility Category B for those States which have licensees that use Type B packages because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement States should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this definition in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this definition is not necessary.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Close reflection by water	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Containment System	D	This term is not used in any section requiring Agreement State adoption.
	Conveyance	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Exclusive use	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Fissile material	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Licensed material	[D]	This definition also appears in 10 CFR 20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and is assigned to Compatibility Category D.
	Low Specific Activity (LSA) material	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Low toxicity alpha emitters	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Maximum normal operating pressure	D	The definition of the term "maximum normal operating pressure" was changed from a compatibility category "B" to a category "D." This term is not used in any section requiring Agreement State adoption; it relates to the heat conditions in §71.71(c)(1), which is designated a category "NRC." This definition is not required for compatibility since it defines a term which pertains to an area reserved to the NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it is and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define this term then the definition should be essentially identical.
	Natural thorium	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Normal form radioactive material	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Optimum interspersed hydrogenous moderation	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Package	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Fissile material package	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Type B package	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Packaging	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Special form radioactive material	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Specific activity	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	State	D	
	Surface Contaminated Object (SCO)	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this definition in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this definition is not necessary.
	Transport Index	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this definition in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this definition is not necessary.
	Type A quantity	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this definition in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this definition is not necessary.
	Type B quantity	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this definition in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this definition is not necessary.
	Natural Uranium	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this definition in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this definition is not necessary.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Depleted Uranium	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
	Enriched Uranium	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
§71.5	Transportation of Licensed Material	[B]	This definition is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.
§71.6	Information collection requirements: OMB approval	D	
§71.7	Completeness and accuracy of Information	D	
§71.8	Specific exemptions	D	
§71.9	Exemption for physicians	[B]	This provision is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, "B," indicates that if a State has adopted this definition in another portion of its regulations, such as the State's DOT regulations, then the adoption of this definition is not necessary.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.11	Deliberate misconduct	C	
§71.12	General license: NRC-approved package	B	
§71.13	Previously approved package	B- paragraphs (a) & (b) NRC- paragraphs (c) & (d)	Paragraphs (a) and (b) are designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this definition in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this definition is not necessary Paragraphs (c) and (d) address transportation package approvals areas reserved to the NRC
§71.14	General license: DOT specification container material	[B]	This provision is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this provision in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this provision is not necessary.
§71.16	General license: Use of foreign approved package	[B]	This provision is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this provision in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this provision is not necessary.
§71.18	General license: Fissile material, limited quantity of package	[B]	This provision is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this provision in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this provision is not necessary.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.20	General license: Fissile material, limited moderator per package	[B]	<p>This provision is changed from a Compatibility Category D to a Category [B]. This provision was changed because Agreement States can regulate the fissile material limits include in this regulation. In addition, a similar provision is provided in DOT regulations in 49 CFR 173.417 (a)(3) which States have already adopted. Thus, to be consistent with the federal transportation regulations this provision was changed to a Category [B]. This provision is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this provision in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this provision is not necessary.</p> <p>It was changed to “B” to ensure compatibility between NRC and Agreement States in an area that has significant and direct transboundary implications. During further staff review, it was noted that in accordance with 10 CFR 150.11, an Agreement State can regulate the following fissile materials: U-235 in quantities not exceeding 350 grams, U-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams, or any combination of these materials that would be sufficient to form a critical mass. These requirements would apply to the materials Agreement State regulate. Thus, the compatibility of this requirement was changed to a “[B],” which indicates that if a State has adopted this provision as a part of the State’s DOT regulations, then the adoption of this provision is not necessary.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.22	General license: Fissile material, limited quantity, Controlled Shipment	[B]	<p>This provision is changed from a Compatibility Category D to a Category [B]. This provision was changed because Agreement States can regulate the fissile material limits include in this regulation.</p> <p>It was changed to “B” to ensure compatibility between NRC and Agreement States in an area that has significant and direct transboundary implications. During further staff review, it was noted that in accordance with 10 CFR 150.11, an Agreement State can regulate the following fissile materials: U-235 in quantities not exceeding 350 grams, U-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams, or any combination of these materials that would be sufficient to form a critical mass. These requirements would apply to the materials Agreement State regulate. Thus, the compatibility of this requirement was changed to a “[B],” which indicates that if a State has adopted this provision as a part of the State’s DOT regulations, then the adoption of this provision is not necessary.</p>
§71.24	General license: Fissile material, limited moderator, controlled shipment	NRC	
§71.31	Contents of Application	NRC	
§71.33.	Package description	NRC	
§71.35	Package evaluation	NRC	
§71.37	Quality Assurance	NRC	
§71.38	Renewal of a certificate of compliance or quality assurance program approval	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.39	Requirements for additional information	NRC	
§71.41	Demonstration of Compliance	NRC	
§71.43	General Standards for all packages	NRC	
§71.45	Lifting and tie-down Standards for all packages	NRC	
§71.47	External radiation Standards for all packages	[B]	This requirement was changed from a compatibility category “NRC” to “[B].” This provision was changed because it establishes the external radiation standards for all transportation packages. It is essential that the Agreement States adopt this provision in an essentially identical manner because they have direct and significant transboundary affects. The bracket, indicates that a State should adopt this provision in an essentially identical manner because of its direct and significant transboundary effects; however, if a State has adopted this provision as a part of its DOT regulations, then the adoption of this section is not necessary.
§71.51	Additional Requirements for Type B packages	NRC	
§71.52	Exemption for low-specific-activity (LSA) packages	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.53	Fissile material exemptions	[B]	This requirement was changed from a compatibility category “NRC” to “[B].” Agreement States can regulate fissile material below 350gms. This provision is needed to address fissile material regulated by the States and to assure a regulatory gap in the regulations of these materials is not created. The bracket, indicates that a State should adopt this provision in an essentially identical manner because of its direct and significant transboundary effects; however, if a State has adopted this provision as a part of its DOT regulations, then the adoption of this section is not necessary. These provisions are in DOT regulations 49 CFR 173.453, “ Fissile materials-exceptions.”
§71.55	General Requirements for fissile material packages	NRC	
§71.57	Reserved		
§71.59	Standards for arrays of fissile material packages	NRC	
§71.61	Special requirements for irradiated nuclear fuel shipments	NRC	
§71.63	Special requirements for plutonium shipments	NRC	
§71.64	Special requirements for plutonium air shipments	NRC	
§71.65	Additional Requirements	NRC	
§71.71	Normal conditions of transport	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.73	Hypothetical accident conditions	NRC	
§71.74	Accident conditions for air transport of plutonium	NRC	
§71.75	Qualification of special form radioactive material	NRC	
§71.77	Qualification of LSA-III material	NRC	
§71.81	Applicability of operating controls	D	This requirement was changed from a compatibility category “B” to “D.” This designation was changed because it does not meet any of the criteria for designation as Category A, B, C or Health and Safety and is not required for the purposes of compatibility.
§71.83	Assumptions as to unknown properties	[B]	This requirement was changed from a compatibility category “NRC” to “[B].” Agreement States can regulate fissile material below 350gms. This provision is needed to address fissile material regulated by the States and to assure a regulatory gap in the regulations of these materials is not created. The bracket, indicates that a State should adopt this provision in an essentially identical manner because of its direct and significant transboundary effects; however, if a State has adopted this provision as a part of its DOT regulations, then the adoption of this section is not necessary.
§71.85	Preliminary determinations	[B]	This provision is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this provision in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this provision is not necessary.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.87	Routine determinations	[B]	This provision is designated Compatibility Category B because it applies to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. The bracket, “B,” indicates that if a State has adopted this provision in another portion of its regulations, such as the State’s DOT regulations, then the adoption of this provision is not necessary.
§71.88	Air Transportation of plutonium	B	
§71.89	Opening instructions	B	
§71.91	Records	D	
§71.93.	Inspection and tests	D	
§71.95	Reports	D	
§71.97	Advance notification of shipment of irradiated reactor fuel and nuclear waste	B	
§71.99	Violations	D	
§71.100	Criminal penalties	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.101	Quality assurance requirements	<p>D- Paragraphs (a), (b), and (c) are designated D's for those States which have no licensees that use Type B packages.</p> <p>or</p> <p>C- Paragraphs (a), (b) and (c) are designated C's for those States which have licensees that use Type B packages.</p> <p>D- paragraph (f)</p> <p>C- paragraph (g)</p> <p>NRC- paragraphs (d) and (e)</p>	<p>The compatibility designation was changed for portions of this section from “D” to “C” for States which have licensees which use Type B packages. Staff determined that for Paragraphs (a), (b), and (c) are designated Category C and the essential objectives of these provisions should be adopted by those Agreement States which have licensees who use Type B packages. These provisions are designated Category C's because the quality assurance of Type B packages is an activity that is needed in order to avoid a nationwide regulatory gap in the regulation of the transportation of radioactive materials. If these provisions are not adopted, this could result in undesirable consequences in multiple jurisdictions. The essential objective of paragraph (a) is that each licensee who uses a Type B package is responsible for the quality assurance requirements which apply to the use the package. The essential objective of paragraph (b) is that each licensee who uses a Type B package shall establish, maintain and execute a quality assurance program. The essential objective of paragraph (c) is that prior to the use of any Type B package, the licensee shall obtain approval of its quality assurance program by the regulatory agency.</p> <p>Paragraph (f) is not required for compatibility because the States have the flexibility to determine whether it wishes to accept a previously approved quality assurance program. In addition, paragraph (g) is designated a Category C for all States. This provision is designated a Category C because it avoids a potential conflict by assuring that the radiography quality assurance program in §34.31 (b), which is designated a Category C, is recognized on a nationwide basis. The essential objective of paragraph (g) is that licensee who uses a radiography Type B container and implements a quality assurance program under the State's equivalent of §34.31(b) meets the quality assurance program requirements of this Part. Paragraphs (d) and (e) are reserved to the NRC because they address the fabrication, testing, modification, and approval of Type B packages.</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.103	Quality assurance organization .	<p>D- Paragraphs (a), and (b) are designated D’s for those States which have no licensees that use Type B packages.</p> <p>or</p> <p>[C]- Paragraph (a) and C - paragraph b for those States which have licensees that use Type B packages.</p> <p>D- paragraphs (c), (d), (e) and (f)</p>	<p>The compatibility designation was changed for portions of this section from “D” to “[C]” and “C” for States which have licensees which use Type B packages. Paragraph (a) is designated [C] and paragraph (b) is designated C. The essential objectives of these provisions should be adopted by those Agreement States which have licensees who use Type B packages. These provisions are designated C because the quality assurance of Type B packages is an activity that is needed in order to avoid a nationwide regulatory gap in the regulation of the transportation of radioactive materials. If these provisions are not adopted, this could result in undesirable consequences in multiple jurisdictions. The essential objective of paragraph (a) is that each licensee who uses a Type B package shall establish, and execute a quality assurance program. Paragraph (a) is a bracketed “C”, because the essential objective of this provision is the same as that of §71.101(b); if an Agreement State adopts the essential objectives of §71.101(b), it is not necessary to adopt this provision again. The essential objective of paragraph (b) is that each licensee who uses a Type B package should verify by procedures such as checking, auditing, and inspection, that activities affecting the safety related functions of the Type B package are promptly identified and corrected.</p>
§71.105	Quality assurance program	<p>D- Paragraphs (a) and (b) are designated D’s for those States which have no licensees that use Type B packages.</p> <p>or</p> <p>C- Paragraph (a) and [C] - paragraph b for those States which have licensees that use Type B packages.</p> <p>D- paragraphs (c) and, (d)</p>	<p>The compatibility designation was changed for portions of this section from “D” to “C” and “[C]” for States which have licensees which use Type B packages. Paragraph (a) is designated [C] and paragraph (b) is designated C. The essential objectives of these provisions should be adopted by those Agreement States which have licensees who use Type B packages. These provisions are designated Category C because the quality assurance of Type B packages is an activity that is needed in order to avoid a nationwide regulatory gap in the regulation of the transportation of radioactive materials. If these provisions are not adopted, this could result in undesirable consequences in multiple jurisdictions. The essential objective of paragraph (a) is that each licensee who uses a Type B package shall document the quality assurance program by written procedures or instructions and shall carry out the program in accordance with those procedures throughout the period during which the packaging is used, and shall identify the material and components covered by the quality assurance program. The essential objective of paragraph (b) is that each licensee who uses a Type B package shall control activities affecting the safety related functions of the Type B package. Paragraph (b) is a bracketed “C”, because the essential objective of this provision is captured by §71.103(b); if an Agreement State adopts the essential objectives of §71.103(b), it is not necessary to adopt this provision again</p>

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.107	Package design control	D	
§71.109	Procurement document control	D	
§71.111	Instructions, procedures, and drawings	D	
§71.113	Document control	D	
§71.115	Control of purchased material, equipment, and services	D	
§71.117	Identification and control of materials, parts, and components	D	
§71.119	Control of special processes	D	
§71.121	Internal Inspection	D	
§71.123	Test control	D	
§71.125	Control of measuring and test equipment	D	
§71.127	Handling, storage, and shipping control	D	
§71.129	Inspection, test, and operating status	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.131	Nonconforming materials, parts, or components	D	
71.133	Corrective action	D	
§71.135	Quality assurance records	D	
§71.137	Audits	D	
Appendix A	Determination of A1 and A2	B	

**Part 150 - EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES
AND IN OFFSHORE WATERS UNDER SECTION 274**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§150.1	Purpose	D	
§150.2	Scope	D	
§150.3	Definitions		
§150.3(a)	Act	D	
§150.3(b)	Agreement State	B	Definition has significant nationwide and transboundary implications.
§150.3(c)	Byproduct Material	A	
§150.3(d)	Commission	D	
§150.3(e)	Government Agency	D	
§150.3(f)	Offshore Waters	B	Essential to the reciprocity provisions in §150.20

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§150.3(g)	Person	C	
§150.3(h)	Production facility	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
§150.3(i)	Source material	A	
§150.3(j)	Special nuclear material	A	
§150.3(k)	State	D	
§150.3(l)	Utilization facility	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
§150.3(m)	Uranium enrichment facility	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
§150.4	Communications	D	
§150.5	Interpretations	D	
§150.7	Persons in offshore waters not exempt	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§150.8	Information collection requirements: OMB approval	D	
§150.10	Persons exempt	NRC	This exemption addresses discontinuance of NRC authority in an Agreement State.
§150.11	Critical mass	B	This provision defines a scope of authority that NRC can relinquish to States for special nuclear materials. This must be identical from State to State and therefore it has significant and direct transboundary implications.
§150.14	Commission regulatory authority for physical protection	NRC	This provision addresses continuing NRC authority over special nuclear material in Agreement States.
§150.15	Persons not exempt	NRC	This provision addresses continuing NRC authority over certain activities in Agreement States.
§150.15a	Continued Commission authority pertaining to byproduct material	NRC	This provision addresses continuing NRC authority over certain activities in Agreement States.
§150.16	Submission to Commission of nuclear material transfer reports	NRC	Although this requirement is an issue within NRC exclusive jurisdiction, States should adopt some method to advise their licensees of these NRC requirements.
§150.17	Submission to Commission of source material reports	NRC	Although this requirement is an issue within NRC exclusive jurisdiction, States should adopt some method to advise their licensees of these NRC requirements.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§150.17a	Compliance with requirements of US/ IAEA safeguards agreement	NRC	
§150.19	Submission to Commission of tritium reports	NRC	Although this requirement is an issue within NRC exclusive jurisdiction, States should adopt some method to advise their licensees of these NRC requirements.
§150.20	Recognition of Agreement State licenses	C- paragraphs (a)(1)(i), (a)(2) & (b) NRC- paragraphs (a)(1)(ii) & (a)(1)(iii)	Provisions (a)(1)(i), (a)(2) and (b) are important for coherent regulation of agreement material on a national basis. The Agreement State should adopt these requirements so that the State reciprocally recognizes licenses issued by other Agreement States and NRC within its jurisdiction, including provisions for notifying the regulatory agency when work is to be performed under reciprocity. Any fee provisions are Compatibility Category D. Provisions (a)(1)(ii) & (a)(1)(iii) relate to NRC authority to regulate activities in exclusive Federal jurisdiction and offshore waters.
§150.21	Transportation of special nuclear material by aircraft	NRC	Provision addresses continuing NRC authority over activities in Agreement States.
§150.30	Violations	D	
§150.31	Requirements for Agreement State regulation of byproduct material	C- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority	
§150.32	Funds for reclamation or maintenance of byproduct material	C- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§150.33	Criminal penalties	D	

PROGRAM ELEMENTS

PROGRAM ELEMENT	REQUIRED FOR	COMMENTS
Legislation and Legal Authority	Adequacy	See discussion in Adequacy Section of Policy Statement
-- Regulations	Compatibility or Health and Safety	See Regulation Tables for 10 CFR Parts in Appendix A of this Procedure
-- Guidance documents and interpretations	D	
Licensing	Adequacy	See discussion in Adequacy Section of Policy Statement
-- Reciprocal recognition of licenses	C	This program element has significant effects on the regulation of agreement materials on a national basis. However, States should be provided flexibility for the type of license and time period recognized under reciprocity. Although there are transboundary implications, there is not a necessity for all States to be identical, such as would be required by a classification of "B."
-- Written procedures	C	
-- Maintenance of records, especially for decommissioning	C	
-- Inspection and licensing files	C	
Inspection and Enforcement	Adequacy	See discussion in Adequacy Section of Policy Statement
-- Written procedures	C	
-- Radiological laboratory support	D	
-- Instrumentation	D	
Personnel	Adequacy	See discussion in Adequacy Section of Policy Statement

PROGRAM ELEMENT	REQUIRED FOR	COMMENTS
-- Qualification procedures	C	There should be minimum education and experience requirements for all technical personnel in RCPs nationwide. Flexibility is provided to allow for different State administrative requirements.
Response to Events and Allegations	Adequacy	See discussion in Adequacy Section of Policy Statement
-- Written procedures	C	
-- Major incident investigation procedures	C	Need to prevent gaps in reporting effectiveness of national program
-- Procedures for investigation of “wrongdoing”	C	
Sealed source and device program	Adequacy	Non-common performance indicator
-- Standard review plan	C	
-- Format and content of registration certificates	B	Need to have national consistency so that all RCPs can rely on the specific information included in these documents.
-- Inclusion of Information in the National SS&D registry	B	Need to have national consistency so that all RCPs can rely on the specific information included in these documents
-- Written procedures	C	
Low level waste	Adequacy	Non-common performance indicator
-- Written procedures	C	
Uranium recovery	Adequacy	Non-common performance indicator
-- Written procedures	C	
Exchange of information	C	Necessary for effective regulation of agreement materials on a national basis; necessary for effective review of NRC and Agreement State programs for agreement material with respect to protection of public health and safety.

PROGRAM ELEMENT	REQUIRED FOR	COMMENTS
-- Event reporting	C	See previous comment. In addition, Agreement State event reporting to NRC is mandatory as directed by the Commission in a Staff Requirements Memorandum dated June 30, 1997. Failure to comply with provision can serve as a basis alone or a finding of "not compatible."
Legal assistance	D	
Technical advisory committees	D	
Technical assistance and support	D	
Program funding, including program support services	D	
Organization, management & location of radiation control program	D	

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SSR/10 CFR 34.20 COMPATIBILITY RESOLUTION
REQUIREMENT TO USE COLLIMATORS IN INDUSTRIAL RADIOGRAPHY

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SSR/10 CFR 34.13(h) COMPATIBILITY RESOLUTION
QUALIFICATIONS OF INDIVIDUALS PERFORMING LEAK TESTING

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