

December 21, 2006

Terry D. Lindsey, Manager
Department of Human Services, Radiation Protection Services
Oregon State Public Health
800 NE Oregon St.
Portland, Oregon 97232

Dear Mr. Lindsey:

We have reviewed the final revisions to the Oregon Administrative Rules (Div. 333), Radiation Protection Services, as received by our office on November 7, 2006. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 19, 20, 30, 31, 32, 34, 35, 36, 39, 40, 61, 70, 71, and 150; and the requirements of the 18 amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on December 21, 2006.

As noted in All Agreement States letter STP-05-072, dated September 28, 2005, NRC staff will continue to hold in abeyance any determination on those rules and compatibility of 10 CFR 31.5 and 31.6, if the Agreement State has the essential elements of the NRC's rule and is more restrictive than the NRC's rule.

As a result of our review against the GL Device Rule Compatibility Category B designation, we have 11 comments as listed in the enclosure. Comments 16, 20, 21, 22, 24, 25, and 26 indicate that the State's regulations are more restrictive than the NRC's regulations, and there is no corrective action required for these comments at this time. However, Comments 17, 18, 19, and 23 indicate that the State's regulations are less restrictive than the NRC's regulations, and they need to be addressed in the State's future rule making process.

As a result of the remainder of our review, we have 15 comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in STP Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by Oregon, in response to our comments, and provide a copy to Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs (FSME) (see letter FSME 06-94 dated October 6, 2006 for further information).

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

information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the FSME website: <http://www.hsrdo.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider State Regulation Review Coordinator at 301-415-2320 (email: kxs@nrc.gov), William Rautzen at 301-415-7206 (e-mail: wrr@nrc.gov,) or Monica Orendi at 301-415-3938 (e-mail: mlo1@nrc.gov).

Sincerely,

\RA By S.W. Moore

Scott W. Moore, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures:
As stated

information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the FSME website: <http://www.hsrdr.ornl.gov/nrc/rulemaking.htm>.

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Sincerely,

IRA By S.W. Moore

Scott W. Moore, Deputy Director
 Division of Materials Safety and State Agreements
 Office of Federal and State Materials and
 Environmental Management Programs

Enclosures: As stated

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COMPATIBILITY COMMENTS ON OREGON FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	333-118-0020	71.4	1996-1	B	<p>Definitions</p> <p>It was noted in the January 2003 letter that Oregon omitted the definition of A₁. Oregon, in its response to the comment, stated that it is found at 333-118-0020(18), their definition of "Type A Package". This is only a reference to A₁, and not a definition. Oregon also stated in their response to the January 2003 letter that they would add the definition of A₁ to their regulations, but as of this review have not.</p> <p>Oregon needs to add the definition of A₁ to 333-118-0020 to meet the Compatibility Category B designation assigned to 10 CFR 71.4.</p> <p>*If Oregon adopts 2004-1 in its entirety these comments will resolve. Oregon will address this comment in a December 2006 rule making.</p>
2	333-118-0020	71.4	1996-1	B	<p>Definitions</p> <p>It was noted in Oregon's response to the January 2003 letter that they did not have A₂ defined. Oregon also stated in their response to the January 2003 letter that they would add the definition of A₂ to their regulations, but as of this review have not.</p> <p>Oregon needs to add the definition of A₂ to 333-118-0020 to meet the Compatibility Category B designation assigned to 10 CFR 71.4.</p> <p>*If Oregon adopts 2004-1 in its entirety these comments will resolve. Oregon will address this comment in a December 2006 rule making.</p>
3	333-118-0020	71.4	1996-1	B	<p>Definitions</p> <p>It was noted in the January 2003 letter that Oregon omitted the definition of "Package". Oregon stated in their response to the January 2003 letter that the definition is split between 333-118-0020(5), (10), (18), (19), and (20). The definition of "Package" was found to be only partially defined over those 5 parts.</p> <p>Oregon needs to add the definition of Package to 333-118-0020 to meet the Compatibility Category B designation assigned to 10 CFR 71.4.</p> <p>*If Oregon adopts 2004-1 in its entirety these comments will resolve. Oregon will address this comment in a December 2006 rule making.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
4	333-102-0010	30.14	N/A	B	<p>Exempt Concentrations</p> <p>It was noted in the January 2003 letter that Oregon omitted sections 10 CFR 30.14 (b) and (c). Due to confusion over what was asked to be added to the section, Oregon stated that 10 CFR 30.14 (c) was the only requirement that was to be added. As of this letter, Oregon has not made that update to 333-102-0010.</p> <p>Oregon needs to add the Exempt Concentration requirements to meet the Compatibility Category B designation assigned to 10 CFR 30.14(b) and (c).</p> <p>*Oregon will address this comment in a December 2006 rule making.</p>
5	333-100-0005(32)	20.1003	1998-5	A	<p>Definitions</p> <p>It was noted in the January 2003 letter that Oregon omitted the phrase “the declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant” and substituted the phrase “her employer” for “the licensee”. Oregon stated in their response that the phrase “the declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant” was added to the definition, but there was no change of the phrase “her employer” for “the licensee”.</p> <p>Oregon needs to change the phrase “her employer” to “the licensee” to 333-100-0005(32) to meet the Compatibility Category A designation assigned to 10 CFR 20.1003.</p> <p>*Oregon will be addressing this issue in a December rule making.</p>
6	333-120-0210(2)(b)	20.1502	1998-5	H&S	<p>Conditions requiring individual monitoring of external and internal occupational dose</p> <p>It was noted in the January 2003 letter that Oregon omitted the requirements for monitoring a declared pregnant woman in 333-120-0210(2)(b). Oregon did not address this part of the comment in their response letter.</p> <p>Oregon needs to adopt the essential objectives of the requirements for monitoring a declared pregnant woman in 333-120-0210(2)(b) to meet the Category H&S designation assigned to section 10 CFR 20.1502.</p> <p>*Oregon will address this comment in a December 2006 rule making.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
7	333-120-0015	20.1003	1997-1	C	<p>Definitions</p> <p>It was noted in the January 2003 letter that Oregon omitted the definition of "Constraint (Dose Constraint)". Oregon stated in their response to the letter that the definition was not considered necessary, and might be addressed in a 2003 rule making. As of this review, the definition is still omitted.</p> <p>Oregon needs to adopt the essential objectives of the definition "Constraint (Dose Constraint)" in 333-120-0005 to meet the Compatibility Category C designation assigned to section 10 CFR 20.1003.</p>
8	105-0530	34.43	1997-5	B	<p>January 2003 comment not addressed in this package.</p> <p>Training</p> <p>The State has added the phrase "at least 40 hours" to the training requirements for a radiographer.</p> <p>The State needs to remove the reference to number of hours of training. This section is a compatibility category "B". The addition of a time requirement to this section makes it more restrictive than 34.43</p> <p>*Oregon will address this comment in a December 2006 rule making.</p>
9	100-0005	20.1003	1995-5	A	<p>January 2003 comment not addressed in this package.</p> <p>Definitions: Occupational Dose and Public Dose</p> <p>The State's updated definitions in 120-0015 are correct and meet compatibility. However, the same definitions appear in 100-0005 and are not updated and do not meet compatibility.</p> <p>The State needs to change or delete the definitions found in 100-0005.</p> <p>*Oregon is addressing this comment in a future rule making dated December 2006*</p>
10	120-0015 and 100-0005	20.1003	1998-5	A	<p>January 2003 comment not addressed in this package.</p> <p>Definitions: Very High Radiation Area</p> <p>The State has omitted the phrase "from sources external to the body" in its definition of high radiation area.</p> <p>The State needs to add this phrase to achieve compatibility.</p> <p>*Oregon will address this comment in a December 2006 rule making.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
11	333-118-0190	71.97	1996-1	B	<p>January 2003 comment not addressed in this package.</p> <p>Advanced Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste</p> <p>The State has substituted the words "nuclear waste" for "licensed material" in the requirements of notification of transportation. This substitution limits the requirements for notification to just nuclear waste.</p> <p>The State needs to use the words "licensed material " to achieve compatibility.</p> <p>*If Oregon adopts 2004-1 in its entirety these comments will resolve. Oregon will address this comment in a December 2006 rule making.</p>
12	333-100-0005	20.1003	1998-5	A	<p>January 2003 comment not addressed in this package.</p> <p>Definitions: High Radiation Area</p> <p>The State omitted part of this definition.</p> <p>The State needs to include all of this definition to achieve compatibility.</p> <p>*Oregon will address this comment in a December 2006 rule making.</p>
13	333-118-0150	71.87	1996-1	B	<p>January 2003 comment not addressed in this package.</p> <p>Routine Determinations</p> <p>The State has omitted the requirements of section 71.87 (g) and (k) and also 71.47 (c) & (d) that is referenced from 71.87 as part of routine determinations.</p> <p>The State needs to include these requirements to achieve compatibility.</p> <p>*If Oregon adopts 2004-1 in its entirety these comments will resolve. Oregon will address this comment in a December 2006 rule making.</p>
14	333-100-0005	71.4	1996-1	B	<p>January 2003 comment not addressed in this package.</p> <p>Definitions: Natural Thorium</p> <p>The States definition is different from 71.4 to such an extent that it does not meet compatibility.</p> <p>The State needs to adopt a definition compatible to the definition in 71.4.</p> <p>*If Oregon adopts 2004-1 in its entirety these comments will resolve. Oregon will address this comment in a December 2006 rule making.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
15	333-113-0501	39.77	2000-1	C	<p>Notification of incidents and lost sources; abandonment procedures for irretrievable sources</p> <p>Oregon regulations omitted the requirements equivalent to 10 CFR 39.77(d)(9) concerning abandonment procedures for irretrievable sources.</p> <p>Oregon needs to adopt the essential objectives of this section to 333-113-0501 to meet the Compatibility Category C designation assigned to Section 10 CFR 39.77(d).</p> <p>*Oregon will address this comment in a December 2006 rule making.</p>
16	333-102-0115(4)(d)	31.5(c)(4)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Oregon regulations require records to be retained for five years. This is more stringent than NRC rule requirement of three years.</p> <p>Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule.</p> <p>As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.</p>
17	333-102-0115(4)(g)	31.5(c)(8)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Oregon regulations omitted the phrase "...by export as provided by (c)(7) of this section...".</p> <p>Note: 333-102-0115(4)(k) is equivalent to 10 CFR 31.5(c)(7) .</p> <p>Oregon needs to add the above phrase for exporting a GL device to 333-102-0115(4)(g) to meet the Compatibility Category B designation assigned to 10 CFR 31.5(c)(8).</p>
18	333-102-0115(4)(g)(A)	31.5(c)(8)(ii)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Oregon omits the words "... or export..." from 333-102-0115(4)(g)(A).</p> <p>Oregon needs to add "... or export ..." to 333-102-005(4)(g)(A) in order to meet the Compatibility Category B designation assigned to 10 CFR 31.5(c)(8)(ii).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
19	333-102-0115(4)(h)(A)	31.5(c)(9)(I)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Oregon does not indicate that the address for the transferee be that of the location of use.</p> <p>Oregon needs to add this requirement to 333-102-0115(4)(h)(A) to meet the Compatibility Category B designation assigned to 10 CFR31.5(c)(9)(I).</p>
20	333-102-0115(6)	31.5(c)(11)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Oregon regulations omitted the provision allowing any other specified time period for responding to written requests.</p> <p>Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule.</p> <p>As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.</p>
21	333-102-0115(8)	31.5(c)(13)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Oregon regulations require all GL devices to be registered with the Agency.</p> <p>Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule.</p> <p>As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
22	333-102-0115(8)	31.5(c)(13)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Oregon regulations require GL devices containing more than 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, any quantity of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), to have a specific license.</p> <p>Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule.</p> <p>As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.</p>
23	333-103-0015	31.5(c)(13)(ii)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Oregon omits requiring the registration information to be submitted within 30 or as otherwise indicated on the request and omits information regarding bankruptcy notification requirements for devices that meet criteria in 333-102-115(9) (10 CFR 31.5(c)(13)(I)) from section 333-103-0015.</p> <p>Oregon needs to add the above to meet the Compatibility Category B designation assigned to 10 CFR 31.5(c)(13)(ii).</p>
24	333-102-0115(10)	31.5(c)(14)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Oregon regulations omitted a provision for portable devices requiring a report of address change only if the device's primary place of storage has changed.</p> <p>Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule.</p> <p>As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
25	333-102-0115(11)	31.5(c)(15)	2001-1	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Oregon regulations require generally licensed devices that are not in use for longer than 2 years must be transferred to an authorized recipient or disposed of as radioactive waste.</p> <p>Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule.</p> <p>As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.</p>
26	333-102-0247(3)	32.52(c)	2001-1	B	<p>Same: material transfer reports and records</p> <p>Oregon regulation requires records to be retained for 5 years. This is more stringent than NRC rule requirement of three years.</p> <p>Oregon's rule has the essential elements of the NRC, but is more restrictive than the NRC's GL rule.</p> <p>As noted in the September 28, 2005 All Agreement States Letter STP-05-072, the determination on this provision will be held in abeyance until such time that the NRC completes its review and response to the Organization of Agreement State on compatibility changes for the GL rule.</p>

STATE REGULATION STATUS

State: Oregon

[18 Amendments reviewed identified by an ★ at the beginning of each equivalent NRC requirement.]

Tracking Ticket Number: 6-281/6-282

Date: December 21, 2006

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) ² Rule / License Conditions (LC) ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F ML023450397	N 1/23/03 ML030240463	4/26/95
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required ³
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3	F ML021970445	N 11/13/97	4/26/95
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F ML023450397	N 1/23/03 ML030240463	4/26/95
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	F ML023450397	N 1/23/03 ML030240463	4/26/95
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566; (none)	1992-2			Not required ³
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1	F ML023450397	N 1/23/03 ML030240463	03/27/03
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2	F ML023450397	N 1/23/03 ML030240463	04/11/05
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			Not applicable SECY-95-112 ⁴
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618; (none)	1994-1			Not required ³
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			Not applicable SECY-95-112 ⁴
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	F ML023450397	N 1/23/03 ML030240463	03/27/03
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767; 59 FR 65243; 60 FR 322; (1/1/98)	1995-1	F ML023450397	N 1/23/03 ML030240463	03/27/03
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2			Not applicable

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F)² Rule / License Conditions (LC) ML #⁵	NRC Review / Y, N² / Date / ML #⁵	Final State Regulation¹ (Effective Date)
					SECY-95-112 ⁴
★Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3	F ML063110122	N 12/21/06 ML070030381	03/27/03
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4	F ML023450397	N 1/21/03 ML030240463	03/27/03
★Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	F ML063110122	Y 12/21/06 ML070030381	03/27/03
★Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	F ML063110122	N 12/21/06 ML070030381	03/27/06
★Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7	F ML063110122	N 12/21/06 ML070030381	03/27/03
★10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1	F ML063110122	Y 12/21/06 ML070030381	03/27/03
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses- Parts 30, 40, 70	61 FR 1109; (none)	1996-2			Not required ³
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3	F ML023450397	N 1/23/03 ML030240463	03/27/03
★Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act- Part 20	61 FR 65120; (1/9/00)	1997-1	F ML063110122	Y 12/21/06 ML070030381	03/27/03
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2	F ML023450397	N 1/23/03 ML030240463	03/27/03
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	F ML023450397	N 1/23/03 ML030240463	03/27/03
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required ³
★Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5	F ML063110122	Y 12/21/06 ML070030381	03/27/03

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) ² Rule / License Conditions (LC) ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6	F ML023450397	N 1/23/03 ML030240463	03/27/03
★Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	F ML063110122	N 12/21/06 ML070030381	03/27/03
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1	F ML023450397	N 1/23/03 ML030240463	03/27/03
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required ³
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	F ML023450397	N 1/23/03 ML030240463	03/27/03
★Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5	F ML063110122	Y 12/21/06 ML070030381	
★Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	F ML063110122	N 12/21/06 ML070030381	03/27/03
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1			Not applicable SECY-95-112 ⁴
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2			Not required ³
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3	P ML061020352	Y 7/10/06 ML061910103	
★Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	F ML063110122	Y 12/21/06 ML070030381	
★New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	F ML063110122	N 12/21/06 ML070030381	
★Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	F ML063110122	Y 12/21/06 ML070030381	

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) ² Rule / License Conditions (LC) ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
★Revision of the Skin Dose Limit -Part 20	67 FR 16298; 4/5/05	2002-1	F ML063110122	N 12/21/06 ML070030381	
★Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; 4/24/05	2002-2	F ML063110122	N 12/21/06 ML070030381	
★Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1	F ML063110122	N 12/21/06 ML070030381	
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments – Part 71	69 FR 3697; (10/01/07)	2004-1			
★Security Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1	F ML063110122	N 12/21/06 ML070030381	
★Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; 71 FR 1926 (4/29/08)	2005-2	F ML063110122	N 12/21/06 ML070030381	
Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) ⁶	70 FR 72128; (12/1/05)	2005-3	LC ML052870028	N 10/18/05 ML052930002	
Minor Amendments - Part 20,30,32,35,40 and 70	71FR15005 (3/27/09)	2006-1			

1. Or other generic Legally Binding Requirements.
2. (Y/N) Y means “Yes,” there are comments in the review letter that the State needs to address.
N means “No,” there are no comments in the review letter.
3. Not required means these regulations are not required for purposes of compatibility.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: “Final Policy Statement on Adequacy and Compatibility of Agreement State Programs,” III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
5. ADAMS ML Number
6. By letter dated September 2, 2005, from Paul H. Lohaus, Director, Office of State and Tribal Programs, Agreement States were given 90 days to issue legally binding requirements satisfying the requirements of NRC Order EA-05-090.

