

August 3, 2007

Patricia Gardner, Manager
Bureau of Environmental Radiation
New Jersey Department of Environmental Protection
P.O. Box 415
Trenton, NJ 08625-0415

Dear Ms. Gardner:

We have reviewed the proposed revision to the New Jersey Department of Environmental Protection's Radiation Protection Programs' Rules (N.J.A.C. 7:28-1 et seq.), received by our office on June 7, 2007. 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. We discussed our review of the regulations with Richard Peros on August 2, 2007.

As a result of our review, we have 25 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. Under our current procedure, a finding that the New Jersey regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final New Jersey regulations. However, we have determined that if your proposed regulations were adopted, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Materials Safety and State Agreements, FSME.

Please let us know if you note any inaccuracies, or have any comments on the information contained in the Enclosure. This letter, including the SRS Data Sheet, is posted on the FSME website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me, or Aaron T. McCraw at 301-415-1277 or via e-mail at atm@nrc.gov.

Sincerely,

IRA By KNSchneider For

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

August 3, 2007

Patricia Gardner, Manager
Bureau of Environmental Radiation
New Jersey Department of Environmental Protection
P.O. Box 415
Trenton, NJ 08625-0415

Dear Ms. Gardner:

We have reviewed the proposed revision to the New Jersey Department of Environmental Protection's Radiation Protection Programs' Rules (N.J.A.C. 7:28-1 et seq.), received by our office on June 7, 2007. 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. We discussed our review of the regulations with Richard Peros on August 2, 2007. As a result of our review, we have 25 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. Under our current procedure, a finding that the New Jersey regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final New Jersey regulations. However, we have determined that if your proposed regulations were adopted, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Materials Safety and State Agreements, FSME. Please let us know if you note any inaccuracies, or have any comments on the information contained in the Enclosure. This letter, including the SRS Data Sheet, is posted on the FSME website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me, or Aaron T. McCraw at 301-415-1277 or via e-mail at atm@nrc.gov.

Sincerely,

IRA Byl

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

Distribution:

DIR RF (7-49) DCD (SP05) DJanda, RI/RSAO MOrandi, FSME/DMSSA
NMcNamara, RI/RSLO JTobin, FSME/DILR MMcLaughlin, RI/RSLO
WRautzen, FSME/DMSSA ML of Incoming Document: ML071630325

DOCUMENT NAME: C:\FileNet\ML072200338.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFC	FSME/DMSSA		FSME/DMSSA		OGC		FSME/DMSSA	
NAME	ATMcCraw		KSchneider		FXCameron		SWMoore	
DATE	06/27/07*		6/27/07*		07/26/07*		08/03/07*	

COMPATIBILITY COMMENTS ON NEW JERSEY PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	7:28-1.4(a)	20.1003	N/A	A	<p>Definition of “dose equivalent”</p> <p>New Jersey states “...product of the absorbed dose in tissue quality factor, and...” New Jersey should say “...product of the absorbed dose in tissue, quality factor, and...” in their definition of “dose equivalent.”</p> <p>New Jersey needs to make the above change in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1003, definition of “dose equivalent.”</p>
2	7:28-1.4(a)	20.1003	N/A	A	<p>Definition of “occupational dose”</p> <p>New Jersey does not specifically exclude doses received from voluntary participation in medical research programs.</p> <p>New Jersey needs to make the above change in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1003, definition of “occupational dose.”</p>
3	7:28-1.4(a)	20.1003	N/A	[C]	<p>Definition of “person”</p> <p>New Jersey includes “...Government agency other than the NRC or the Department of Energy...” in their definition of “person.” New Jersey should remove this language because other Federal Agencies would be regulated by the NRC. If New Jersey has issued licenses/registrations to other Federal Agencies for the use of non-AEA materials or machines, then inclusion of this language is acceptable.</p> <p>New Jersey needs to make the above change in order to meet the Compatibility Category [C] designation assigned to 10 CFR 20.1003, definition of “person.”</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
4	7:28-12.3	20.1003	N/A	B	<p>Definition of “residual radioactivity”</p> <p>New Jersey states “...in accordance with the provisions of US NRC regulations at Title 10 CFR part 20”. New Jersey should say “... in accordance with the provisions of US NRC regulations at Title 10 CFR part 20 or the provisions of NJAC 7:28-11.4.”</p> <p>New Jersey needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 20.1003, definition of “residual radioactivity.”</p>
5	7:28-6.1(d)	20.1201	N/A	A	<p>Occupational dose limits for adults</p> <p>New Jersey incorrectly refers to NJAC 7:28-6.5. The correct reference is NJAC 7:28-8.9.</p> <p>New Jersey must correct the reference in order to meet the Compatibility Category A designation assigned to 20.1201.</p>
6	7:28-6.1(f)	20.1201	N/A	A	<p>Occupational dose limits for adults</p> <p>New Jersey incorrectly refers to NJAC 7:28-6.4(e). The correct reference is NJAC 7:28-8.7(e).</p> <p>New Jersey must correct the reference in order to meet the Compatibility Category A designation assigned to 20.1201.</p>
7	7:28-6.4(c)(2)	20.1204	N/A	A	<p>Determination of internal exposure</p> <p>New Jersey states that approval is the responsibility of the Commission. Approval should be delegated to the Department, as defined in NJAC 7:28-1.4(a).</p> <p>New Jersey must make the above noted change in order to meet the Compatibility Category A designation assigned to 20.1204.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
8	7:28-6.4(c)(3) and (e)(1)	20.1204	N/A	A	<p>Determination of internal exposure</p> <p>New Jersey refers to an “appendix to this subchapter;” however, there is not an appendix to the subchapter. All other references to the intended appendix direct the reader to Appendix B of 10 CFR 20.</p> <p>New Jersey must appropriately reference the proper appendix in order to meet the Compatibility Category A designation assigned to 20.1204.</p>
9	7:28-6.7(a)	20.1208	N/A	A	<p>Dose equivalent to an embryo/fetus</p> <p>New Jersey incorrectly refers to NJAC 7:28-8.8. The correct reference is NJAC 7:28-8.9.</p> <p>New Jersey must correct the reference in order to meet the Compatibility Category A designation assigned to 20.1208.</p>
10	7:28-6.8(a)	20.1301(a)	N/A	A	<p>Dose limits for individual members of the public</p> <p>New Jersey does not specifically exclude doses received from voluntary participation in medical research programs.</p> <p>New Jersey needs to make the above change in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1301(a).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
11	7:28-12.11(f)	20.1404	N/A	N/A	<p>Alternate criteria for license terminations</p> <p>In 7:28-12.11(f), New Jersey directly states that Long Term Control licenses issued by the NRC are not valid. This is a contradiction to the criteria for an Agreement with the NRC, which requires reciprocal recognition of licenses issued by other jurisdictions. Failure to recognize an NRC license would essentially create a regulatory gap during the time between the signing of an Agreement and issuance of a New Jersey license. Retention of this paragraph could be grounds for denying an application for an Agreement with the NRC.</p> <p>New Jersey must remove the statement in 7:28-12.11(f) to ensure recognition of all types of licenses issued by other jurisdictions.</p>
12	7:28-10.3(c)	20.1601(b)	N/A	H&S	<p>Control of access to high radiation areas</p> <p>New Jersey incorrectly refers to paragraph (a) of the same section. The correct reference is to paragraph (b) of that section.</p> <p>New Jersey must correct the reference in order to meet the Compatibility Category H&S designation assigned to 20.1601.</p>
13	7:28-10.3(e)	20.1601(d)	N/A	H&S	<p>Control of access to high radiation areas</p> <p>New Jersey incorrectly refers to paragraphs (a) and (c) of the same section. The correct references are to paragraphs (b) and (d) of that section.</p> <p>New Jersey must correct the above noted references in order to meet the Compatibility Category H&S designation assigned to 20.1601.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
14	7:28-10.7(a)	20.1904(a)	N/A	A	<p>Labeling containers</p> <p>In 7:28-10.7(a), New Jersey has partial requirements for 20.1904(a) listed. Because they go on to adopt 20.1904(a) in its entirety in 7:28-10.7(b), New Jersey should delete 7:28-10.7(a) from their regulations to eliminate any duplication of regulation.</p> <p>New Jersey needs to delete 7:28-10.7(a) from their regulations to eliminate any duplication of regulation.</p>
15	7:28-11.2	20.2003(a)(4)	N/A	C	<p>Disposal by release into sanitary sewerage</p> <p>New Jersey allows yearly release of 5 Curie (Ci) (185 GBq) of Carbon-14 into the “domestic treatment works” instead of the 1 Ci (37 GBq) allowed in 20.2003. New Jersey must at least be as restrictive as NRC requirements.</p> <p>New Jersey needs to adopt the 1 Ci annual release limit equivalent to 20.2003(a)(4) in order to meet the Compatibility Category C designation assigned to 20.2003(a)(4).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
16	7:28-10.12	Appendix C	N/A	A	<p>Quantities of licensed materials requiring labeling</p> <ol style="list-style-type: none"> 1.) Lanthanum-142 is listed at 100, should be 1000. 2.) Lanthanum-143 needs to be added. 3.) Cerium-134 needs to be added. 4.) Cerium-135 needs to be added. 5.) Europium-157 is listed at .100, should be 100. 6.) Rhenium-183 needs to be deleted. 7.) Thorium-232 is listed at .100, should be 100. 8.) New Jersey needs to adopt Footnote 1 Appendix C of 10CFR20 explaining the derivation of the values. <p>New Jersey needs to make the above changes in order to meet the Compatibility Category A designation assigned to Appendix C.</p>
17	7:28-51.1 (c)(6)	30.20	N/A	B	<p>Gas and aerosol detectors containing byproduct material</p> <p>New Jersey states "10 C.F.R. 19.20(a), delete...". New Jersey should say " 10 C.F.R. 30.20(a), delete....." in 7:28-51.1(c)(6).</p> <p>New Jersey needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
18	7:28-51.1(b)	30.21(c)	N/A	NRC	<p>Radioactive drug: Capsules containing carbon-14 urea for “in vivo” diagnostic use for humans</p> <p>New Jersey adopts by reference 30.21(c) which is a Compatibility Category NRC. This is a NRC program element that addresses 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 10 CFR 30.21(c).</p> <p>New Jersey should not incorporate by reference 10 CFR 30.21(c) in order to meet the Compatibility Category NRC designation assigned to 10 CFR 30.21(c).</p>
19	7:28-51.1(b)	30.34 (d)(e)(1)&(e)(3)	N/A	NRC	<p>Terms and conditions of licenses</p> <p>New Jersey adopts by reference 30.34(d)(e)(1)&(e)(3) which is a Compatibility Category NRC. This is a NRC program element that addresses 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 10 CFR 30.34(d)(e)(1)&(e)(3).</p> <p>New Jersey should not incorporate by reference 10 CFR 30.34(d)(e)(1) &(e)(3) in order to meet the Compatibility Category NRC designation assigned to 10 CFR 30.34(d)(e)(1)&(e)(3).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
20	7:28-51.1(b)	30.41(a)(6)	N/A	NRC	<p>Transfer of byproduct material</p> <p>New Jersey adopts by reference 30.41(b)(6) which is a Compatibility Category NRC. This is a NRC program element that addresses 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 10 CFR 30.41(b)(6).</p> <p>New Jersey should not incorporate by reference 10 CFR 30.41(b)(6) in order to meet the Compatibility Category NRC designation assigned to 10 CFR 30.41(b)(6).</p>
21	7:28-51.1(b) and (c)	30.55	N/A	NRC	<p>Tritium Reports</p> <p>New Jersey adopts by reference 30.55 which is a Compatibility Category NRC. This is a NRC program element that addresses 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 10 CFR 30.55.</p> <p>New Jersey should not incorporate by reference 10 CFR 30.55 in order to meet the Compatibility Category NRC designation assigned to 10 CFR 30.55.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
22	7:28-58.1	40.51(b)(6)	N/A	NRC	<p>Transfer of source or byproduct material</p> <p>New Jersey adopts by reference 40.51(b)(6) which is a Compatibility Category NRC. This is a NRC program element that addresses 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 10 CFR 40.51(b)(6).</p> <p>New Jersey should not incorporate by reference 10 CFR 40.51(b)(6) in order to meet the Compatibility Category NRC designation assigned to 10 CFR 40.51(b)(6).</p>
23	7:28-61.1	71.0(d), 71.14(b), and 71.19	N/A	NRC	<p>Adoption by Reference for IAEA Transportation Amendments</p> <p>New Jersey adopts by reference 71.0(d), 71.14(b), and 71.19, which are all Compatibility Category NRC. These requirements reflect NRC program elements that cannot be relinquished to an Agreement States pursuant to the Atomic Energy Act or provisions of 10 CFR regulations. The State should exclude any references to 71.0(d), 71.14(b), and 71.19.</p> <p>New Jersey should not incorporate by reference 10 CFR 71.0(d), 71.14(b), and 71.19 in order to meet the Compatibility Category NRC designation assigned to these regulations.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
24	7:28-61.1	71.101(c)(2), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125	N/A	NRC	<p>Adoption by Reference for IAEA Transportation Amendments</p> <p>Section 71.101(b) (Establishment of a quality assurance program for packaging), which is designated as compatibility category C, states that “Each licensee, certificate holder, and applicant for a CoC shall establish, maintain, and execute a quality assurance program satisfying each of the applicable criteria of §§ 71.101 through 71.137...” However, sections 71.101(c)(2), (d) & (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125 have been designated as compatibility category NRC. Thus, for a state to adopt the essential objectives of 71.101(b), as would be required under compatibility category C, it would be inadvertently required to adopt requirements contained in provisions reserved to the NRC.</p> <p>Recognizing this discrepancy, NRC staff members are re-reviewing the compatibility designation of the referenced sections. No changes to New Jersey’s regulations are required until the NRC completes its review of part 71 and reports its results to the States.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
25	7:28-62.1	150.20	N/A	C-paragraphs (a) & (b) & NRC-paragraphs (c) & (d)	<p>Recognition of Agreement State licenses</p> <p>As 150.20(b) is incorporated by reference, New Jersey would issue general licenses to Agreement States licensees, and not NRC licensees, to operate in areas of exclusive Federal jurisdiction and offshore waters, although these areas are specifically excluded under the reference to 150.20(a). New Jersey does not have the authority to issue general licenses to operate in areas of exclusive Federal jurisdiction and offshore waters. New Jersey can only issue general licenses to Agreement State and NRC licensees wishing to operate within New Jersey's jurisdiction.</p> <p>New Jersey needs to modify their incorporation of Part 150 by reference, specifically 150.20(b), to clarify that general licenses will not be issued to operate in areas of exclusive Federal jurisdiction and offshore waters but within New Jersey's jurisdiction, and that reciprocity licenses will be issued to other Agreement State and NRC licensees, not just Agreement State licensees.</p>

STATE REGULATION STATUS

NEW JERSEY

(The entire New Jersey Radiation Protection Program Rules were submitted in preparation of a draft application for an Agreement. All amendments in this chart were reviewed)

Tracking Ticket Number: 7-49

Date: August 3, 2007

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) Final (F) ¹ Rule / ML # ²	NRC Review / Y, N ³ / Date / ML # ²	Final State Regulation ¹ (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1			Superceded by 1997-5
ASNT Certification of Radiographers - Part 34	56 FR 11504; (none)	1991-2			Superceded by 1997-5
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			
Notification of Incidents - Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4			
Quality Management Program and Misadministrations - Part 35	56 FR 34104; (1/27/95)	1992-1			Superceded by 2002-2
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions - Parts 30, 35	57 FR 45566; (none)	1992-2			Not required ⁴
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] - Parts 30, 40	58 FR 39628; (10/25/96)	1993-1			
Licensing and Radiation Safety Requirements for Irradiators - Part 36	58 FR 7715; (7/1/96)	1993-2			
Definition of Land Disposal and Waste Site QA Program - Part 61	58 FR 33886; (7/22/96)	1993-3			Review sheet not available ⁵
Self-Guarantee as an Additional Financial Mechanism - Parts 30, 40, 70	58 FR 68726; 59 FR 1618 (none)	1994-1			Not required ⁴
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards - Part 40	59 FR 28220; (7/1/97)	1994-2			
Timeliness in Decommissioning Material Facilities - Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3			
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			
Frequency of Medical Examinations for Use of Respiratory Protection Equipment - Part 20	60 FR 7900; (3/13/98)	1995-2			
Low-Level Waste Shipment Manifest Information and Reporting - Parts 20, 61	60 FR 15649; 60 FR 25983 (3/1/98)	1995-3			
Performance Requirements for Radiography Equipment - Part 34	60 FR 28323; (6/30/98)	1995-4			Superceded by 1997-5
Radiation Protection Requirements: Amended Definitions and Criteria - Parts 19, 20	60 FR 36038; (8/14/98)	1995-5			
Clarification of Decommissioning Funding Requirements - Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6			
Medical Administration of Radiation and Radioactive Materials - Parts 20, 35	60 FR 48623; (10/20/98)	1995-7			Superceded by 2002-2 and 2005-2

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) Final (F) ¹ Rule / ML # ²	NRC Review / Y, N ³ / Date / ML # ²	Final State Regulation ¹ (Effective Date)
10 CFR Part 71: Compatibility with the International Atomic Energy Agency - Part 71	60 FR 50248; 61 FR 28724 (4/1/99)	1996-1			Superceded by 2004-1
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses - Parts 30, 40, 70	61 FR 1109; (none)	1996-2			Not required ⁴
Termination or Transfer of Licensed Activities: Recordkeeping Requirements - Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3			
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act - Part 20	61 FR 65120; (1/9/00)	1997-1			
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			
Criteria for the Release of Individuals Administered Radioactive Material - Parts 20, 35	62 FR 4120; (5/29/00)	1997-3			
Fissile Material Shipments and Exemptions - Part 71	62 FR 5907; (none)	1997-4			Superceded by 2004-1
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			
Radiological Criteria for License Termination - Parts 20, 30, 40, 70	62 FR 39058; (8/20/00)	1997-6			
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea - Part 30	62 FR 63634; (1/02/01)	1997-7			
Deliberate Misconduct by Unlicensed Persons - Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1			
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees - Parts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required ⁴
License Term for Medical Use Licenses - Part 35	63 FR 31604; (none)	1998-3			Superceded by 2002-2
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations - Part 34	63 FR 37059; (7/9/01)	1998-4			
Minor Corrections, Clarifying Changes, and a Minor Policy Change - Parts 20, 35, 36	63 FR 39477; 63 FR 45393 (10/26/01)	1998-5			
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment - Part 20	63 FR 50127; (11/20/01)	1998-6			
Radiological Criteria for License Termination of Uranium Recovery Facilities - Part 40	64 FR 17506; (6/11/02)	1999-1			
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 ⁴
Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543; 64 FR 55524 (2/2/03)	1999-3			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications - Part 39	65 FR 20337; (5/17/03)	2000-1			

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) Final (F)¹ Rule / ML #²	NRC Review / Y, N³ / Date / ML #²	Final State Regulation¹ (Effective Date)
New Dosimetry Technology - Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2			
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1			
Revision of the Skin Dose Limit - Part 20	67 FR 16298; (4/5/05)	2002-1			
Medical Use of Byproduct Material - Parts 20, 32, and 35	67 FR 20249; (10/24/05)	2002-2			
Financial Assurance for Materials Licensees - Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1			
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			
Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; (4/29/08)	2005-2			
Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) ⁶	70 FR 72128;(12/1/05)	2005-3			
Minor Amendments - Parts 20, 30, 32, 35, 40, 70	71 FR 15005 (3/27/09)	2006-1			
National Source Tracking System - Serialization Requirements - Part 32 with reference to Part 20 Appendix E	71 FR 65685 (2/6/07)	2006-2			
National Source Tracking System - Part 20	71 FR 65865 (11/15/07) & (11/30/07)	2006-3 ⁷			

1. Or other generic Legally Binding Requirements.
2. ADAMS Accession (ML) Number
3. (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.
4. "Not required" means these regulations are not required for purposes of compatibility.
5. 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.
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.
7. RATS ID 2006-3 will not be considered under the Non-Common Performance Indicator "Compatibility Requirements" for IMPEP reviews until such time as the National Source Tracking System is ready for use. Revisions in the implementation date for Agreement States will be provided to the States under separate correspondence and the SRS sheet will be revised as appropriate.