

December 19, 2007

Leslie Foldesi, Director
Division of Radiological Health
Department of Health
James Madison Bldg.
109 Governor Street, Room 730
Richmond, VA 23219

Dear Mr. Foldesi:

We have reviewed the final revision to the Virginia regulations 12 VAC 5-481 Virginia Radiation Protection Regulations, received by our office on October 4, 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 Michael Welling on December 19, 2007.

As a result of our review, we have 31 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 Federal and State Materials and Environmental Management Programs (FSME) 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 FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by Virginia, in response to our comments, and provide a copy to Division of Materials Safety and State Agreements, FSME.

The SRS Data Sheet summarizes our knowledge of the status of other Virginia 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.org/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 Kathleen Schneider, State Regulation Review Coordinator at 301-415-2320 (email: KXS@nrc.gov), or Joshua Palotay at 301-415-6231 (email: JXP5@nrc.gov).

Sincerely,

IRA By ADW For

Robert J. Lewis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures: As stated

December 19, 2007

Leslie Foldesi, Director
Division of Radiological Health
Department of Health-James Madison Bldg.
109 Governor Street, Room 730
Richmond, VA 23219

Dear Mr. Foldesi:

We have reviewed the final revision to the Virginia regulations 12 VAC 5-481 Virginia Radiation Protection Regulations, received by our office on October 4, 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 Michael Welling on December 19, 2007.

As a result of our review, we have 31 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 Federal and State Materials and Environmental Management Programs (FSME) 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 FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by Virginia, in response to our comments, and provide a copy to Division of Materials Safety and State Agreements, FSME. The SRS Data Sheet summarizes our knowledge of the status of other Virginia 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.hsrp.doh.virginia.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 Kathleen Schneider, State Regulation Review Coordinator at 301-415-2320 (email: KXS@nrc.gov), or Joshua Palotay at 301-415-6231 (email: JXP5@nrc.gov).

Sincerely,

IRA By ADW For

Robert J. Lewis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures:

Distribution:

DIR RF (7-73, 7-74, 7-75, 7-76)

DCD (SP05) VA File

J. Kottan, RSAO M.Orendi, ASPO

SUNSI Review Complete

Publicly Available Non-Publicly Available

Non-Sensitive Sensitive

DOCUMENT NAME: C:\FileNet\ML073530514.wpd

ML of Incoming Document:ML072780049

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

OFFICE	SSSB	SAISB	SAISB	OGC	SAIS:BC	MSSA:DD
NAME	JPalotay*	MOrendi*	KSchneider*	FCameron	DWhite	RA by ADW for RLewis
DATE	11/27/07	11/27/07	11/27/07	12/17/07*	12/19/07*	12/19/07*

ML073530514

OFFICIAL RECORD COPY

PKGML073530520

COMPATIBILITY COMMENTS ON VIRGINIA FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	12 VAC 5-481-10	20.1003 30.4 150.3	2007-3	[H&S]	<p>Byproduct material</p> <p>Virginia has removed its definition of byproduct material from its regulations and is using the definition listed in its Legislation.</p> <p>Virginia’s definition of byproduct material listed in its legislation omits paragraph (2) [and (3) and (4) regarding NARM] from its definition. Also paragraph (2) is referenced in the definition “source material milling”. This reference needs to be removed and replaced with an equivalent reference or paragraph (2) needs to be adopted.</p> <p>Virginia either needs to add the entire definition of byproduct material to their regulations or needs to add paragraphs (2), (3) and (4) to the definition listed in their Legislation in order to meet the Compatibility Category [H&S] designation assigned to 10 CFR 20.1003 definition of Byproduct Material.</p>
2	N/A	20.1003 30.4 150.3	2007-3	H&S	<p>Definition: Discrete Source</p> <p>Virginia omits the definition for Discrete source from it regulations.</p> <p>Virginia needs to add this definition in order to meet the Compatibility Category H&S designation assigned to 10 CFR 20.1003 definition of Discrete Source</p>
3	12 VAC 5-481-10	20.1003 61.2	2007-3	B	<p>Definition: Waste</p> <p>Virginia omits the wording “containing source, special nuclear, or byproduct material” from its definition.</p> <p>Virginia needs to add this wording in order to meet the Compatibility Category B designation assigned to 10 CFR 20.1003 Definition Waste.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
4	12 VAC 5-481-3690	Part 20 Appendix B	2007-3	A	<p>Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure Effluent Concentrations: Concentrations for Release to Sewerage</p> <p>Virginia omits Nitrogen and Oxygen from its table "List of Elements", and also omits them from page one of Tables 1, 2, and 3. They should fall between Carbon-14 and Fluorine-18.</p> <p>Virginia needs to add Nitrogen and Oxygen to its Tables in 12 VAC 5-481-3690 in order to meet the Compatibility Category A designation assigned to 10 CFR 20 Appendix B.</p>
5	12 VAC 5-481-3700	Part 20 Appendix C		A	<p>Quantities of licensed materials requiring labeling</p> <p>Virginia's table omits "Potassium-44 1,000uCi" and also lists an incorrect value for Protactinium-230. The value listed by Virginia is 0.01uCi. This should be corrected to read 0.1uCi.</p> <p>Virginia needs to make the above changes in order to meet the Compatibility Category A designation assigned to 10 CFR 20 Appendix C.</p>
6	12 VAC 5-481-3710	Part 20 Appendix G		B	<p>Requirements for Low-level Waste Transfer for disposal at land disposal facilities and Manifest</p> <p>Virginia's section on "Manifest" is not essentially identical to NRC's section in Appendix G on "Manifest".</p> <p>Virginia needs to make their section in 12 VAC 5-481-3710 on Manifest essentially identical to NRC's section in Appendix G to meet the Compatibility Category B designation assigned to 10 CFR 20 Appendix G.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
7	12 VAC 5-481-10	30.4	2007-3	C	<p>Definition: Consortium</p> <p>Virginia's definition of Consortium omits the PET radionuclide production facility portion of the definition.</p> <p>Virginia needs to add this section in order to meet the Compatibility Category C designation assigned to 10 CFR 30.4 definition of Consortium.</p>
8	12 VAC 5-481-440	30.32(g)	2007-3	C	<p>Application for Specific Licenses</p> <p>Virginia does not adopt the essential elements of 10 CFR 30.32 (g)(1), (2), and (3) of this section with regards to NARM. Specifically Virginia omits equivalent text to paragraph (g)(3) and omits the radium 226 requirements listed in paragraph (g)(1).</p> <p>Virginia needs to adopt the essential elements of paragraphs (g)(1), (2), and (3) with regards to NARM in order to meet the Compatibility Category C designation assigned to 10 CFR 30.32(g).</p>
9	N/A	30.32(j)	2007-3	B	<p>Application for Specific Licenses</p> <p>Virginia omits this section from its regulations.</p> <p>Virginia needs to adopt the essentially identical regulations in order to meet the Compatibility Category B designation assigned to 10 CFR 30.32(j).</p>
10	N/A	30.34(j)	2007-3	B	<p>Terms and Conditions of Licenses</p> <p>Virginia omits this section from its regulations.</p> <p>Virginia needs to adopt an essentially identical regulation in order to meet the Compatibility Category B designation assigned to 10 CFR 30.34(j).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
11	12 VAC 5-481-3720	Part 30.70		B	<p>Schedule A- exempt concentrations table</p> <p>Virginia is missing the footnotes to the table.</p> <p>Virginia needs to add the footnotes to the table in order to meet the Compatibility Category B designation assigned to 10 CFR 30.70.</p>
12	12 VAC 5-481-3730	Part 30.71		B	<p>Schedule B - exempt quantity table</p> <p>Virginia added a listing for “Any alpha-emitting radioactive material not listed above other than transuranic radioactive material” in their Schedule B - exempt quantity table that does not exist in the table in 10 CFR 30.71.</p> <p>Virginia needs to delete the listing for “Any alpha-emitting radioactive material not listed above other than transuranic radioactive material” in their exempt quantities table in order to meet the Compatibility Category B designation assigned to 10 CFR 30.71.</p>
13	12 VAC 5-481-3740	Part 30.72	2007-3	H&S	<p>Schedule C- Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release</p> <p>Virginia incorrectly lists the Quantity of Tin 113 as 1000 Ci instead of 10,000 Ci.</p> <p>Virginia omits radium-226 from its table in 12 VAC 5-481-3740.</p> <p>Virginia needs to change the Quantity of Tin 113 from 1000 Ci to 10,000 Ci and add radium-226 to its table in order to meet the Compatibility Category H&S designation assigned to 10 CFR 30.72.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
14	12 VAC 5-481-3750	Part 30 Appendix B		B	<p>Quantities of Licensed Material Requiring Labeling</p> <p>Virginia incorrectly lists the Quantity of Strontium 90 as .12 μCi instead of .10 μCi.</p> <p>Virginia needs to change the Quantity of Strontium 90 from .12uCi to .10uCi in order to meet the Compatibility Category B designation assigned to 10 CFR 30 Appendix B</p>
15	12 VAC 5-481-480-A1	Part 32.11		NRC (Note the Compatibility Category was recently changed from a Category C/B to a Category NRC)	<p>Introduction of byproduct material in exempt concentrations into products or materials and transfer of ownership or possession: Requirements for license</p> <p>Due to a recent change in Compatibility, Virginia needs to omit paragraph 12 VAC 5-481-480-A1 from its regulations.</p> <p>Virginia needs to omit this section in order to meet the Compatibility Category NRC designation assigned to 10 CFR 32.11.</p>
16	12 VAC 5-481-480-A2	Part 32.12		NRC (Note the Compatibility Category was recently changed from a Category C to a Category NRC)	<p>Same: Records and material transfer reports</p> <p>Due to a recent change in Compatibility, Virginia needs to omit paragraph 12 VAC 5-481-480-A2 from its regulations.</p> <p>Virginia needs to omit this section in order to meet the Compatibility Category NRC designation assigned to 10 CFR 32.12.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
17	12 VAC 5-481-480-C	Part 32.51		B	<p>Byproduct material contained in devices for use under §31.5: Requirements for license to manufacture or initially transfer</p> <p>Virginia uses the word “distributor” instead of the words “initial transferor” in the description of the label (12 Vac 5-481-480C1c3(a) & (b)).</p> <p>Virginia needs to change the word distributor to the words initial transferor in order to meet the Compatibility Category B designation assigned to 10 CFR 32.51.</p>
18	12 VAC 5-481-480 (I)	Part 32.72 (a)(2)(i), (iii), (iv), (v), & (b)	2007-3	B	<p>Manufacture, preparation, or transfer for commercial distribution of radioactive drugs, containing byproduct material for certain in vitro clinical or laboratory testing under general license</p> <p>Virginia omits the changes made to this section with regards to NARM. Virginia’s regulation is not essentially identical.</p> <p>Virginia needs to adopt an essentially identical regulation to 32.72 in order to meet the Compatibility Category B designation assigned to 10 CFR 32.72.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
19	12 VAC 5-481-480 J	Part 32.74		B	<p>Manufacture and distribution of sources or devices containing byproduct material for medical use</p> <p>Virginia's introduction paragraph of 12 VAC 5-481-480J is not essentially identical to 10 CFR 32.74(a). This paragraph should read " An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed under part 35 (insert VA equivalent) of this chapter for use as a calibration, transmission, or reference source or for the uses listed in 12 VAC 5-481-1830, 2010, 2020, 2040, and 2060 will be approved if:"</p> <p>Virginia needs to change their regulation to match the above wording in order to meet the Compatibility Category B designation assigned to 10 CFR 32.74.</p>
20	12 VAC 5-481-1230	Part 34.23		B	<p>Locking of radiographic exposure devices, storage containers and source changers</p> <p>Virginia omits the statement "(and if a keyed-lock, with the key removed at all times)" from paragraph A and B.</p> <p>Virginia needs to add the statement "(and if a keyed-lock, with the key removed at all times)" to paragraph A and B, to meet the Compatibility Category B designation assigned to 10 CRF 34.23.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
21	12 VAC 5-481-1270	Part 34.31		C	<p>Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers and survey instruments</p> <p>Virginia omits the requirement regarding replacement components in section D.</p> <p>Virginia needs to add a requirement to section D, that indicates that “Replacement components shall meet design specifications” as in 10 CFR 34.31.b.1 in order to meet the Compatibility Category C designation assigned to 10 CFR 34.31.</p>
22	12 VAC 5-481-1320	Part 34.43		B	<p>Training</p> <p>Virginia’s regulation 12 VAC 5-481-1320 omits a reference to 12 VAC 5-481-30. (NRC equivalent 10 CFR 30.10) from paragraph B.1.</p> <p>Virginia needs to add this reference in order to meet the Compatibility Category B designation assigned to 10 CFR 34.43.</p>
23	12 VAC 5-481-1320-C	Part 34.43		B	<p>Training</p> <p>Virginia’s regulation 12 VAC 5-481-1320 omits a reference to 12 VAC 5-481-30. (NRC equivalent 10 CFR 30.10) from paragraph C.1.</p> <p>Virginia’s regulations 12 VAC 5-481-1320.C.2 allows for a oral examination, where there is no provision in the equivalent section 10 CFR 34.43.c.</p> <p>Virginia needs to add a reference to 10 CFR 30.10 and delete the term “oral examination” from 12 VAC 5-481-1320.C.2 in order to meet the Compatibility Category B designation assigned to 10 CFR 34.43.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
24	12 VAC 5-481-1380	Part 34.53		C	<p>Posting</p> <p>Virginia references 12 VAC 5-481-880 as the reference to 10 CFR 20.1903. The correct reference should read 12 VAC 5-481-870.</p> <p>Virginia needs to change the reference from 12 VAC 5-481-880 to 12 VAC 5-481-870 in order to meet the Compatibility Category C designation assigned to 10 CFR 34.53.</p>
25	N/A	Part 35.2	2007-3	H&S	<p>Definition: Positron Emission Tomography (PET) Radionuclide Production Facility</p> <p>Virginia omits this definition from its regulation.</p> <p>Virginia needs to embody the essential objectives of this definition in order to meet the Compatibility Category H&S designation assigned to 10 CFR 35.2 definition Positron Emission Tomography (PET) radionuclide production facility.</p>
26	12VAC 5-481-10	Part 35.2		B	<p>Radiation safety officer</p> <p>Virginia's definition of Radiation Safety Officer, matches the definition in Part A of the SSR's, however does not have the additional information listed in Part G of the SSR's and is not essentially identical to NRC's definition in 10 CFR 35.2. Specifically, Virginia omits section (2) of the definition.</p> <p>Virginia needs to add section (2) of the definition in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 definition Radiation Safety Officer.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
27	12 VAC 5-481-1680	Part 35.11 (c)(1)	2007-3	NRC	<p>License Required</p> <p>Virginia adopts by reference all of 10 CFR 35.11 in section 12 VAC 5-481-1680. However due to NARM implementation paragraph (c)(1) and (c)(2) were added to section 35.11. Since 35.11(c)(1) is designated a Compatibility Category NRC, Virginia cannot adopt this section in their regulations. 12 VAC 50481-1680 should read "The following regulations, License required (10 CFR 35.11(a) & (b), ...".</p> <p>Virginia needs to make the above change in order to meet the Compatibility Category NRC designation assigned to 10 CFR 35.11 (c)(1).</p>
28	12 VAC 5-481-1680	Part 35.13(a)(1)	2007-3	NRC	<p>License Amendments</p> <p>10 CFR 35.13 is a Compatibility Category D except for newly added paragraph (a)(1) which is listed as a Compatibility Category NRC. Since paragraph (a)(1) is not adoptable by Agreement States and the rest of 35.13 is not required for compatibility, Virginia should remove this reference from 12-VAC 5-481-1680.</p> <p>Virginia should remove the reference to 10 CFR 35.13 from its regulations in order to meet the Compatibility Category NRC designation assigned to 10 CFR 35.13(a)(1).</p>
29	12VAC 5-481-3300	Part 39.71		C	<p>Security</p> <p>Virginia omits the essential objectives of this section from their regulations.</p> <p>Virginia needs to adopt the essential objectives of this section in order to meet the Compatibility Category C designation assigned to 10 CFR 39.71.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
30	12 VAC 5-481-100	Part 40.61 (a)&(b)		C	<p>Records</p> <p>Virginia omitted the requirements of 10 CFR 40.61(a)(3) and (4) pertaining to license termination record requirements and methods of accounting for 100 percent of byproduct material when combined or mixed with other licensed materials.</p> <p>Virginia needs to adopt the essential elements of 10 CFR 40.61(a)(3) and (4) in order to meet the Compatibility Category C designation assigned to 10 CFR 40.61(a)&(b).</p>
31	12VAC 5-481-2980	Part 71.5		[B]	<p>Transportation of licensed material</p> <p>Virginia omits the correct sections of the 49 CFR. In 12 VAC 5-481-2980 (B) the sections should state "49 CFR parts 107, 171 through 180, and 390 through 397".</p> <p>Virginia needs to make the above change in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.5.</p>

STATE REGULATION STATUS

Tracking Ticket Number: 7-73,74,75,76
Date: December 19,2007

VIRGINIA

(The entire Virginia Radiation Regulations were submitted in preparation to a draft application for an Agreement. All Amendments in the chart below were reviewed)

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) Final (F) ¹ Rule / 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			
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Superseded 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			Superseded by 2002-2
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			

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) Final (F) ¹ Rule / ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
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			Not applicable
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			
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
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 ³
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	62 FR 1662; (2/27/00)	1997-2			

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) Final (F) ¹ Rule / ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
Jurisdiction Within an Agreement State-Part 150					
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			Superseded 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 39057; (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 ³
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Superseded 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 ³
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			
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2			

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) Final (F) ¹ Rule / ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
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 and 70	71 FR 15005 72 FR 59162 (01/31/09)	2006-1			
Medical Use of Byproduct Material - Minor Corrections and Clarifications - Parts 32 and 35	72 FR 45147, 54207 (10/29/10)	2007-1			
Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements	72 FR 58473 (12/17/10)	2007-2			

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 the regulation. See: “Final Policy Statement on Adequacy and Compatibility of Agreement State Programs,” III.1.Time From For Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
5. ADAMS ML Number.

