

December 4, 2014

Ray Rusin, Chief
Office of Facilities Regulation
Rhode Island Department of Health
3 Capitol Hill, Room 305/306
Providence, RI 02908

Dear Mr. Rusin:

We have reviewed the proposed changes to the Rhode Island regulations "Rules and Regulations for the Control of Radiation," received by our office on August 29, 2013. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 61, 70, 71, 150 and the requirements of the 15 amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with William Dundulis on December 2, 2013.

As a result of our review, we have 39 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 Rhode Island 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 Rhode Island 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, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

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.

The SRS Data Sheet summarizes our knowledge of the status of other Rhode Island 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://nrc-stp.ornl.gov/rulemaking.html>.

R. Rusin

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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 (kathleen.schneider@nrc.gov) or Monica Ford at (610) 337-5214 (monica.orendi@nrc.gov).

Sincerely,

/RA A.D. White for/

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

Enclosures:

1. Compatibility Comment Table
2. Rhode Island SRS Data Sheet

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COMPATIBILITY COMMENTS ON RHODE ISLAND PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	A.4.1	20.2001(a)	2007-3	C	<p>General Requirements.</p> <p>Rhode Island needs to remove “or the U.S. Department of Energy” from A.4.1(a)(1).</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 20.2001.</p>
2	A.5.18(b)	20.2205	2008-1	C	<p>Reports to Individuals of Exceeding Dose Limits.</p> <p>Rhode Island needs to change A.5.18(b) to read “When a licensee or registrant is required pursuant to A.5.14 or A.5.15 to report to the Agency any exposure of an identified occupationally exposed individual or an identified member of the public to radiation or radioactive material, the licensee or registrant shall also provide the individual a report on his or her exposure data included in the report to the Agency. Such notice shall be transmitted at a time not later than the transmittal to the Agency, and shall comply with the provisions of A.6.4(a).”</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 20.2205.</p>
3	Part A Appendix B	10 CFR 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>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Rhode Island lists the table values for Nitrogen and Oxygen in the wrong columns. The values should be listed in Column 2 and 3 in Table 1 instead of Column 3 in Table 1 and Column 1 in Table 2.</p> <p>Rhode Island needs to fix the superscript on Zinc 63 and 69 to show footnote 2 instead on Zn-632 and Zn-692.</p> <p>The Table header for the additional table in the “Note” section of Part A appendix B printed at the top of the page instead of with the table in the Note. Rhode Island needs to move the table header down to the table in the “Note” in Appendix B.</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category A designation assigned to 10 CFR 20 Appendix B.</p>
4	C.2.2(a)	30.14	2007-2	B	<p>Exempt Concentrations.</p> <p>Rhode Island omits an equivalent regulation to 10 CFR 30.14(b).</p> <p>Rhode Island has an incorrect reference in C.2.2(a)(2)(i). Rhode Island needs to change C.2.2(a)(2)(i) from “... in concentrations not in excess of those specified in Appendix B of this Part ...” to “... in concentrations not in excess of those specified in Appendix A to this Part ...”</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 30.14.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
5	C.2.2(c)	30.15	2007-2 2007-3 2012-4	B	<p>Certain Items Containing Byproduct Material.</p> <p>Rhode Island omits “or persons who initially transfer for sale or distribution the following products containing byproduct material” between “following products” and “any person” in C.2.2(c)(1).</p> <p>Rhode Island omits an equivalent regulation to 10 CFR 30.15(a)(7).</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 30.15.</p>
6	C.2.2(b)	30.18	2007-2 2007-3	B	<p>Exempt Quantities.</p> <p>Rhode Island has an incorrect reference in C.2.2(b)(1)(ii). Rhode Island needs to change “... set forth in 10 CFR Parts 30 through 34, 36, and 39 to the extent ...” to “... set forth in Parts C and E to the extent ...”</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 30.18.</p>
7	C.2.2(c)(2)	30.19	2012-4	B	<p>Self-luminous Products Containing Tritium, Krypton-85, or Promethium-147.</p> <p>Rhode Island omits “or initially transfer for sale or distribution” from C.2.2(c)(2)(i).</p> <p>Rhode Island needs to remove the word “imported” and needs to add the word “initially” before the word “transferred” in C.2.2(c)(i).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					Rhode Island needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 30.19.
8	N/A	30.34(j)	2007-3	B	<p>Terms and Conditions of Licenses.</p> <p>Rhode Island omits an equivalent regulation to 10 CFR 30.34(j)(4).</p> <p>Rhode Island needs to adopt an equivalent provision to 10 CFR 30.34(j)(4) in order to meet the Compatibility Category B designation assigned to 10 CFR 30.34(j).</p>
9	C.4.2(b)	31.5	2007-2 2007-3 2012-1	C	<p>Certain Detecting, Measuring, Gauging, or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere.</p> <p>Rhode Island has an incorrect reference in C.4.2(b)(2)(i). Rhode Island needs to change the reference to “10 CFR 31.52” to “10 CFR 32.51.”</p> <p>Rhode Island omits a reference in C.4.2(b)(3)(iii). Rhode Island needs to change the first sentence of C.4.2(b)(3)(iii) to read “Shall assure that the tests required in C.4.2(b)(3)(ii) and other testing ...”</p> <p>Rhode Island needs to add “or import” after “... does not authorize the manufacture” in C.4.2(b)(4).</p> <p>Rhode Island omits an equivalent regulation 10 CFR 31.5 (c)(11).</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
10	C.5.5(d)	32.51	2012-4	B	<p>Byproduct Material Contained in Devices for Use Under § 31.5; Requirements for License to Manufacture, or Initially Transfer.</p> <p>Rhode Island needs to change C.5.5(d)(1)(ii)(b) from "... any person will receive in any period of one (1) calendar quarter a dose ..." to "... any person will receive in one (1) year a dose ..."</p> <p>Rhode Island needs to change the statement made in C.5.5.(d)(1)(ii)(c) to say "(Name of manufacturer or initial transferor)."</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 32.51.</p>
11	C.5.5(j)	32.72	2006-1 2007-1 2007-3	B	<p>Manufacture, Preparation, or Transfer for Commercial Distribution of Radioactive Drugs Containing Byproduct Material for Medical Use Under Part 35.</p> <p>Rhode Island needs to include "with a state agency or" between "manufacturer" and "in accordance" in C.5.5(j)(1)(ii)(b).</p> <p>Rhode Island needs to add "with a state agency or" between "pharmacy" and "in accordance" in C.5.5.(j)(1)(ii)(c).</p> <p>Rhode Island omits an equivalent provision to 10 CFR 32.72(a)(2)(iv).</p> <p>Rhode Island needs to add "registered with a state agency or" between "facility" and "licensed" in C.5.5(j)(1)(ii)(d).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Rhode Island needs to change the reference in C.5.5(j)(2) to read “A licensee described by C.5.5(j)(1)(ii)(c) and (insert reference when equivalent to 10 CFR 32.72(a)(2)(iv) is added):.”</p> <p>Rhode Island omits a reference to 10 CR 32.72(b)(4) from C.5.5(j)(2)(i).</p> <p>Rhode Island omits equivalent regulations to 10 CFR 32.72(b)(2)(iii), (b)(3), (b)(4) [including sections (b)(4)(i)-(ii)], (b)(5) [including (b)(5)(i)-(vi)].</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 32.72.</p>
12	C.5.5(l)	32.74	2006-1 2007-1 2012-4	B	<p>Manufacture and Distribution of Sources or Devices Containing Byproduct Material for Medical Use.</p> <p>Rhode Island omits the word “transmission” between “calibration” and “or reference” in C.5.5(l).</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 32.74</p>
13	C.4.2(f) & C.5.5(f)	32.102	2007-3	B	<p>Schedule-C Prototype Tests for Calibration or Reference Sources Containing Americium-241.</p> <p>Rhode Island attempts to incorporate 10 CFR 32.102 by reference. Rhode Island has nearly identical provisions in C.4.2(f) and C.5.5(f), however in the cross-walk for RATS ID 2007-3 the note says Rhode Island plans to delete the reference to 10 CFR 32.60</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>since this provision no longer exists. Rhode Island is actually proposing to delete the reference to 10 CFR 32.102.</p> <p>Rhode Island needs to leave the reference to 10 CFR 32.102 and delete the reference to 10 CFR 32.60 in C.5.5(f) in order to meet the Compatibility Category B designation assigned to 10 CFR 32.102.</p>
14	E.2.18	34.20	2012-3	B	<p>Performance Requirements for Industrial Radiography Equipment.</p> <p>Rhode Island lists an incorrect reference in E.2.18(b)(2). Rhode Island needs to change E.2.18(b)(2) from "... containers must meet the applicable requirements of 10 CFR Part 71" to "... containers must meet the applicable requirements in Part C."</p> <p>Rhode Island is more restrictive in E.2.18(b)(3). Rhode Island needs to change E.2.18(b)(3) from "Modification of exposure devices, source changers, source assemblies and associated equipment is prohibited, unless approved by the Agency or other approval body." to "Modification of exposure devices, source changers, source assemblies and associated equipment is prohibited, unless the design of any replacement component, including source holder, source assembly, control or guide tubes, would not compromise the design safety features of the system."</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 34.20.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
15	A.0	35.2	2006-1	B	<p>Definition: Authorized medical physicist</p> <p>Rhode Island omits “U.S. Nuclear Regulatory Commission master material licensee” from A.0 definition authorized medical physicist (2)(i).</p> <p>Rhode Island omits “U.S. Nuclear Regulatory Commission master material” from A.0 definition authorized medical physicist (2)(ii).</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 Definition: Authorized medical physicist.</p>
16	A.0	35.2	2006-1	B	<p>Definition: Authorized nuclear pharmacist</p> <p>Rhode Island omits “U.S. Nuclear Regulatory Commission master material licensee” from A.0 definition authorized nuclear pharmacist (2)(i).</p> <p>Rhode Island omits “U.S. Nuclear Regulatory Commission master material” from A.0 definition authorized nuclear pharmacist (2)(ii).</p> <p>Rhode Island omits an equivalent to 10 CFR 35.2 definition authorized nuclear pharmacist paragraph (3).</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 Definition: Authorized nuclear pharmacist.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
17	A.0	35.2	2006-1	B	<p>Definition: Authorized user</p> <p>Rhode Island omits “U.S. Nuclear Regulatory Commission master material licensee” from A.0 definition authorized user (1)(ii)(a).</p> <p>Rhode Island omits “U.S. Nuclear Regulatory Commission master material” from A.0 definition authorized user (1)(ii)(b).</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 Definition: Authorized user.</p>
18	C.8.1(d)	35.11(a)	2007-3	C	<p>License Required.</p> <p>Rhode Island has incorrect references in C.8.1(d). Rhode Island needs to change “...or as allowed by C.8.8(a) and C.8.8(b) of these regulations.” to “... or as allowed by C.8.1(d)(1) and C.8.1(d)(2) of these regulations.”</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 35.11(a).</p>
19	C.8.62	35.50	2006-1 2009-1	B	<p>Training for Radiation Safety Officer.</p> <p>Rhode Island needs to change C.8.62(b)(1)(i) from “200 hours of didactic training in the following areas” to “ 200 hours of classroom and laboratory training in the following areas.”</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category B designation</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					assigned to 10 CFR 35.50.
20	C.8.71	35.51	2006-1 2009-1	B	<p>Training for an Authorized Medical Physicist.</p> <p>Rhode Island is more restrictive in C.8.71(b)(2)(ii). Rhode Island needs to change C.8.71(b)(2)(ii) to read "... under the direction of physicians who meet the requirements in C.8.67, C.8.70, C.8.72, or C.8.73; and."</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 35.51.</p>
21	C.8.65	35.290	2006-1 2007-1 2009-1	B	<p>Training for Imaging and Localization Studies.</p> <p>Rhode Island needs to change C.8.65(a)(1) from "... use of unsealed radioactive material for uptake, dilution, and excretions studies..." to "... use of unsealed radioactive material for imaging and localization studies ..."</p> <p>Rhode Island needs to include "including a minimum of 80 hours of classroom and laboratory training" in between "experience" and "in basic" in C.8.65(c)(1).</p> <p>Rhode Island needs to change the reference "C.8.65 (c)(1)(ii)(f)" made in C.8.65(b) and (c)(2) to "C.8.65(c)(1)(ii)(g)."</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 35.290.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
22	C.8.67	35.490	2006-1 2009-1	B	<p>Training for Use of Manual Brachytherapy Sources.</p> <p>Rhode Island has an incorrect reference in C.8.67(b)(3). Rhode Island needs to change "... for the medical uses authorized under C.8.67." to "... for the medical uses authorized under C.8.40."</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 35.490.</p>
23	C.5.2/ N/A	39.13	2011-2	H&S	<p>Specific Licenses for Well-Logging.</p> <p>Rhode Island does not have an equivalent regulation to 10 CFR 39.13.</p> <p>Rhode Island uses its C.5.2 to cover 10 CFR 39.13(a) however the rest of C.5.2 does not address 10 CFR 39.13(b)-(f).</p> <p>Rhode Island needs to adopt the essential health and safety elements of this rule in order to meet the Category H&S designation assigned to 10 CFR 39.13.</p>
24	A.0	71.4	2004-1	[B]	<p>Definition: A₁</p> <p>Rhode Island lists an incorrect reference in its definition. Rhode Island needs to change "... with the procedures described in Appendix G to Part A ..." to "... with the procedures described in Appendix G to Part C ..."</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category [B]</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					designation assigned to 10 CFR 71.4 Definition: A ₁ .
25	A.0	71.4	2004-1	[B]	<p>Definition: A₂</p> <p>Rhode Island lists an incorrect reference in its definition. Rhode Island needs to change "... with the procedures described in Appendix G to Part A ..." to "... with the procedures described in Appendix G to Part C ..."</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition: A₂.</p>
26	A.0	71.4	2004-1	[B]	<p>Definition: Criticality Safety Index</p> <p>Rhode Island lists incorrect references in its definition. Rhode Island needs to change "... Determination of the criticality safety index is described in 10 CFR 71.22, 71.12, and 71.59." to "Determination of the criticality safety index is described in C.7.10, C.7.8 and 10 CFR 71.59."</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition: Criticality Safety Index.</p>
27	A.0	71.4	2004-1	[B]	<p>Definition: Deuterium</p> <p>Rhode Island lists incorrect references in its definition. Rhode Island needs to change "means, for the purposes of 10 CFR 71.15 and 71.22, deuterium ..." to "means for the purposes of C.7.3 and C.7.10, deuterium ..."</p>

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					Rhode Island needs to make the above change in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition: Deuterium.
28	A.0	71.4	2004-1	[B]	<p>Definition: Fissile material</p> <p>Rhode Island lists incorrect references in its definition. Rhode Island needs to change "... Certain exclusions from fissile material controls are provided in 10 CFR 71.15." to "... Certain exclusions from fissile material controls are provided in C.7.3."</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition: Fissile material.</p>
29	A.0	71.4	2004-1	[B]	<p>Definition: Graphite</p> <p>Rhode Island lists incorrect references in its definition. Rhode Island needs to change "means, for the purposes of 10 CFR 71.15 and 71.22, graphite with a ..." to "means for the purposes of C.7.3 and C.7.10, graphite with a ..."</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition: Graphite.</p>
30	A.0	71.4	2004-1	[B]	<p>Definition: Low Specific Activity</p> <p>Rhode Island lists incorrect references in its definition. Rhode island needs to change "... or is</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>excepted under 10 CFR 71.15 ...” to “... or is excepted under C.7.3 ...” and “... activity concentration determined in accordance with Appendix G to Part A ...” to “... activity concentration determined in accordance with Appendix G to Part C ...”</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition: Low Specific Activity.</p>
31	A.0	71.4	2004-1	[B]	<p>Definition: Packaging</p> <p>Rhode Island lists an incorrect reference in its definition. Rhode Island needs to change “... compliance with the packaging requirements of 10 CFR 71.” to “... compliance with the packaging requirements of Part C.”</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4 Definition: Packaging.</p>
32	A.0	71.4	2004-1	[B]	<p>Definition: Type A Quantity</p> <p>Rhode Island lists an incorrect reference in its definition. Rhode Island needs to change “... are given in Appendix G to this Part or may be determined by procedures described in Appendix G.” to “... are given in Appendix G to Part C or may be determined by procedures described in Appendix G to Part C.”</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category [B] designation to 10 CFR 71.4 Definition:</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					Type A Quantity.
33	C.7.6	71.17	2004-1	[B]	<p>General License: NRC Approved Package.</p> <p>Rhode Island lists incorrect references in C.7.6(b)(2) and C.7.6(b)(4). Rhode Island should change "... or other approval by the Nuclear Regulatory Commission, as applicable, and the applicable requirements of 10 CFR 71 Subparts A, G, and H;" to "... or other approval, as applicable, and the applicable requirements of C.7;" and change "Has a quality assurance program approved by the Nuclear Regulatory Commission as satisfying the provisions of 10 CFR 71 Subpart H." to "Has a quality assurance program approved by the Agency as satisfying C.7.19."</p> <p>Rhode Island omits an equivalent regulation to 10 CFR 71.17(c)(3) from its regulations.</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.17.</p>
34	C.7.9	71.21	2004-1	[B]	<p>General License: Use of foreign approved package.</p> <p>Rhode Island lists incorrect references in C.7.9(c)(2) and (c)(3). Rhode Island needs to change "...with the applicable requirements of this 10 CFR 71, Subparts A, G and H. With respect to the quality assurance provisions of 10 CFR 71, Subpart H, the licensee ..." to "... with the applicable requirements of C.7. With respect to the quality assurance</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>provisions of C.7.19, the licensee ...” and “...has a quality assurance program approved by the Nuclear Regulatory Commission as satisfying the provisions of 10 CFR 71, Subpart H.” to “... has a quality assurance program approved by the Agency satisfying the provisions of C.7.19.”</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.21.</p>
35	C.7.10	71.22	2004-1	[B]	<p>General License: Fissile Material.</p> <p>Rhode Island has incorrect references in C.7.10. Rhode Island needs to change C.7.10(c) from “... approved by the Nuclear Regulatory Commission as satisfying the provisions of 10 CFR 71, Subpart H.” to “... approved by the agency as satisfying to provisions of C.7.19.” Rhode Island needs to change C.7.10(e)(4) from “If Table 1 is used ...” to “ If Table 2 is used ...”</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.22.</p>
36	C.7.8	71.23	2004-1	[B]	<p>General license: Plutonium beryllium special form material.</p> <p>Rhode Island lists an incorrect reference in C.7.8(b). Rhode Island needs to change “...approved by the Nuclear Regulatory Commission as satisfying the provisions of 10 CFR 71 Subpart H.” to “... approved by the agency as satisfying the provisions of C.7.19.”</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					Rhode Island needs to make the above change in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.23.
37	C.7.18	71.97	2004-1 2012-2	B	<p>Advance notification of shipment of irradiated reactor fuel and nuclear waste.</p> <p>Rhode Island has an incorrect reference in C.7.18(a)(1) and (a)(2). Rhode Island needs to change “As specified in C.7.18(b), (d), and (e) ...” to “As specified in C.7.18(b), (c), and (d) ...” in both C.7.18(a)(1) and (a)(2).</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 71.97.</p>
38	C.7.19(e)	71.101(g)	2004-1	C	<p>Quality assurance requirements.</p> <p>Rhode Island lists an incorrect reference in C.7.19(e). Rhode Island needs to change “... and meeting the requirements in E.2.9(b) ...” to “... and meeting the requirements in E.2.9(c) ...”</p> <p>Rhode Island needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 71.101(g).</p>
39	Part C Appendix G	10 CR 71 Appendix A	2004-1 2012-3	[B]	<p>Determination of A₁ and A₂.</p> <p>Rhode Island does not adopt an equivalent table to 10 CFR 71 Appendix A, Table A-3 in Part C, Appendix G, Table II. Table II has incorrect values listed under A₁ and A₂ and is missing an entire row and four columns of data.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Rhode Island has the units wrong in Part C, Appendix G, Table III. The column labeled Ci/g should actually be labeled TBq/g and the column labeled TBQ/g should be labeled Ci/g.</p> <p>Rhode Island needs to make the above changes in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71 Appendix A.</p>

STATE REGULATION STATUS

State: Rhode Island

Tracking Ticket Number: 13-36
Date: December 4, 2014

[15 amendment(s) reviewed is identified by a * at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5)	01/10/1994	Not Required	Not Required	Rhode Island has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Not Required	Not Required	Rhode Island has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	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	01/01/1994	Final	No Comments 10/16/1997	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980	10/15/1994	Final	No Comments 09/22/1999	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995	Final	No Comments 09/22/1999	Rhode Island has adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final	No Comments 03/27/2000	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Not Applicable ¹	Not Applicable	Rhode Island does not have any licensees subject to these regulations. (See SECY-95-112)
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable ¹	Not Applicable	Rhode Island does not have any licensees subject to these regulations. (See SECY-95-112)
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	Rhode Island does not have authority to regulate this material under its Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final	No Comments 03/27/2000	
1995-1	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	01/01/1998	Final	No Comments 03/27/2000	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 03/27/2000	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	Final	No Comments 03/27/2000	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final	No Comments 03/27/2000	Rhode Island has adopted Final Regulations equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	Final	Comments 03/27/2000	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final	No Comments 03/27/2000	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998	Final	No Comments 03/27/2000	Rhode Island has adopted Final Regulations equivalent to RATS IDs: 2002-2 and 2005-2.
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999	Final ML042520322	Comments 10/25/2004 ML043010048	Rhode Island has not yet adopted Final Regulations equivalent to RATS ID: 2004-1.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999	Final	No Comments 03/27/2000	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML042520322	No Comments 10/25/2004 ML043010048	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML073040203	No Comments 11/28/2007 ML073320009	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000	Final	No Comments 03/27/2000	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Final	No Comments 03/27/2000	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000	Final ML093420277	No Comments 01/14/2010 ML093630121	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final	No Comments 03/27/2000	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML042520322	No Comments 10/25/2004 ML043010048	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superseded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Rhode Island has adopted Final Regulations equivalent to RATS ID: 2002-2.
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final	No Comments 03/27/2000	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 39 63 FR 39477; 63 FR 45393	10/26/2001	Final	No Comments 03/27/2000	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final	No Comments 03/27/2000	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	Rhode Island does not have the authority to regulate this material under its Agreement.
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML042520322	No Comment 10/25/2004 ML043010048	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML042520322	No Comment 10/25/2004 ML043010048	
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004	Final ML042520322	No Comment 10/25/2004 ML043010048	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	Final ML062700535	Comments 10/27/2006 ML063030281	
2002-1	Revision of the Skin Dose Limit Part 20	04/05/2005	Final ML042520322	No Comment 10/25/2004	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
	67 FR 16298			ML043010048	
2002-2	Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249	10/24/2005	Final ML042520322	No Comment 10/25/2004 ML043010048	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006	Final ML062700535	No Comments 10/27/06 ML063030281	
*2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML062700535	No Comments 10/27/2006 ML063030281	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML062350571	No Comments 09/01/2006 ML062490383	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML052570551	No Comments 09/15/2005 ML052630170	
*2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
*2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E	02/06/2007	Proposed ML13240A269	No Comments 12/04/2013 ML13240A262	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
	71 FR 65685				
*2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Proposed ML13240A269 License Condition ML082840230	No Comments 12/04/2013 ML13240A262 No Comments 10/21/2008 ML082880140	
*2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
*2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
*2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML080800494	No Comments 04/09/2008 ML080990804	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
*2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	02/15/2011	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
*2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
*2011-1	Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512	12/17/2015	Proposed ML13240A269	No Comments 12/04/2013 ML13240A262	
*2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
*2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
*2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
*2012-3	Technical Corrections Part 30, 34, 40 and 70 77 FR 39899	08/06/2015	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	
*2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015	Proposed ML13240A269	Comments 12/04/2013 ML13240A262	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
2013-1	Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922	03/19/2016			
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, 10 CFR Parts 30, 40, and 70 78 FR 32310	08/27/2016			

¹ IMPEP Team: verify that Rhode Island does not have any licensees subject to these regulations during each review.