



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

May 9, 2016

Geoffrey Korir, Ph.D., Director  
Office of Radiological Health  
New York City Department of Health  
and Mental Hygiene  
42-09 28<sup>th</sup> Street 14<sup>th</sup> Floor, CN 60  
Long Island City, New York 11101

Dear Dr. Korir:

We have reviewed the proposed revisions to the New York City Department of Health (NYC DOH) Health Code Article 175, received by our office on February 25, 2016. The regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements and provisions identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on May 6, 2016.

As a result of our review, we have 13 comments. 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 NYC DOH 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 NYC DOH 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 Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

The SRS Data Sheet summarizes our knowledge of the status of other NYC DOH 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 NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

G. Korir

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If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at (610) 337-6942 (Michelle.Beardsley@nrc.gov).

Sincerely,

***/RA Paul Michalak for/***

Pamela J. Henderson, Deputy Director  
Division of Material Safety, State, Tribal  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:

1. Compatibility Comments
2. NYC DOH SRS Data Sheet

G. Korir

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Enclosures:

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DISTRIBUTION: SP05  
DIR RF (16-54)  
DJanda, RSAO  
NYC DOH File

OFFICE	ASPB	ASPB	ASPB	OGC	ASPB:BC	MSTR:DD
NAME	SPoy	LRoldan	MBeardsley	NLO JOImstead	PMichalak	PMichalak for PHenderson
DATE	3/31/2016	5/4/16	5/4/16	5/5/16	5/9/16	5/9/16

**ML16092A138**

**OFFICIAL RECORD COPY**

**Package ML16063A445**

**COMPATIBILITY COMMENTS ON NEW YORK CITY (NYC) PROPOSED REGULATIONS**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	Section 2(b)	19.14(a)	N/A	NRC	<p><b>Presence of representatives of licensees and workers during inspections</b></p> <p>10 CFR 19.4(a) list requirements reserved to the NRC.</p> <p>NYC needs to exclude regulations related to 10 CFR 19.4(a) in order to meet the Compatibility Category NRC designation assigned to 10 CFR Part 19.14(a).</p>
2	Section 2	20.1405	N/A	C	<p><b>Public notification and public participation</b></p> <p>New York City included 20.1405 in its list of excepted regulations.</p> <p>As this regulation is required for compatibility purposes, NYC needs to provide for review the above equivalent regulation (or delete this from the list of excepted regulations) that meets the essential objectives of 10 CFR 20.1405 in order to meet the Compatibility Category C designation assigned to 10 CFR Part 20.1405.</p>
3	Section 2	20.2206	N/A	NRC	<p><b>Report of individual monitoring</b></p> <p>10 CFR 20.2206 (a)(1), (a)(3), (a)(4), and (a)(5) list requirements reserved to the NRC.</p> <p>NYC needs to exclude regulations related to 10 CFR 20.2206 (a)(1), (a)(3), (a)(4), and (a)(5) in order to meet the Compatibility Category NRC designation assigned to 10 CFR Part 20.2206.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
4	Section 2	30.4	N/A	NRC	<p><b>Definition: Commencement of construction</b></p> <p>10 CFR 30.4 definition of “Commencement of construction” includes the phrase “Common defense and security” which is reserved to the NRC.</p> <p>NYC needs to revise Section 2 to except this phrase from 30.4 definition of “Commencement of construction”, in order to meet the Compatibility Category NRC designation assigned to 10 CFR Part 30.4.</p>
5	Section 2	30.34	N/A	NRC	<p><b>Terms and conditions of licenses</b></p> <p>10 CFR 30.34(e)(1) contains the statement, “Promote the common defense and security” which is reserved to NRC.</p> <p>NYC needs to revise Section 2 to except this phrase from 30.34(e)(1) in order to meet the Compatibility Category NRC designation assigned to 10 CFR Part 30.34.</p>
6	Section 2	35.11 (c)(1)	N/A	NRC	<p><b>License Required</b></p> <p>10 CFR 35.11 (c)(1) lists requirements reserved to the NRC.</p> <p>NYC needs to exclude regulations related to 10 CFR 35.11 (c)(1) in order to meet the Compatibility Category NRC designation assigned to 10 CFR Part 35.11 (c)(1).</p>
7	Section 2	35.13 (a)(1)	N/A	NRC	<p><b>License Amendments</b></p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>10 CFR 35.13 (a)(1) lists requirements reserved to the NRC.</p> <p>NYC needs to exclude regulations related to 10 CFR 35.11 (a)(1) in order to meet the Compatibility Category NRC designation assigned to 10 CFR Part 35.11 (a)(1).</p>
8	Section 2	71.85 (a) – (c)	N/A	NRC	<p><b>Preliminary Determinations</b></p> <p>10 CFR 71.85 (a) – (c) lists requirements reserved to the NRC.</p> <p>NYC needs to exclude regulations related to 10 CFR 71.85 (a) – (c) in order to meet the Compatibility Category NRC designation assigned to 10 CFR Part 71.85 (a) – (c).</p>
9	Section 2	71.91 (b)	N/A	NRC	<p><b>Records</b></p> <p>10 CFR 71.91 (b) lists requirements reserved to the NRC.</p> <p>NYC needs to exclude regulations related to 10 CFR 71.91 (b) in order to meet the Compatibility Category NRC designation assigned to 10 CFR Part 71.91 (b).</p>
10	Section 3(a)	N/A	N/A	N/A	<p><b>Quality Assurance Program</b></p> <p>In 175.07(3)(ii)(B) NYC makes reference to 35.41. The correct reference should be to 35.40.</p>
11	Sections 3(d) and 3(g)	35.3045	N/A	N/A	<p><b>Reports and records of medical events</b></p> <p>NYC's requirements in Sections 3(d)</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>and 3(g) appear to be in conflict with 35.3045 in that they do not require a notification of a medical event no later than the next calendar day after discovery of the event.</p> <p>NYC needs to either revise sections 175.06(2) and 175.03(l)(9)(ix) to require a notification of a medical event no later than the next calendar day after discovery of the event; or delete these sections and adopt 35.3045 in its entirety in order to meet the Compatibility Category C designation assigned to 10 CFR Part 35.3045.</p>
12	Section 2	40.13 (c)(5)(iv)	N/A	NRC	<p><b>Unimportant quantities of source material</b></p> <p>10 CFR 40.13 (c)(5)(iv) lists requirements reserved to the NRC.</p> <p>NYC needs to exclude regulations related to 10 CFR 40.13 (c)(5)(iv) in order to meet the Compatibility Category NRC designation assigned to 10 CFR Part 40.13 (c)(5)(iv).</p>
13	Section 3(b) Section 3(d) Section 3(m)	N/A	N/A	N/A	<p><b>Qualifications for Nuclear Medicine Technologists</b></p> <p><b>Professional Practitioners</b></p> <p><b>Prohibition on Advertisement</b></p> <p>NYC submitted regulations in Sections 175.103(b)(5)(iii), 175.06 and 175.101(k)(1)(iv) which are outside of NRC's authority and therefore not reviewed for compatibility.</p>

**STATE REGULATION STATUS**

State: New York City Department of Health & Mental Hygiene

Tracking Ticket Number: 16-54

Date: 05/09/2016

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

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 <b>(Superceded by 1997-5)</b>	01/10/1994	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 <b>(Superceded by 1997-5)</b>	none	Not Required	Not Required	These regulations are not required to be adopted for purposes of Compatibility.
*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  Proposed ML16063A457	No Comments 10/14/1997  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 20 by reference
*1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40 and 70 56 FR 64980	10/15/1994	Final ML113040041  Proposed ML16063A457	Comments 12/05/2011 ML113110368  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 20, 30, 31 and 40 by reference
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 <b>(Superceded by 2002-2)</b>	01/27/1995			



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1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
*1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628	10/25/1996	Final ML112260003  Proposed ML16063A457	No Comments 09/22/2011 ML112450346  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 30 and 40 by reference
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40 and 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	NYCDH does not have authority to regulate this material under its portion of the Agreement.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40 and 70 59 FR 36026	08/15/1997	Final ML061290502  Proposed ML16063A457	No Comments 06/12/2006 ML061630264  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 30 and 40 by reference
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32 and 35 59 FR 61767; 59 FR 65243; 60 FR 322 <b>(Part 35 Requirements Superseded by 2002-2)</b>	01/01/1998	Not Applicable	Not Applicable	NYCDH has adopted final regulations equivalent to RATS IDs: 2002-2 and 2005-2.  NYCDH does not have authority for the Part 32 activity under its portion of the Agreement
*1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final ML061290502  Proposed ML16063A457	No Comments 06/12/2006 ML061630264  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 20 by reference
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20 and 61 60 FR 15649; 60 FR 25983	03/01/1998	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 <b>(Superseded by 1997-5)</b>	06/30/1998	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19 and 20 60 FR 36038	08/14/1998	Final ML070290581  Proposed ML16063A457	No Comments 02/23/2007 ML070520527  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 19 and 20 by reference
*1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40 and 70 60 FR 38235	11/24/1998	Final ML061290502  Proposed ML16063A457	No Comments 06/12/2006 ML061630264  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 30 and 40 by reference
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 <b>(Superceded by 2002-2 and 2005-2)</b>	10/20/1998			NYCDH 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 <b>(Superceded by 2004-1)</b>	04/01/1999	Proposed	No Comments 02/09/1999	NYCDH has adopted final regulations equivalent to RATS ID: 2004-1.
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40 and 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 and 70 61 FR 24669	06/17/1999	Final ML061290502  Proposed ML16063A457	No Comments 06/12/2006 ML061630264  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 20, 30 and 40 by reference

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
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 ML070290581	No Comments 02/23/2007 ML 070520527	
*1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120	05/29/2000	Final ML100120050  Proposed ML16063A457	Comments 03/08/2010 ML100330046  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 20 and 35 by reference
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 <b>(Superceded by 2004-1)</b>	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 and 150 62 FR 28947	06/27/2000	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
*1997-6	Radiological Criteria for License Termination Parts 20, 30, 40 and 70 62 FR 39057	08/20/2000	Final ML070290581  Proposed ML16063A457	No Comments 02/23/2007 ML070520527  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 20, 30 and 40 by reference

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
*1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71 and 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML061290502  Proposed ML16063A457	No Comments 06/12/2006 ML061630264  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 30, 40 and 71 by reference
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40 and 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 <b>(Superceded by 2002-2)</b>	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
*1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36 and 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML14083A492  Proposed ML16063A457	Comments 06/12/2014 ML14083A469  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 20 and 35 by reference

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML14083A492  Proposed ML16063A457	No Comments 06/12/2014 ML14083A469  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 20 by reference
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the 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 ML061290502  Proposed ML16063A457	No Comments 06/01/2006 ML061530099  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 20 by reference
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
2000-2	New Dosimetry Technology Parts 34, 36 and 39 65 FR 63750	01/08/2004	Final ML100050662	No Comments 03/08/2010 ML100321001	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31 and 32 65 FR 79162	02/16/2004	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
*2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML061290502  Proposed ML16063A457	No Comments 06/01/2006 ML061530099  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 20 by reference
*2002-2	Medical Use of Byproduct Material Parts 20, 32 and 35 67 FR 20249	10/24/2005	Final ML14083A492  Proposed ML16063A457	No Comments 06/12/2014 ML14083A469  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 20 and 35 by reference
*2003-1	Financial Assurance for Materials Licensees Parts 30, 40 and 70 68 FR 57327	12/03/2006	Final ML092010319  Proposed ML16063A457	No Comments 08/17/2009 ML092100446  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 30 and 40 by reference
*2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML092010319  Proposed ML16063A457	Comments 08/17/2009 ML092100446  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 71 by reference
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML14083A492  Proposed ML16063A457	No Comments 06/12/2014 ML14083A469  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 35 by reference
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML052910113	No Comments 10/20/2005 ML052940009	
*2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Final ML111390264  Proposed ML16063A457	Comments 07/07/2011 ML111580570  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 20, 30,35 and 40 by reference
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement.
*2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	License Condition ML090080848  Proposed ML16063A457	No Comments 01/22/2009 ML090120617  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 20 by reference
*2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML111390264  Proposed ML16063A457	Comments 07/07/2011 ML111580570  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 35 by reference



RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32 and 150 72 FR 58473	12/17/2010	Final ML14083A492  Proposed ML16063A457	Comments 06/12/2014 ML14083A469  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 30 and 31 by reference
*2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61 and 150 72 FR 55864	11/30/2010	Final ML14083A492  Proposed ML16063A457	Comments 06/12/2014 ML14083A469  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 20, 30, 31, 33, and 35 by reference
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	Final ML092010319	No Comments 08/17/2009 ML092100446	
*2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043	02/15/2011	Final ML14083A492  Proposed ML16063A457	No Comments 06/12/2014 ML14083A469  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 19 and 20 by reference
*2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML13081A469  Proposed ML16063A457	Comments 04/24/2013 ML13093A335  Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 35 by reference

<b>RATS ID</b>	<b>NRC Chronology Identification</b>	<b>Date Due for State Adoption</b>	<b>Incoming Letter</b>	<b>Outgoing Package</b>	<b>Notes</b>
*2011-1	Decommissioning Planning Parts 20, 30, 40 and 70 76 FR 35512	12/17/2015	Proposed ML16063A457	Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 20, 30 and 40 by reference
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70 and 150 76 FR 56951	11/14/2014	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement
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	Not Applicable	Not Applicable	NYCDH does not have authority to regulate this material under its portion of the Agreement
*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 ML16063A457	Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 71 by reference
*2012-3	Technical Corrections Parts 30, 34, 40 and 71 77 FR 39899	08/06/2015	Proposed ML16063A457	Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 30, 40 and 71 by reference  Only the Part 71 revision is applicable to NYCDH
2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015			NYCDH does not have authority to regulate this material under its portion of the Agreement

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2013-1	Physical Protection of Byproduct Material, Parts 20, 30, 32, 33, 34, 35, 36, 37, 39 and 71 78 FR 16922	03/19/2016	Proposed License Condition ML15209A882  Final ML15274A490  Proposed ML16063A457	Comments 08/20/2015 ML15209A869  Comment 10/28/2015 ML15274A480  Comments 05/09/2016 ML16063A445	NYC DOH's license condition addressed Part 37 requirements only. Comments are not related to Part 37.  All Parts. Comment not related to Part 37.  NYC submitted proposed regulations that adopt 10 CFR Parts 20, 30, 33, 35, 37 and 71 by reference
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, Parts 30, 40 and 70 78 FR 32310	08/27/2016			NYCDH does not have authority to regulate this material under its portion of the Agreement
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018			NYCDH does not have authority to regulate this material under its portion of the Agreement
*2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73 and 150 79 FR 58664, 80 FR 3865	01/28/2018	Proposed ML16063A457	Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 30 and 37 by reference
*2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018	Proposed ML16063A457	Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 71 by reference

<b>RATS ID</b>	<b>NRC Chronology Identification</b>	<b>Date Due for State Adoption</b>	<b>Incoming Letter</b>	<b>Outgoing Package</b>	<b>Notes</b>
*2015-4	Miscellaneous Corrections, Parts 37 and 40 80 FR 45841	09/02/2018	Proposed ML16063A457	Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Part 37 and 40 by reference
*2015-5	Miscellaneous Corrections, Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150 80 FR 74974	12/31/2018	Proposed ML16063A457	Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt 10 CFR Parts 19, 20, 30, 37, 40 and 71 by reference
*N/A	Parts 19, 20, 30 and 35 Provisions not associated with a RATS ID	N/A	Proposed ML16063A457	Comments 05/19/2016 ML16063A445	