



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

May 12, 2017

Ms. Rejina Alam, Acting Director
Office of Radiological Health
New York City Department of Health
and Mental Hygiene
42-09 28th Street 14th Floor, CN 60
Long Island City, New York 11101

Dear Ms. Alam:

We have reviewed the proposed revisions to the New York City Department of Health and Mental Hygiene (NYC DOHMH) Health Code, Article 175, received by our office on February 24, 2017. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules in 10 CFR 19, 20, 30, 31, 33, 35, 37, 40, and 71 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Eric Finkelstein on May 11, 2017.

As a result of our review, we have 16 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 NYC DOHMH regulations meet the compatibility and health and safety categories of the equivalent NRC regulations may only be made based on a review of the final NYC DOHMH 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."

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 NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS.

The SRS Data Sheet summarizes our knowledge of the status of other NYC DOHMH 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>.

R. Alam

-2-

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 (267) 884-2305 (Michelle.Beardsley@nrc.gov).

Sincerely,

/RA Paul Michalak for/

Joseph Nick, Acting Deputy Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. NYC SRS Data Sheet

SUBJECT: NYC DOHMH PROPOSED REGULATIONS TO RATS IDS 1991-3 THROUGH
2015-5, AS APPLICABLE

DISTRIBUTION: SP05
DIR RF (NYC DOHMH, 17-29)
Donna Janda, RSAO
NYC DOHMH File

OFFICE	ASPB	ASPB	ASPB	OGC	ASPB:BC	MSTR:DD
NAME	DSpackman	JO'Hara	MBeardsley	JOlmstead NLO via email	PMichalak	PMichalak for JNick
DATE	4/10/17	4/11/17	4/11/17	5/11/17	5/12/17	5/12/17

ML17102B132

OFFICIAL RECORD COPY

Package ML17055A654

COMPATIBILITY COMMENTS ON NEW YORK CITY (NYC) PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	175.100(c)(1)	Various	NA	Various	<p>General comment</p> <p>The first sentence of 175.100(c)(1) states that any reference to “NRC” or “Commission” in the incorporated CFR regulations means the Department, “<i>unless the context clearly indicates otherwise.</i>” This approach places the burden of determining whether “NRC” and “Commission” means the Department in the incorporated CFR regulations onto the licensees.</p> <p>NYC needs to explicitly specify when a reference to “NRC” or “Commission” in the incorporated CFR regulations means the Department, e.g., 10 CFR 30.14(c), 30.41, etc.</p> <p>NYC needs to address the comment above in order to meet the various compatibility categories of the applicable NRC requirements.</p>
2	175.100(c)(1)	Various	NA	Various	<p>General comment</p> <p>The second sentence of 175.100(c)(1) states that “notifications and correspondence indicated in the incorporated sections of the CFR should be sent to the Department...” However, NYC does not specify how the department requires these notifications to be sent, or where these notifications should be sent (e.g. 10 CFR 37.77).</p> <p>NYC needs to include their contact information and instructions, where applicable, in order to meet the various compatibility categories of the</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					applicable NRC requirements.
3	175.100(c)(2)	Various	NA	Various	<p>General comment</p> <p>When adopting the CFR by reference, NYC needs to ensure that their requirements are written from their jurisdictional perspective. For example, in instances where the NRC regulations refer to the regulations of the Agreement States, such as in 10 CFR 30.14, 30.18(d), 30.32(j), 31.5, 31.6, 31.7, 31.10, 31.12(c)(4), 40.13(c)(10), and 40.22(e), the NRC is referring to other regulators outside of its jurisdiction. When adopting these NRC regulatory provisions, NYC should reference the regulations of the NRC and other Agreement States (i.e. regulators outside of NYC jurisdiction).</p> <p>NYC needs to address the comment above in order to meet the various compatibility categories of the applicable NRC requirements.</p>
4	NA	Various	NA	Various	<p>General comment</p> <p>When adopting the CFR by reference, NYC needs to ensure that the references contained within the regulations are correct, especially because NYC has only adopted a partial set of the NRC's regulations. For example, NYC incorporates by reference 10 CFR 30.18(d) which contains a reference to "32.18 of this chapter." However, 32.18 is designated Compatibility Category NRC and is reserved to the NRC. Appropriately, NYC regulations do not incorporate by reference 32.18. In this situation, instead of referencing</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>“32.18 of this chapter” NYC should just reference “10 CFR 32.18” in the NYC regulation.</p> <p>NYC needs to appropriately clarify how references to other NRC regulatory provisions contained in regulations that are incorporated by reference should be interpreted to avoid gaps, conflicts, or duplications for the following cases:</p> <ol style="list-style-type: none"> 1) All references to regulations that are assigned Compatibility Category NRC, such as the reference to “32.18 of this chapter” contained in 10 CFR 30.18(d) that is incorporated by reference by NYC. 2) All references to regulations that are not incorporated by reference, such as the reference to “a specific license issued under 32.51 of this chapter” contained in 10 CFR 31.5(b)(1)(i) that is incorporated by reference by NYC. <p>NYC needs to address the comments above in order to meet the various compatibility categories of the applicable NRC regulations.</p>
5	175.101(b)	19.11	NA	NRC	<p>Posting of notices to workers</p> <p>The requirements in 10 CFR 19.11(b) and (e), and the phrase “(except for a holder of an early site permit under subpart A of part 52 of this chapter, or a holder of a manufacturing license under subpart F of part 52 of this chapter)” in 19.11(a) are reserved to the NRC.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					NYC needs to revise 175.101(b) to except these regulations in order to meet the Compatibility Category NRC designation assigned to portions of 10 CFR 19.11(a) and all of paragraphs (b) and (e).
6	175.101(a)	19.3, Definitions, <i>regulated entities</i>	1995-5	NRC	<p>Definitions, <i>regulated entities</i></p> <p>Portions of the 10 CFR 19.3 definition of <i>regulated entities</i> are reserved to the NRC.</p> <p>NYC needs to revise 175.101(a) to except sections referring to regulated entities that are solely subject to NRC's regulatory authority in order to meet the Compatibility Category NRC designation assigned to 10 CFR 19.3, <i>regulated entities</i>.</p>
7	175.102(a) 175.102(c)(4)	20.1904	2008-1	A	<p>Labeling containers</p> <p>NYC incorporates 10 CFR 20.1904 by reference in 175.102(a) then omits itself from the requirement to label in accordance with the requirement in 175.102(c)(4).</p> <p>NYC needs to incorporate 10 CFR 20.1904 in its entirety and not omit itself from these requirements in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1904.</p>
8	175.103(b) 175.103(c)	30.4, definition of <i>construction</i> , 30.4(9)(ii)	NA	NRC	<p>Definitions, <i>construction</i></p> <p>The 10 CFR 30.4 definition of <i>construction</i> includes the phrase "common defense and security" which is reserved to the NRC.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					NYC needs to revise 175.103(c) to except this phrase from the definition of <i>construction</i> in order to meet the Compatibility Category NRC designation assigned to the definition of construction in 10 CFR 30.4(9)(ii).
9	175.103(b) 175.103(c)	30.34(d) 30.34(e)(3)	NA	NRC	<p>Terms and conditions of licenses</p> <p>NYC has incorporated 10 CFR 30.34(d) and 30.34(e)(3) by reference. These regulations are reserved to the NRC.</p> <p>NYC needs to revise 175.103(c) to except 10 CFR 30.34(d) and 30.34(e)(3) in order to meet the Compatibility Category NRC designation assigned to 10 CFR 30.34(d) and 30.34(e)(3).</p>
10	175.103(b) 175.100(b)(4)	30.12 30.41(b)(1)	NA	B C	<p>Persons using byproduct material under certain Department of Energy (DOE) and Nuclear Regulatory Commission (NRC) contracts</p> <p>Transfer of byproduct material</p> <p>In 10 CFR 30.12 and 30.41(b)(1), the “Department” means the Department of Energy. This creates a conflict with the NYC definition of “Department” in 175.100(b)(4). NYC needs to address this conflict so that the use of the term “Department” does not have dual meaning in the incorporated version of 10 CFR 30.12 and 30.41(b)(1).</p> <p>NYC needs to address the comment above in order to meet the Compatibility Category B designation</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					assigned to 10 CFR 30.12 and the Compatibility Category C designation assigned to 10 CFR 30.41(b)(1).
11	175.104(f)	31.6	NA	C	<p>General license to install devices generally licensed in 31.5</p> <p>NYC should replace the term “non-Agreement State” with an appropriate term that describes the NYC DOHMH’s jurisdiction with respect to the requirements in 10 CFR 31.6.</p> <p>NYC needs to address the comment above in order to meet the Compatibility Category C designation assigned to 10 CFR 31.6.</p>
12	175.104(f) 175.100(b)(1)	31.12(b)	NA	C	<p>General license for certain items and self-luminous products containing Radium-226</p> <p>According to 175.100(b)(1), “10 CFR” or “CFR” means regulations issued by the United States Nuclear Regulatory Commission contained in Chapter I of Title 10 of the Code of Federal Regulations. However, 10 CFR 31.12(b) that is incorporated by reference provides exemptions “from the provisions of 10 CFR 19, 20, and 21.” NYC should revise 175.104(f) so that the exemptions refer to the appropriate NYC regulations instead of the NRC regulations.</p> <p>NYC needs to address the comment above in order to meet the Compatibility Category C designation assigned to 10 CFR 31.12(b).</p>
13	175.03(b)	Part 40	2013-2	A [A]	10 CFR Part 40

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				B C H&S	<p>NYC did not provide an equivalent to the following list of regulations in 10 CFR Part 40 for review:</p> <p>10 CFR 40.3; 40.4 (definitions of byproduct material, depleted uranium); 40.11; 40.12(a); 40.41(a), (b), (c), and (f); 40.42(c), (d), (e), (f), (g), (h), (i), (j), (k)(1), (k)(2), (k)(3), and (l); 40.46; 40.51 (except (b)(6)); 40.54; 40.55; 40.60; and 40.61.</p> <p>NYC needs to submit regulations equivalent to the list above in order to meet the compatibility and health and safety designations assigned to them.</p>
14	175.106(b)	71.85(d)	2015-3	B	<p>Preliminary determinations</p> <p>In 175.106(b), NYC specifically excepts 10 CFR 71.85 in its entirety. However, 71.85(d) is designated Compatibility Category B.</p> <p>NYC needs to adopt an equivalent regulation to 71.85(d) in order to meet the Compatibility Category B designation assigned to 10 CFR 71.85(d).</p>
15	175.102	20.1101(a)-(c) 20.1101(d) 20.1502 20.1701 20.1702 20.1703	NA	H&S C H&S H&S H&S	<p>General comment</p> <p>In 175.102(c), NYC provides “additional requirements” that duplicate and conflict with the requirements of 10 CFR 20.1101, 20.1502, 20.1701, 20.1702, and 20.1703 that are incorporated by reference in 175.102(a). NYC needs to revise 175.102 to eliminate these duplications and conflicts.</p> <p>NYC needs to address the comment above in order to meet the</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					Compatibility Category C and Category H&S designations assigned to 10 CFR 20.1101, 20.1502, 20.1701, 20.1702, and 20.1703.
16	175.106(a)	71.101(a) 71.101(b) and (c)(1) 71.103(a) 71.106 71.135	2015-3	C	<p>Quality assurance requirements</p> <p>Quality assurance organization</p> <p>Changes to quality assurance program</p> <p>NYC incorporates by reference 71.106 and 71.135 in 175.106(a). However, NYC needs to specify in their regulations that these requirements only apply to their general licensees, and not to certificate of compliance (CoC) holders or applicants for a CoC.</p> <p>In addition, NYC needs to specify that the licensee's quality assurance program must be sent to the Department (NYC DOHMH), and give the contact information.</p> <p>NYC needs to make the changes noted above in order to meet the Compatibility Category C designation assigned to 10 CFR 71.101(a),(b) and (c)(1), 71.103(a), 71.106, and 71.135.</p>

STATE REGULATION STATUS

State: New York City Department of Health & Mental Hygiene

Tracking Ticket Number: 17-29

Date: May 12, 2017

[# 17 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 (Superceded by 1997-5)	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 (Superceded by 1997-5)	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 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 Parts 20, 30, 31, and 40 by reference
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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 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 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 (Part 35 Requirements Superseded by 2002-2)	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 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 (Superseded by 1997-5)	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 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 Parts 30 and 40 by reference
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	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 (Superceded by 2004-1)	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: Recordkeeping 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 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 Parts 20 and 35 by reference
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superceded 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, 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 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 Microcurie 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 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 (Superceded 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)
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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 Part 35 by reference

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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 Parts 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 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 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 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 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		Comments 05/09/2016 ML16063A445	NYC submitted proposed regulations that adopt Part 71 by reference

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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 Parts 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 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 05/09/2016 ML16063A445	
*1991-1 – 2015-5	55 FR 843; 56 FR 11504; 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; 56 FR 64980; 56 FR 34104; 57 FR 45566; 58 FR 39628; 58 FR 7715; 58 FR 33886; 58 FR 68726; 59 FR 1618; 59 FR 28220; 59 FR 36026; 59 FR 61767; 59 FR 65243; 60 FR 322; 60 FR 7900; 60 FR 15649; 60 FR 25983; 60 FR 28323; 60 FR 36038; 60 FR 38235; 60 FR 48623; 60 FR 50248; 61 FR 28724; 61 FR 1109; 61 FR 24669; 61 FR 65120; 62 FR 1662; 62 FR 4120; 62 FR 5907; 62 FR 28947; 62 FR 39057; 62 FR 63634; 63 FR 1890; 63 FR 13773; 63 FR 29535; 63 FR 31604; 63 FR 37059; 63 FR 39477; 63 FR 45393; 63 FR 50127; 64 FR 17506; 64 FR 42269; 64 FR 54543; 64 FR 55524; 65 FR 20337; 65 FR 63750; 65 FR 79162; 67 FR 16298; 67 FR 20249; 68 FR 57327; 69 FR 3697; 70 FR 2001; 70 FR 16336; 71 FR 1926; 70 FR 72128; 71 FR 15005; 71 FR 65685; 71 FR 65685; 72 FR 59162; 72 FR 45147; 72 FR 54207; 72 FR 58473; 72 FR 55864; 72 FR 70901; 72 FR 68043; 74 FR 33901; 76 FR 35512; 76 FR 56951; 77 FR 3640; 77 FR 34194; 77 FR 39899; 77 FR 43666; 78 FR 16922; 78 FR 32310; 79 FR 57721, 80 FR 143; 79 FR 58664, 80 FR 3865; 80 FR 33987; 80 FR 45841; 80 FR 74974	N/A	Proposed 2/15/2017 ML17055A656	Comments 05/12/2017 ML17055A654	New York City Department of Health and Mental Hygiene submitted proposed revisions to New York City Health Code, Article 175, which governs radiological health. This submittal is expected to replace the existing Article 175. Consequently, the proposed NYC DOHMH regulations were reviewed against the applicable “10 CFR” compatibility tables as indicated in the SRS table below. All NRC amendments captured by RATS IDs dated before NYC DOHMH’s 2/15/2017 submittal were automatically included in the review against the applicable “10 CFR” compatibility tables. Consequently, all RATS IDs will be consolidated in this row following final adoption of the proposed Article 175.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*NA	Part 19	NA	Proposed 2/15/2017 ML17055A656	Comments 05/12/2017 ML17055A654	
*NA	Part 20	NA	Proposed 2/15/2017 ML17055A656	Comments 05/12/2017 ML17055A654	
*NA	Part 30	NA	Proposed 2/15/2017 ML17055A656	Comments 05/12/2017 ML17055A654	
*NA	Part 31	NA	Proposed 2/15/2017 ML17055A656	Comments 05/12/2017 ML17055A654	
*NA	Part 32	NA	Not Applicable	Not Applicable	NYC DOHMH does not regulate material under an equivalent to Part 32 for its portion of the Agreement.
*NA	Part 33	NA	Proposed 2/15/2017 ML17055A656	No Comments 05/12/2017 ML17055A654	
*NA	Part 34	NA	Not Applicable	Not Applicable	NYC DOHMH does not regulate material under an equivalent to Part 34 for its portion of the Agreement.
*NA	Part 35	NA	Proposed 2/15/2017 ML17055A656	No Comments 05/12/2017 ML17055A654	
*NA	Part 36	NA	Not Applicable	Not Applicable	NYC DOHMH does not regulate material under an equivalent to Part 36 for its portion of the Agreement.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*NA	Part 37	NA	Proposed 2/15/2017 ML17055A656	No Comments 05/12/2017 ML17055A654	
*NA	Part 39	NA	Not Applicable	Not Applicable	NYC DOHMH does not regulate material under an equivalent to Part 39 for its portion of the Agreement.
*NA	Part 40	NA	Proposed 2/15/2017 ML17055A656	Comments 05/12/2017 ML17055A654	
*NA	Part 61	NA	Not Applicable	Not Applicable	NYC DOHMH does not regulate material under an equivalent to Part 61 for its portion of the Agreement.
*NA	Part 70	NA	Not Applicable	Not Applicable	NYC DOHMH does not regulate material under an equivalent to Part 70 for its portion of the Agreement.
*NA	Part 71	NA	Proposed 2/15/2017 ML17055A656	Comment 05/12/2017 ML17055A654	
*NA	Part 150	NA	Not Applicable	Not Applicable	NYC DOHMH does not regulate material under an equivalent to Part 150 for its portion of the Agreement.
Note: Future RATS IDs will be listed here.					