



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

September 13, 2018

Robert Dansereau, Assistant Director
New York State Department of Health
Bureau of Environmental Radiation Protection
ESP, Corning Tower, Room 1245
Albany, NY 12237

Dear Mr. Dansereau:

We have reviewed the proposed revisions to the New York State Department of Health (NYSDOH) radiological health rules, 10NYCRR Part 16, received by our office on May 26, 2018. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and Regulation Amendment Tracking System Identification Numbers (RATS IDs) 1995-5, 1998-1, 1998-5, 2002-1, 2002-2, 2006-1, 2007-1, 2007-2, 2012-3, 2012-4, 2013-1, 2013-2, 2015-3, 2015-4, 2015-5, and 10 CFR Parts 30, 32, 34, 36, 37, 39, 40, 70, and 71 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on September 10, 2018.

As a result of our review, we have 21 comments related to compatibility and one comment not related to compatibility 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 NYSDOH 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 NYSDOH 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 the Division of Materials Safety, Security, State, and Tribal Programs, NMSS.

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

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 Michelle Beardsley, State Regulation Review Coordinator, at (267) 884-2305 (Michelle.Beardsley@nrc.gov) or Joe O'Hara at (301) 415-6854 (Joe.OHara@nrc.gov).

Sincerely,

/RA/
PMichalak for SAtack

Sabrina Atack, Acting Deputy Director
Division of Materials Safety, Security, State
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. NYSDOH SRS Data Sheet

SUBJECT: 09/13/2018 Letter to Robert Dansereau re: NYS DOH Proposed Regulations to RATS IDs 1995-5, 1995-7, 1998-1,1998-4, 1998-5, 2002-1, 2002-2, 2006-1, 2007-1, 2007-2, 2012-3, 2012-4, 2013-1, 2013-2, 2015-3, 2015-4 and 2015-5, and 10 CFR Parts 30, 32, 34, 36, 37, 39, 40, 70, and 71.

DISTRIBUTION: SP05
DIR RF 18-42
John Miller, RSAO
NYSDOH File

OFFICE	ASPB	ASPB SRRC	OGC	ASPB:BC	MSTR:DD
NAME	JOHara	MBeardsley	Ilrvin	PMichalak	PMichalak for SAtack
DATE	8/1/18	8/2/18	9/10/18	9/13/18	9/13/18

ML 18218A263

OFFICIAL RECORD COPY

Package ML 18156A593

COMPATIBILITY COMMENTS ON NYSDOH PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	16.13(c)	19.12	1995-5	C	<p>Instruction to workers</p> <p>NYSDOH does not include an equivalent requirement to 10 CFR 19.12(a).</p> <p>NYSDOH needs to submit regulations as indicated above in order to meet the Compatibility Category C designation assigned to 10 CFR 19.12(a).</p>
2	16.6(h)(3)	20.1208	1998-5	A	<p>Dose equivalent to an embryo/fetus</p> <p>NYSDOH omits the word “equivalent” after “dose” in 16.6(h)(3)(ii).</p> <p>NYSDOH needs to include the word “equivalent” as indicated above in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1208.</p>
3	N/A	20 Appendix B	2006-1	A	<p>Standards For Protection Against Radiation List of Elements</p> <p>NYDOH does not include an equivalent requirement to 10 CFR 20 Appendix B.</p> <p>NYSDOH needs to submit regulations for review as indicated above for review in order to meet the Compatibility Category A designation assigned to 10 CFR 20 Appendix B.</p>
4	16.123(b)(1)(i)&(ii)	35.2	2006-1	B	<p>Definition: Authorized Medical Physicist</p> <p>NYSDOH’s definition of Authorized Medical Physicist is not essentially identical to the current definition in 10 CFR 35.2, i.e., they omit the reference to 35.51(a), and a reference</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					to 35.59 should be included in (b)(1)(i). NYSDOH needs to submit regulations for review that incorporate the changes indicated above in its definition of Authorized Medical Physicist in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 Definition of Authorized Medical Physicist.
5	N/A	150.20	2007-2	C	Recognition of Agreement State licenses NYSDOH has omitted equivalent requirements to 10 CFR 150.20. NYSDOH needs to adopt the essential objectives of these requirements in order to meet the Compatibility Category C designation assigned to 10 CFR 150.20.
6	N/A	150.15a(b)(6)	2015-5	NRC	Continued Commission authority pertaining to byproduct material 10 CFR 150.15a(b)(6) is designated as Compatibility Category NRC and should not be adopted by NYSDOH. NYSDOH needs to remove 10 CFR 150.15a(b)(6) from their regulations in order to meet the Compatibility Category NRC designation assigned to 10 CFR 150.15a(b)(6).
7	N/A	61.7	2015-5	H&S	Licensing Requirements for Land Disposal of Radioactive Waste NYDOH does not include an equivalent requirement to 10 CFR 61.7. NYSDOH needs to submit regulations

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					as indicated above in order to meet the Compatibility Category H&S designation assigned to 10 CFR 61.7.
8	16.XXX	30.3	10 CFR 30	C	<p>Activities Requiring a License</p> <p>In 16.XXX(b)(1), NYSDOH excepts 10 CFR 30.3 from incorporation by reference.</p> <p>NYSDOH needs to include 10 CFR 30.3 for incorporation by reference in order to meet the Compatibility Category C designation assigned to 10 CFR 30.3.</p>
9	16.XXX	30.31	10 CFR 30	C	<p>Types of licenses</p> <p>In 16.XXX(b)(1), NYSDOH excepts 10 CFR 30.31 from incorporation by reference.</p> <p>NYSDOH needs to include 10 CFR 30.31 for incorporation by reference in order to meet the Compatibility Category C designation assigned to 10 CFR 30.31.</p>
10	16.XXX	30.33 (a)(2) & (a)(3)	10 CFR 30	H&S	<p>General requirements for issuance of specific licenses</p> <p>In 16.XXX(b)(1) NYSDOH excepts 10 CFR 30.33(a)(2) and (a)(3) from incorporation by reference.</p> <p>NYSDOH needs to include 10 CFR 30.33 for incorporation by reference in order to meet the Compatibility Category H&S designation assigned to 10 CFR 30.33(a)(2) and (a)(3).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
11	16.XXX	30.41(a), (b)(1-5), (b)(7), (c), & (d)	10 CFR 30	C	<p>Transfer of byproduct material</p> <p>In 16.XXX(b)(1), NYSDOH exempts 10 CFR 30.41(a), (b)(1-5), (b)(7), (c), & (d) from incorporation by reference.</p> <p>NYSDOH needs to include 10 CFR 30.41(a), (b)(1-5), (b)(7), (c), & (d) for incorporation by reference in order to meet the Compatibility Category C designation assigned to 10 CFR 30.41(a), (b)(1-5), (b)(7), (c), & (d).</p>
12	16.112(c)(5)	N/A	10 CFR 37	N/A	<p>General comment</p> <p>NYSDOH adds the following to their incorporation by reference of 10 CFR 37:</p> <p>“(c) The licensee shall comply with the Title 10 Code of Federal Regulations, Part 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material,” January 1, 2016 version, except as follows:</p> <p>...(5) Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this section to the extent that they transport or store radioactive material in the regular course of carriage for another or storage incident thereto.”</p> <p>10 CFR 37 does not contain the highlighted requirement.</p> <p>NYSDOH needs to remove 16.112(c)(5) from their incorporation by reference of 10 CFR Part 37.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
13	16.112 (c)(4)	37.27(c)	10 CFR 37	B	<p>Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material</p> <p>NYSDOH has the incorrect NRC address for submission of fingerprint cards listed in 16.112(c)(4). The correct address is: U.S. Nuclear Regulatory Commission, Director, Division of Facilities and Security, 11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop TWB-05 B32M, Rockville, Maryland 20852.</p> <p>NYSDOH needs to revise the address for the NRC as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p>
14	16.XXX (a)(1)	10 CFR 39	10 CFR 39	N/A	<p>General comment</p> <p>In 16.XXX(a)(1) NYSDOH excepts 10 CFR 39.3 from incorporation by reference; however there is no section 39.3 in 10 CFR Part 39.</p> <p>NYSDOH needs to delete the reference to 39.3 in 16.XXX(a)(1).</p>
15	16.XXX (a)(1)	39.45	10 CFR 39	C	<p>Subsurface tracer studies</p> <p>NYSDOH excepts 10 CFR 39.45 from incorporation by reference.</p> <p>NYSDOH needs to incorporate 10 CFR 39.45 by reference in order to meet the Compatibility Category C designation assigned to 10 CFR 39.45.</p> <p>Note: NYSDEC does not have equivalent regulations to this section.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					In their response to RATS ID 2000-1, they noted that they do not have authority to regulate the materials under Part 39.
16	16.XXX(b)	10 CFR 40; APPENDIX A, IV. Long-Term Site Surveillance	10 CFR 40	NRC	10 CFR 40, Appendix A, Criterion 12 NYSDOH needs to except Criterion 12 of Appendix A to 10 CFR Part 40 in order to meet the Compatibility Category NRC designation assigned to Criterion 12 of Appendix A to 10 CFR Part 40.
17	16.xxx(b) 16.xxx(b)(1) 16.xxx(b)(2)	70.10(b)	10 CFR 70	C	Deliberate misconduct In 16.XXX(b)(1), NYSDOH excepts 10 CFR 70.10(b) from incorporation by reference. NYSDOH needs to include 10 CFR 70.10(b) for incorporation by reference in order to meet the Compatibility Category C designation assigned to 10 CFR 70.10(b).
18	16.XXX	70.23 70.23a 70.32 70.37 70.40 70.42(b)(6) 70.44 70.52 70.55 70.59 70.60 70.61 70.62 70.64 70.65 70.66 70.72 70.73	10 CFR 70	NRC	General Comment The noted sections of 10 CFR 70 are Compatibility Category NRC and should not be adopted by NYSDOH. NYSDOH needs to remove these sections from their incorporation of Part 70 by reference in order to meet the Compatibility Category NRC designation assigned to 10 CFR 70.23(a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12), & (b); 70.23a; 70.32(a)(1), (a)(4), (a)(5), (a)(6), (a)(7), (b)(1), (b)(3), (b)(4),(c), (d), (e), (f), (g), (h), (i), (j), & (k); 70.37; 70.40; 70.42; 70.44; 70.52; 70.55; 70.59; 70.60; 70.61; 70.62; 70.64; 70.65;

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
		70.74 70.76 70.82 Appendix A to Part 70			70.66; 70.72; 70.73; 70.74; 70.76; 70.82; and Appendix A to Part 70.
19	16.17	71.0(c)	10 CFR 71	[B]	<p>Purpose and Scope</p> <p>NYSDOH excepts 10 CFR 70.0(c) in 16.17(a)(1) from incorporation by reference.</p> <p>NYSDOH needs to indicate where 10 CFR 71.0(c) is adopted elsewhere to meet the Compatibility Category [B] designation assigned to 10 CFR 71.0(c), otherwise, NYSDOH needs to incorporate 10 CFR 71.0(c) by reference into 16.17 in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.0(c).</p>
20	16.17	71.4	10 CFR 71	[B]	<p>General Comment</p> <p>In 16.17, NYSDOH needs to state that the terms, "Certificate of Compliance, Compliance Holder or Applicant" apply to the NRC as they are the sole authority for issuing a package Certificate of Compliance."</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
21	16.17(a)(2)	71.101(c)(1)	10 CFR 71	C	<p>Quality Assurance Requirements</p> <p>In 16.17(a)(2), NYSDOH includes 10 CFR 71.101(c)(1); however the NYSDOH, not the NRC, needs to approve their licensees' Quality Assurance Program.</p> <p>NYSDOH needs to remove 71.101(c)(1) from section 16.17(a)(2) in order to meet the Compatibility Category C designation assigned to 10CFR 71.101(c)(1).</p>

COMMENT NOT RELATED TO COMPATIBILITY

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	16.123	35.67	2002-2	H&S	<p>Requirements for possession of sealed sources and brachytherapy sources</p> <p>In 16.123(e)(4) NYSDOH incorrectly references section "36.67" instead of "35.67".</p> <p>NYSDOH needs to revise 10 CRR-NY 16.123(e)(4) and change 36.67 to state "35.67" in order to meet the Compatibility Category H&S designation assigned to 10 CFR 35.67.</p>

STATE REGULATION STATUS

State: New York State Department of Health

Tracking Ticket Number: 18-42

Date: 9/13/2018

[23 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	Final	No Comments	NYSHD has not yet adopted Final Regulations equivalent to RATS ID: 1997-5 Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Not Required	Not Required	These regulation changes 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	Comments 12/24/1997	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40 and 70 56 FR 64980	10/15/1994	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995			
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.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable	Not Applicable	NYSHD does not have authority to regulate this material under its portion of the Agreement. (NYDEC)
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	NYSHD does not have authority to regulate this material under its portion of the Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40 and 70 59 FR 36026	08/15/1997	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
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	01/01/1998	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	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 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
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	NYSHD 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 (Superceded by 1997-5)	06/30/1998	Final	No Comments 01/28/2000	NYSHD has not yet adopted Final Regulations equivalent to RATS ID: 1997-5 Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
*1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19 and 20 60 FR 36038	08/14/1998	Final Proposed ML18156A604	No Comments 01/28/2000 Comments 9/13/2018 ML18156A593	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40 and 70 60 FR 38235	11/24/1998	Final	No Comments 01/28/2000	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
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			Only Part 20 provisions need to be adopted. See ML13197A356

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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	No Comments 01/28/2000	NYSHD has not yet adopted Final Regulations equivalent to RATS ID: 2004-1. Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
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	License Condition ML14007A059	No Comments 02/20/2014 ML14007A056	
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	NYSHD 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 ML092260295 License Condition ML092260295	No Comments 09/08/2009 ML092310687 No Comments 09/08/2009 ML092310687	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120	05/29/2000	Final ML100120050	Comments 03/08/2010 ML100330046	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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	Proposed ML100600746 License Condition ML100600746	Comments 05/06/2010 ML100890066 Comments 05/06/2010 ML100890066	NYSHD are not authorizing laybarge, underwater or offshore radiography in these regulations.
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40 and 70 62 FR 39057	08/20/2000	License Condition ML14007A059	No Comments 02/20/2014 ML14007A056	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	License Condition ML080170561	No Comments 03/20/2008 ML080800306	
*1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71 and 150 63 FR 1890; 63 FR 13773	02/12/2001	Legally Binding Requirements ML13121A233 Proposed ML18156A604	Comments 06/19/2013 ML13150A207 Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30, 40, 70, and 71 by reference

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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 (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)
*1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Proposed ML100600746 License Condition ML100600746 Proposed ML18156A604	Comments 05/06/2010 ML100890066 Comments 05/06/2010 ML100890066 No Comments 9/13/2018 ML18156A593	NYSHD are not authorizing laybarge, underwater or offshore radiography in these regulations New York submitted proposed regulations that adopt 10 CFR Part 34 by reference
*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	Proposed ML101310506 Proposed ML18156A604	Comments 07/07/2010 ML101580277 No Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 32, 36, and 39 by reference
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Not Applicable	Not Applicable	NYSHD 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
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	NYSHD 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	License Condition ML092260298	No Comments 09/03/2009 ML092320011	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	License Condition ML100120053	No Comments 02/23/2010 ML100350697	
2000-2	New Dosimetry Technology Parts 34, 36 and 39 65 FR 63750	01/08/2004	Final ML100050662	No Comments 03/08/2010 ML100321001	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31 and 32 65 FR 79162	02/16/2004	License Condition for 32.52 (a) & (b) only ML040770455	No Comments 04/02/2004 ML040930388	Adopted by NYS DOL which has since merged with the NYS DOH ML092190342.
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Proposed ML101310506	No Comments 07/07/2010 ML101580277	

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*2002-2	Medical Use of Byproduct Material Parts 20, 32 and 35 67 FR 20249	10/24/2005	Proposed ML100600745 License Condition ML080170561 Final ML13150A109 Proposed ML18156A604	Comments 05/18/2010 ML100890015 No Comments 03/20/2008 ML080800306 Comments 08/08/2013 ML13197A356 Comments 9/13/2018 ML18156A593	Part 35 with respect to gamma stereotactic radiosurgery and HDR only Part 35 only New York submitted proposed regulations that adopt 10 CFR Part 32 by reference
*2003-1	Financial Assurance for Materials Licensees Parts 30, 40 and 70 68 FR 57327	12/03/2006	License Condition ML14007A059 Proposed ML18156A604	No Comments 02/20/2014 ML14007A056 Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30, 40, and 70 by reference
*2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML092590171 Proposed ML18156A604	Comments 10/23/2009 ML092710056 Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 71 by reference

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	License Condition ML092590174 Proposed ML18156A604	No Comments 10/07/2009 ML092710325 Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30 by reference
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML13150A107	No Comments 08/08/2013 ML13197A356	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML053120138	No Comments 11/10/2005 ML053180041	
*2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Proposed ML100600745 Final ML13150A107 Proposed ML18156A604	Comments 05/18/2010 ML100890015 Comments 08/08/2013 ML13197A356 Comments 9/13/2018 ML18156A593	Part 35 only New York submitted proposed regulations that adopt 10 CFR Part 30, 32, 40, and 70 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 ¹	Not Applicable	NYSHD responded on 02/02/2007 to FSME-06-110 stating that they currently had no licensees applicable to this rule. ML070330060
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	License Condition ML083240082	No Comments 12/11/2008 ML083390393	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Proposed ML100600745 Final ML13150A107 Proposed ML18156A604	Comments 05/18/2010 ML100890015 No Comments 08/08/2013 ML13197A356 No Comments 9/13/2018 ML18156A593	Part 35 only New York submitted proposed regulations that adopt 10 CFR Part 32 by reference
*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	Proposed ML18156A604	Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30, 31, and 32 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 ML13150A107 Proposed ML18156A604	No Comments 08/08/2013 ML13197A356 Comments 9/13/2018 ML18156A593	Part 35 only New York submitted proposed regulations that adopt 10 CFR Part 30, 31, and 32 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 ML091730154	Comments 08/04/2009 ML091820407	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043	02/15/2011			

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2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML13150A107	No Comments 08/08/2013 ML13197A356	
*2011-1	Decommissioning Planning Parts 20, 30, 40 and 70 76 FR 35512	12/17/2015	Proposed ML18156A604	Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30, 40, and 70 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	Proposed ML18156A604	Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30, 36, 39, 40, and 70 by reference.
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			
*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 ML18156A604	No Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 71 by reference.
*2012-3	Technical Corrections Part 30, 34, 40 and 71 77 FR 39899	08/06/2015	Proposed ML18156A604	Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30, 34, 40, and 71 by reference.
*2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015	Proposed ML18156A604	Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30, 32, 40, and 70 by reference.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	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	Proposed ML15355A046 Proposed ML18156A604	Comment 02/08/16 ML15355A039 Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30, 32, 24, 35, 36, 37, 39, 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	Proposed ML18156A604	Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30, 40, and 70 by reference
*2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018	Proposed ML18156A604	Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 70 by reference
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 ML15355A046	No Comments 02/08/16 ML15355A039	
*2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018 *extended to 08/15/2020 See STC 17-060	Proposed ML18156A604	Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 71 by reference
*2015-4	Miscellaneous Corrections, Parts 37 and 40 80 FR 45841	09/02/2018	Proposed ML15355A046 Proposed ML18156A604	No Comments 02/08/16 ML15355A039 Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 37 and 40 by reference

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2015-5	Miscellaneous Corrections, Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150 80 FR 74974	12/31/2018	Proposed ML18156A604	Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt 10 CFR Part 30, 32, 37, 40, 70, and 71 by reference.
2018-1	Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments, Parts 30, 32 and 35	01/14/2022			
N/A	Parts 30, 32, 34, 36, 37, 39, 40, 70 and 71	N/A	Proposed ML18156A604	Comments 9/13/2018 ML18156A593	New York submitted proposed regulations that adopt these 10 CFR Parts by reference.

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