REPORT ON

COMPATIBILITY SURVEY

OF STATE VIEWS

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Office of Governmental and Public Affairs

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I. BACKGROUND

Concerns have been raised at the SES conference, by the staff, and the States on compatibility. Three issues of concern are:

1) Whether the concept of compatibility is synonymous with "identical". Of particular concern are instances where a State proposes to adopt more stringent standards or a standard where there is no NRC counterpart.

2) Is there unnecessary proliferation of NRC regulations that are matters of compatibility?

3) Is three years sufficient time to complete requirements involving State legislative actions?

To answer these and any related issue, action was taken by the Director, GPA, to have a survey conducted of States' views on the impact of NRC compatibility requirements. This reports the results of the survey.

II. SCOPE

The focus of the survey was limited to compatibility aspects of the Agreement State Program. Views were obtained from a sample of state personnel and NRC staff, both in headquarters and in the regions, who are knowledgeable of and/or involved in the Agreement State Program. Initially, the survey was to include only about six State representatives. However, as States heard about the survey, they asked to provide their responses and the surveyors agreed to include their responses.

No licensee views were solicited. Recent correspondence on the interpretation of compatibility requirements was used as a reference for the legal analysis. The survey was not used as a mechanism to defend any NRC positions or to evaluate or reconcile the States' perceptions about compatibility.

III. APPROACH

To gain appropriate history and background on the compatibility aspects of the Agreement State Program, a brief review was made of various documents including Section 274 of the Atomic Energy Act of 1954, as amended (Appendix A), NRC compatibility guidelines (Appendix B), and legal opinions pertaining to compatibility (Appendix C). A questionnaire was developed containing sixteen questions relating to compatibility, with particular focus on three issues: (1) compatibility vs identicality, (2) proliferation of compatibility

III. APPROACH (Cont'd.)

regulations, and (3) adequacy of the 3-year time period for adoption of regulations (Appendix D). The questions were developed with input from State Agreements staff in headquarters and the regions. Actual responses to the questionnaire are contained in Appendix E.

In early May, at the Conference of Radiation Control Program Director's (CRCPD) meeting in Salt Lake City, Utah, the questionnaire was provided to the CRCPD Executive Board Members and several other State representatives. Interviews were conducted onsite with nine of the representatives and followup interviews were conducted by telephone or through written responses with seven more state representatives.

IV. LEGAL ANALYSIS

In the context of responding to the Commission on whether Below Regulatory Concern (BRC) criteria was a matter of compatibility and whether Agreement State BRC criteria could neither be more or less stringent than the criteria established by the Commission, the General Counsel provided a detailed analysis of the legislative history as well as existing Commission rules, regulations, and policies relating to the overall issue of compatibility of Agreement States. (Appendix C)

In part, the General Counsel found that the Commission has adequate legal authority under the compatibility standard in section 274d.(2) and g. of the Atomic Energy Act of 1954, as amended, to require Agreement States to adopt criteria that are identical to those promulgated by the NRC. Also, as these criteria relate to matters which fall within the scope of Division 1 Rules[1], Commission insistence that States adopt identical criteria would be considered to be a reasonable and proper exercise of this power.

This analysis, however, left unanswered a further question-- when and under what circumstances should the Commission insist that State and Federal regulations be identical and when should variations which are not inconsistent be permitted.

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[1] Division 1 Rules are those State regulations required to be identical to NRC regulations. See Appendix B for more details.

IV. LEGAL ANALYSIS (Cont'd.)

Furthermore, in Chairman Carrs' letter of June 15, 1990 to Mr. Thomas W. Ortciger, Director Illinois Department of Nuclear Safety, the following paragraph was included:

> With regard to the compatibility of Agreement State and NRC standards, a majority of the Commission takes the view, which reflects the intent expressed by Congress when it adopted the 1959 Federal-State amendment to the Atomic Energy Act (Section 274), that uniformity of Federal and State basic radiation protection standards is necessary to properly carry out the respective regulatory responsibilities of the Federal government and the States. When Congress enacted the Uranium Mill Tailings Radiation Control Act of 1978, it added Section 274 to the Atomic Energy Act to authorize states to adopt more stringent standards for the control of hazards associated specifically with uranium and thorium mill tailings. However, Congress did not extend this authority to the control of hazards associated with the other categories of radioactive materials identified in Section 274b as suitable for inclusion in a Section 274b agreement. With respect to theses materials, the Commission continues to require Agreement States, as a matter of compatibility, to adopt basic radiation protection standards identical to those of the NRC. Commissioner Curitss does not concur in this approach on matters involving low level radioactive waste disposal.

V. FINDINGS

1. Compatibility does not mean that regulations have to be identical.

Most States believe that compatibility does not equate with being identical except for basic radiation standards, such as those contained in 10 CFR Part 20 and regulations affecting interstate commerce or activities. For example, radiographers and well-loggers moving among various jurisdictions should not encounter vast differences in every detail of State radiation programs.

The States' definitions of compatibility were expressed more in terms of reaching the same goal or getting the same results by a variety of means. For example, some of the phrases used to define compatibility are:

- -- Need performance standard from NRC and then States determine how to implement.
- -- Regulations that exist in harmony and are equally effective in protecting public health and safety.
- -- Follow the basic character and philosophy of NRC regulations; may not use the same means, but overall protection is the same.
- -- Capable of living or performing in harmonious, consistent, or congenial combination; capable of efficient integration.
- -- Having the same general intent of the law but not necessarily identical.

V. FINDINGS (Cont'd.)

In addition, most States believe that they should be allowed to have more stringent regulations. As one State indicated, the Atomic Energy Act does not address States being more restrictive. Some indicated that while the regulations should be identical, implementation could be different. In a limited number of cases, State legislation makes it nearly impossible to have identical regulations.

2. There is a need for the development of compatibility criteria.

Nearly all States expressed the strong view that no compatibility criteria exist and that without clearly defined criteria, NRC decides which regulations will be matters of compatibility without an adequate basis or justification for these decisions. In addition, States believe that they have no input into these decisions, thus not supporting a "partnership" relationship between NRC and the States.

A majority of States expressed the strong view that States should be involved in the development of compatibility criteria. Several States suggested that a group of NRC and State representatives should be formed to totally immerse themselves and thrash out differences in developing compatibility criteria. In addition, a couple of States indicated that they should have input while

V. FINDINGS (Cont'd.)

developing regulations before NRC authorship is firmly established and likely to prevail.

3. Compatibility criteria, once developed, need to be applied to regulations consistently, early in the process and with State input.

The vast majority of States indicated that a process needs to be established whereby before a proposed regulation is published for public comment, States can participate in the determination of whether a regulation meets the pre-established compatibility criteria. Furthermore, existing regulations should be reviewed against these same criteria to determine which ones truly qualify as a matter of compatibility and which Division of compatibility each one would fall in.

It was repeatedly expressed that input by States for determining which regulations will be matters of compatibility is essential to the successful continuation of cooperation with the States. This would reinforce the "agreement" aspects of the Agreement States program rather than being a "delegation" from NRC to the States.

States repeatedly expressed the view that if States are given the opportunity to participate in the decision-making process, they will be more of a mind to cooperate with NRC, working as a team to carry out the activities necessary for sound radiation control programs. In addition, input from the States

V. FINDINGS (Cont'd.)

before input from the general public is a part of this cooperation and is consistent with the language set forth in Section 274 of the Atomic Energy Act which states,

> The Commission is authorized and directed to cooperate with the States in the formulation of standards for protection against hazards of radiation to assure that State and Commission programs...will be coordinated and compatible.

4. The NRC is attempting to go beyond what is authorized by the Atomic Energy Act (AEA) regarding the matter of compatibility. The definition of compatibility and the interrelationship between compatibility and adequacy to protect public health and safety are unclear in the Act and in practice.

All States agree that the intent of the Atomic Energy Act (AEA) is to protect public health and safety. There is general agreement that State programs should provide this protection in a way that is compatible with NRC's program. However, NRC has become too rigid in requiring States to be identical on too many provisions of Agreement State Programs. Furthermore, a majority of States expressed the belief that NRC is categorizing too many of its regulations in Division 1 -- those regulations that have to be identical. Some States indicated that NRC designates regulations as Division 1 because otherwise, States will not adopt the regulations at all.

V. FINDINGS (Cont'd.)

States are not in agreement on whether compatibility should be applicable to the entire Agreement State Program or solely to regulations. Some states indicated that compatibility should apply only to regulations and that implementation of the overall Agreement State Program should be left up to the States. Others stated that programs can be compatible even though regulations are not the same. While still others expressed the view that compatibility should apply to the entire program as long as compatibility does not mean identical.

A number of States indicated that although a number of States have been found to be non-compatible by NRC over the years, their programs continue to be adequate to protect public health and safety. They then question the meaning and practicality of the requirement for States to maintain compatibility. Several States expressed the view that only at the time that a State requests entering into an agreement with NRC that compatibility really matters.

Although most States indicated that they want to be compatible, there are a number of reasons why they are not. Some states indicated that there is little support in State organizations to adopt regulations that have little or no impact on public health and safety or do not apply to certain State activities. Other reasons mentioned for non-compatibility were inadequate resources, State political pressures, and delays in Suggested State regulations.

V. FINDINGS (Cont'd.)

Regarding the idea of developing exception criteria for specific circumstances where a State, with appropriate justification, would not have to adopt regulations deemed a matter of compatibility, most States indicated that it sounded good in theory, but some believed it would probably not work in practice. Some of the reasons given were that exceptions could get out of hand and States could try and ratchet NRC. It could erode uniformity among State programs thus diminishing confidence that one State may have in another State's program. Also, it was expressed that States may start jockeying with each other in terms of "If I have to do this, why don't you?" Several States questioned why regulations should be matters of compatibility in the first place if NRC is then going to exempt States.

5. The three-year time period allowed for adoption of compatibility requirements is reasonable and adequate.

The States, with few exceptions, indicated that three years should be enough time to adopt compatibility requirements. However, some instances were identified where more time may be necessary. Some States indicated that difficulties tend to be tied to inadequate funding and staffing. For State Radiation Control staffs that are small and already strained, very little time is available from their regular duties for drafting regulations. Also, for those rare instances where there is a need for involvement of the State legislature, three years may be difficult for States whose legislature only meets every two years.

V. FINDINGS (Cont'd.)

Another problem stems from situations where certain regulations pertain to areas that are sometimes outside of the direct control of the State Radiation Control Program Director, thus delays may exceed the three-year time period. Furthermore, "agreement materials" control is only part of the States' radiation control program and some States expressed the view that it is more efficient to revise the States' radiation control regulations in toto rather than in a piecemeal fashion within the three-year timeframe.

All States agreed that the Suggested State Regulations (SSR) are helpful if they are timely. The SSRs tend to be a bur-saving devices and help States to meet the three-year time period for adopting compatibility requirements. The Conference of Radiation Control Program Directors is currently working to speed up the process for making the SSRs available to States.

VI. RECOMMENDATIONS

Based on the results of the survey, the following actions are recommended.

1. Establish a task force to:

   A) Review and modify, as appropriate, existing compatibility criteria, using as a point of departure current NRC criteria described in State Programs' Internal Procedures. Review Divisions of compatibility and revise if necessary, assigning criteria to each Division.

   B) Analyze and resolve the relationship between "compatibility" and "public health and safety."

   C) Identify under what circumstances State and Federal requirements should be identical and when variations which are not inconsistent or are more stringent should be permitted.

   D) Review governing legislation and regulatory program recommend any changes along with any regulatory or policy actions to improve the compatibility framework.

The Task Force should be chaired by NRC and comprised of high-level representatives from the States and relevant NRC offices, including the Office of the General Counsel. The results of this effort should be a list of criteria by compatibility Division, a clear explanation of compatibility vs public health and safety, and recommendations on legislation, regulatory or policy changes.

VI. RECOMMENDATIONS (Cont'd.)

2. Institutionalize a formal compatibility review process with State involvement. Establish a review committee to apply the compatibility criteria (developed by the Task Force) to existing NRC regulations pertaining to the Agreement States Program. This should result in a list identifying NRC regulations that are matters of compatibility, clearly indicating which regulations have to be identical and which ones may vary. This Committee should be reconvened periodically before a new rule affecting the Agreement States is to be promulgated by NRC to make the same compatibility determinations.

Atomic Energy Act of 1954, as amended

Cooperation with States 42 U.S.C. sec. 2021

"SEC. 274. COOPERATION WITH STATES.[205]—

"a. It is the purpose of this section—

"(1) to recognize the interests of the States in the peaceful uses of atomic energy, and to clarify the respective responsibilities under this Act of the States and the Commission with respect to the regulation of byproduct, source, and special nuclear materials;

"(2) to recognize the need, and establish programs for cooperation between the States and the Commission with respect to control of radiation hazards associated with use of such materials;

"(3) to promote an orderly regulatory pattern between the Commission and State governments with respect to nuclear development and use and regulation of byproduct, source, and special nuclear materials;

"(4) to establish procedures and criteria for discontinuance of certain of the Commission's regulatory responsibilities with respect to byproduct, source, and special nuclear materials, and the assumption thereof by the States;

"(5) to provide for coordination of the development of radiation standards for the guidance of Federal agencies and cooperation with the States; and

"(6) to recognize that, as the States improve their capabilities to regulate effectively such materials, additional legislation may be desirable.

Agreements with States

"b. Except as provided in subsection c., the Commission is authorized to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under chapters 6, 7, and 8, and section 161 of this Act, with respect to any one or more of the following materials within the State—

"(1) by product materials as defined in section 11e. (1);[206]

"(2) byproduct materials as defined in section 11e. (2);[207]

"(3) source materials;

"(4) special nuclear materials in quantities not sufficient to form a critical mass.

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[205] Public Law 86-373 (73 Stat. 688) (1959), sec. 1, added sec. 274.

[206] Public Law 95-604 (92 Stat. 3036) (1978), sec. 204(a), amended sec. 274(b)(1) by adding "as defined in section 11e. (1)" after the words "byproduct materials".

[207] Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(a), renumbered paragraphs (2) and (3) as paragraphs (3) and (4), and added a new paragraph (2).

During the duration of such an agreement it is recognized that the State shall have authority to regulate the materials covered by the agreement for the protection of the public health and safety from radiation hazards.

"c. No agreement entered into pursuant to subsection b. shall provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of—

"(1) the construction and operation of any production or utilization facility;

"(2) the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

"(3) the disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

"(4) the disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission. The Commission shall also retain authority under any such agreement to make a determination that all applicable standards and requirments have been met prior to termination of a license for byproduct material, as defined in section 11e. (2).[208] 42 U.S.C. 2014.

Notwithstanding any agreement between the Commission and any State pursuant to subsection b., the Commission is authorized by rule, regulation, or order to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission. Conditions.

"d. The Commission shall enter into an agreement under subsection b. of this section with any State if—

"(1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and

"(2) the Commission finds that the State program is in accordance with the requirements of subsection o. and in all other respects[209] compatible with the Commission's program for regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed agreement.

"e. (1) Before any agreement under subsection b. is signed by the Commission, the terms of the proposed Publication in F.R.

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[208] Public Law 95-604 (92 Stat. 3038) (1978), sec. 204(f), added a new sentence after paragraph (4).

[209] Public Law 95-604 (92 Stat. 3037) (1978), sec. 904(b), amended sec. 274(d)(2) by inserting the words "in accordance with the requirements of subsection o. and in all other respects" before the word "compatible."

agreement and of proposed exemptions pursuant to subsection f. shall be published once each week for four consecutive weeks in the Federal Register; and such opportunity for comment by interested persons on th proposed agreement and exemptions shall be allowed a the Commission determines by regulation or order to be appropriate.

"(2) Each proposed agreement shall include the proposed effective date of such proposed agreement or exemptions. The agreement and exemptions shall be published in the Federal Register within thirty days after signature by the Commission and the Governor.

Licensing requirements. Exemptions.

"f. The Commission is authorized and directed, by regulation or order, to grant such exemptions from the licensing requirements contained in chapters 6, 7, and 8, and from its regulations applicable to licensees as the Commission finds necessary or appropriate to carry out any agreement entered into pursuant to subsection b. of this section.

"g. The Commission is authorized and directed to cooperate with the States in the formulation of standards for protection against hazards of radiation to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible.

Federal Radiation Council.

"h. There is hereby established a Federal Radiation Council, consisting of the Secretary of Health, Education, and Welfare, the Chairman of the Atomic Energy Commission, the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, or their designees, and such other members as shall be appointed by the President. The Council shall consult qualified scientists and experts in radiation matters, including the President of the National Academy of Sciences, the Chairman of the National Committee on Radiation Protection and Measurement, and qualified experts in the field of biology and medicine and in the field of health physics. The Special Assistant to the President for Science and Technology, or his designee, is authorized to attend meetings, participate in the deliberations of, and to advise the Council. The Chairman of the Council shall be designated by the President, from time to time, from among the members of the Council. The Council shall advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States. The Council shall also perform such other functions as the President may assign to it by Executive order.

Inspections.

"i. The Commission in carrying out its licensing and regulatory responsibilities under this Act is authorized to enter into agreements with any State, or group of States, to perform inspections or other functions on a cooperative basis as the Commission deems appropriate. The

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[redacted] Public Law 95-604 (92 Stat. 3037) (1978), sec. 90(b), amended sec. 274(d)(2) by inserting the words "in accordance with the requirements of subsection o. and in all other respects" before the word "compatible."

Commission is also authorized to provide training, with or without charge, to employees of, and such other assistance to, any State or political subdivision thereof or group of States as the Commission deems appropriate. Any such provision or assistance by the Commission shall take into account the additional expenses that may be incurred by a State as a consequence of the State's entering into an agreement with the Commission pursuant to subsection b.

Termination of agreement.

"j. (1)[210] The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State with which an agreement under subsection b. has become effective, or upon request of the Governor of such State, may terminate or suspend all or part of[211] its agreement with the State and reassert the licensing and regulatory authority vested in it under this Act, if the Commission finds that (1)[212] such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of this section. The Commission shall periodically review such agreements and actions taken by the States under the agreements to insure compliance with the provisions of this section.[213]

"(2) The Commission, upon its own motion or upon request of the Governor of any State, may, after notifying the Governor, temporarily suspend all or part of its agreement with the State without notice or hearing if, in the judgment of the Commission:

"(A) an emergency situation exists with respect to any material covered by such an agreement creating danger which requires immediate action to protect the health or safety of persons either within or outside of the State, and

"(B) the State has failed to take steps necessary to contain or eliminate the cause of the danger within a reasonable time after the situation arose.

A temporary suspension under this paragraph shall remain in effect only for such time as the emergency situation exists and shall authorize the Commission to exercise its authority only to the extent necessary to contain or eliminate the danger."[214]

"k. Nothing in this section shall be construed to affect the authority of any State or local agency to regulate activities for purposes other than protection against radiation hazards.

Notice of filing.

"l. With respect to each application for Commission license authorizing an activity as to which the Commission's authority is continued pursuant to subsection c., the Commission shall give prompt notice to the State or

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[210] Public Law 96-295 (94 Stat. 787) (1980), sec. 205, inserted "(1)" after "j."

[211] Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(d)(1), amended sec. 274j by adding the words "all or part of" after "suspend."

[212] Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(d)(2), amended sec. 274j by inserting "(1)" after "finds that."

[213] Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(d)(3), amended sec. 274j by adding at the end before the period ", or (2) the State has not complied with one or more of the requirements of this section. The Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section."

[214] Public Law 96-295 (94 Stat. 787) (1980), sec. 205 added new subsec. "j. (2)"

States in which the activity will be conducted of the filing of the license application; and shall afford reasonable opportunity for State representatives to offer evidence interrogate witnesses, and advise the Commission as the application without requiring such representatives take a position for or against the granting of the application.

"m. No agreement entered into under subsection b., and no exemption granted pursuant to subsection f., shall affect the authority of the Commission under subsection 161 b. or i. to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material. For purposes of subsection 161 i., activities covered by exemptions granted pursuant to subsection f. shall be deemed to constitute activities authorized pursuant to this Act; and special nuclear material acquired by any person pursuant to such an exemption shall be deemed to have been acquired pursuant to section 53.

Definitions.

"n. As used in this section, the term 'State' means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia.

"Agreement."

As used in this section, the term 'agreement' includes any amendment to any agreement.[215]

"o. In the licensing and regulation of byproduct material, as defined in section 11 e. (2) of this Act, or of any activity which results in the production of byproduct material as so defined under an agreement entered into pursuant to subsection b., a State shall require—

"(1) compliance with the requirements of subsection b. of section 83 (respecting ownership of byproduct material and land), and

"(2) compliance with standards which shall be adopted by the State for the protection of the public health, safety, and the environment from hazards associated with such material which are equivalent, to the extent practicable, or more stringent than, standards adopted and enforced by the Commission for the same purpose, including requirements and standards promulgated by the Commission and the Administrator of the Environmental Protection Agency pursuant to sections 83, 84, and 275, and

Ante, p. 3011
Post, p. 3039.

"(3) procedures which—

"(A) in the case of licenses, provide procedures under State law which include—

"(i) an opportunity, after public notice, for written comments and a public hearing, with a transcript,

"(ii) an opportunity for cross examination, and

"(iii) a written determination which is based upon findings included in such determination and upon the evidence presented during the public comment period and which is subject to judicial review;

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[215] Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(c), added last sentence to sec. 274n.

"(B) in the case of rulemaking, provide an opportunity for public participation through written comments or a public hearing and provide for judicial review of the rule;

"(C) require for each license which has a significant impact on the human environment a written analysis (which shall be available to the public before the commencement of any such proceedings) of the impact of such license, including any activities conducted pursuant thereto, on the environment, which analysis shall include—

"(i) an assessment of the radiological and nonradiological impacts to the public health of the activities to be conducted pursuant to such license;

"(ii) an assessment of any impact on any waterway and groundwater resulting from such activites;

"(iii) consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted pursuant to such license; and

"(iv) consideration of the long-term impacts, including decommissioning, decontamination, and reclamation impacts, associated with activities to be conducted pursuant to such license, including the management of any byproduct material, as defined by section 11 e. (2); and

"(D) prohibit any major construction activity with respect to such material prior to complying with the provisions of subparagraph (C).

If any State under such agreement imposes upon any licensee any requirement for the payment of funds to such State for the reclamation or long-term maintenance and monitoring of such material, and if transfer to the United States of such material is required in accordance with section 83 b. of this Act, such agreement shall be amended by the Commission to provide that such State shall transfer to the United States upon termination of the license issued to such licensee the total amount collected by such State from such licensee for such purpose. If such payments are required, they must be sufficient to ensure compliance with the standards established by the Commission pursuant to section 161 x. of this Act. No State shall be required under paragraph (3) to conduct proceedings concerning any license or regulation which would duplicate proceedings conducted by the Commission.[216]

Ante, p. 3011.

42 U.S.C. 2201.

"In adopting requirements pursuant to paragraph (2) of this subsection with respect to sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11 e. (2), the State may adopt alternatives (including, where appropriate, site-specific alternatives) to the requirements adopted and enforced by the

42 U.S.C. 2014.

[216] Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(e), added a new subsec. o.

Commission for the same purpose if, after notice and opportunity for public hearing, the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275. Such alternative State requirements may take into account local or regional conditions, including geology, topography, hydrology and meteorology."[217]

42 U.S.C. 2022.

"SEC. 275. HEALTH AND ENVIRONMENTAL STANDARDS for URANIUM MILL TAILINGS.—

42 U.S.C. 2022.

"a. As soon as practicable, but not later than October 1, 1982,[218] the Administrator of the Environmental Protection Agency (hereinafter referred to in this section as the 'Administrator') shall, by rule, promulgate standards of general application (including standards applicable to licenses under section 104(h) of the Uranium Mill Tailings Radiation Control Act of 1978) for the protection of the public health, safety, and the environment from radiological and nonradiological hazards associated with residual radioactive materials (as defined in section 101 of the Uranium Mill Tailings Radiation Control Act of 1978) located at inactive uranium mill tailings sites and depository sites for such materials selected by the Secretary of Energy, pursuant to title I of the Uranium Mill Tailings Radiation Control Act of 1978. Standards promulgated pursuant to this subsection shall, to the maximum extent practicable, be consistent with the requirements of the Solid Waste Disposal Act, as amended. In establishing such standards, the Administrator shall consider the risk to the public health, safety, and the environment, the environmental and economic costs of applying such standards, and such other factors as the Administrator determines to be appropriate.[219] The Administrator may periodically revise any standard promulgated pursuant to this subsection.

Rules.

"After October 1, 1982, if the Administrator has not promulgated standards in final form under this subsection, any action of the Secretary of Energy under title I of the Uranium Mill Tailings Radiation Control Act of 1978 which is required to comply with, or be taken in accordance with, standards of the Administrator shall comply with, or be taken in accordance with, the standards proposed by the Administrator under this subsection until such time as the Administrator promulgates such standards in final form."[220]

42 U.S.C. 7911.

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[217] Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(e), added a new subsec. o.
[218] Public Law 97-415 (96 Stat. 2067) (1983), sec. 19 added this paragraph.
[219] Public Law 97-415 (96 Stat. 2067) (1983), sec. 18 substituted "October 1, 1982" for "one year after the date of enactment of this section."
[220] Public Law 97-415 (96 Stat. 2067) (1983), sec. 22 added this language to sec. 275a.
[221] Public Law 97-415 (96 Stat. 2067) (1983), sec. 18 substituted this language for "one year after enactment of this section."

"b. (1) As soon as practicable, but not later than October 31, 1982, the Administrator shall, by rule, propose and within 11 months thereafter promulgate in final form,[21] standards, general application for the protection of the public health, safety, and the environment from radiological and non-radiological hazards associated with the processing and with the possession, transfer, and disposal of byproduct material, as defined in section 11 e. (2) of this Act, at sites at which ores are processed primarily for their source material content or which are used for the disposal of such byproduct material. 42 U.S.C. 2014.

"If the Administrator fails to promulgate standards in final form under this subsection by October 1, 1983, the authority of the Administrator to promulgate such standards shall terminate, and the Commission may take actions under this Act without regard to any provision of this Act requiring such actions to comply with, or be taken in accordance with, standards promulgated by the Administrator. In any such case, the Commission shall promulgate, and from time to time revise, any such standards of general application which the Commission deems necessary to carry out its responsibilities in the conduct of its licensing activities under this Act. Requirements established by the Commission under this Act with respect to byproduct material as defined in section 11 e. (2) shall conform to such standards. Any requirements adopted by the Commission respecting such byproduct material before promulgation by the Commission of such standards shall be amended as the Commission deems necessary to conform to such standards in the same manner as provided in subsection f. (3). Nothing in this subsection shall be construed to prohibit or suspend the implementation or enforcement by the Commission of any requirement of the Commission respecting byproduct material as defined in section 11 e. (2) pending promulgation by the Commission of any such standard of general application.[22] In establishing such standards, the Administrator shall consider the risk to the public health, safety, and the environment, the environmental and economic costs of applying such standards, and such other factors as the Administrator determines to be appropriate."[23] Promulgation authority. 42 U.S.C. 2014.

"(2) Such generally applicable standards promulgated pursuant to this subsection for nonradiological hazards shall provide for the protection of human health and the environment consistent with the standards required under subtitle C of the Solid Waste Disposal Act, as amended, which are applicable to such hazards: *Provided, however,* That no permit issued by the Administrator is required under this Act or the Solid Waste Disposal Act, as amended, for the processing, possession, transfer, or disposal of byproduct material, as defined in section 11 e.(2) of this Act. The Administration may periodically revise any standard promulgated pursuant to this subsection.

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[21] Public Law 97-415 (96 Stat. 2067) (1983), sec. 22 added this language to sec. 275(b)(1).
[22] Public Law 97-415 (96 Stat. 2067) (1983), sec. 18 changed subsec. b from "eighteen months after enactment of this section" to current language.
[23] Public Law 97-415 (96 Stat. 2067) (1983), sec. 22 added this language at end of subsec. b.

Within three years after such revision of any such standard, the Commission and any State permitted to exercise authority under section 274 b. (2) shall apply such revised standard in the case of any license for byproduct material as defined in section 11 e. (2) or any revision thereof.

42 U.S.C. 2021.

Publication in Federal Register. Notice, hearing opportunity.

"c. (1) Before the promulgation of any rule pursuant to this section, the Administrator shall publish the proposed rule in the Federal Register, together with a statement of the research, analysis, and other available information in support of such proposed rule, and provide a period of public comment of at least thirty days for written comments thereon and an opportunity, after such comment period and after public notice, for any interested person to present oral data, views, and arguments at a public hearing. There shall be a transcript of any such hearing. The Administrator shall consult with the Commission and the Secretary of Energy before promulgation of any such rule.

Consultation.

Judicial review.

"(2) Judicial review of any rule promulgated under this section may be obtained by any interested person only upon such person filing a petition for review within sixty days after such promulgation in the United States court of appeals for the Federal judicial circuit in which such person resides or has his principal place of business. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator. The Administrator thereupon shall file in the court the written submission to, and transcript of, the written or oral proceedings on which such rule was based as provided in section 2112 of title 28, United States Code. The court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. The judgment of the court affirming, modifying, or setting aside, in whole or in part, any such rule shall be final, subject to judicial review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

5 U.S.C. et seq.

"(3) Any rule promulgated under this section shall not take effect earlier than sixty calendar days after such promulgation.

"d. Implementation and enforcement of the standards promulgated pursuant to subsection b. of this section shall be the responsibility of the Commission in the conduct of its licensing activities under this Act. States exercising authority pursuant to section 274 b. (2) of this Act shall implement and enforce such standards in accordance with subsection o. of such section.

42 U.S.C. 2021.

42 U.S.C. 2014 et seq.
42 U.S.C. 1401 et seq.

"e. Nothing in this Act applicable to byproduct material, as defined in section 11 e. (2) of this Act, shall affect the authority of the Administrator under the Clean Air Act of 1970, as amended, or the Federal Water Pollution Control Act, as amended.[224]

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[224] Public Law 95-604 (92 Stat. 3039) (1978), sec. 208(a), added sec. 275

"f.(1) Prior to January 1, 1983, the Commission shall not implement or enforce the provisions of the Uranium Mill Licensing Requirements published as final rules at 45 Federal Register 65521 to 65538 on October 3, 1980 (hereinafter in this subsection referred to as the 'October 3 regulations'). After December 31, 1982, the Commission is authorized to implement and enforce the provisions of such October 3 regulations (and any subsequent modifications or additions to such regulations which may be adopted by the Commission), except as otherwise provided in paragraphs (2) and (3) of this subsection. Uranium mill licensing requirement regulations. Implementation and enforcement

"(2) Following the proposal by the Administrator of standards under subsection b., the Commission shall review the October 3 regulations, and, not later than 90 days after the date of such proposal, suspend implementation and enforcement of any provision of such regulations which the Commission determines after notice and opportunity for public comment to require a major action or major commitment by licensees which would be unnecessary if— Review, public comment, and suspension.

"(A) the standards proposed by the Administrator are promulgated in final form without modification, and

"(B) the Commission's requirements are modified to conform to such standards.

Such suspension shall terminate on the earlier of April 1, 1984 or the date on which the Commission amends the October 3 regulations to conform to final standards promulgated by the Administrator under subsection b. During the period of such suspension, the Commission shall continue to regulate byproduct material (as defined in section 11 e.(2)) under this Act on a licensee-by-licensee basis as the Commission deems necessary to protect public health, safety, and the environment.

"(3) Not later than 6 months after the date on which the Administrator promulgates final standards pursuant to subsection b. of this section, the Commission shall, after notice and opportunity for public comment, amend the October 3 regulations, and adopt such modifications, as the Commission deems necessary to conform to such final standards of the Administrator.

"(4) Nothing in this subsection may be construed as affecting the authority or responsibility of the Commission under section 84 to promulgate regulations to protect the public health and safety and the environment."[225] 42 U.S.C. 2114.

"SEC. 281. SEPARABILITY.—If any provision of this Act or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. Separability.

"SEC. 291. SHORT TITLE.—This Act may be cited as the 'Atomic Energy Act of 1954'." Short title.

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[225] Public Law 97-415 (96 Stat. 2067) (1983), sec. 18 added new subsec. "f."

STATE AGREEMENTS PROGRAM
DIVISION I

Internal Procedures

B. Policy

B.7 - Criteria for Compatibility Determinations

I. Background

Section 274d.(2) of the Atomic Energy Act of 1954, as amended, requires that before entering into an agreement with any State, the Commission shall make a determination that the State's program is compatible with the Commission's program. Section 274g. authorizes and directs the Commission to cooperate with the States in the formulation of standards to assure that State and Commission programs will be coordinated and compatible. Section 274j(1) requires that the Commission periodically review such agreements and actions taken under the agreements to ensure compliance with Section 274. Sections 274d(2) and 274g. are the only sections of the Act that address the concept of compatibility. It should be noted that both sections refer to the compatibility of "programs." It is evident that Congress intended that the Commission address more than just regulations in its review, and since the earliest days of the State Agreements Program the Commission has used the term "compatibility" in relation to not only regulations, but also to such program areas as licensing and compliance. This procedure, however, will address compatibility only as it affects regulations.

The Commission has never formally defined compatibility or provided more than minimal guidance as to how the term should be interpreted. The basic objective has been to achieve uniformity among the various regulatory programs to the maximum extent practicable recognizing that the States must be allowed some flexibility to accommodate local conditions. With regard to regulations, it has been more or less understood that certain regulations such as 10 CFR Part 20 were considered to be "matters of compatibility" and that States were required to have regulations that had essentially identical language. With respect to other parts of the regulations it was less clear what requirements were considered "matters of compatibility" and why. In 1961, the Commission published criteria for the guidance of States and the Commission relating to the discontinuance of Commission authority under the terms of the agreement. The criteria require that "The State regulatory program shall adopt a set of standards for protection against radiation... It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity on maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by Part 20 of the [Commission] regulations based on officially approved radiation protection guides." However, questions remain as to how precisely State regulations must reflect NRC regulations.

In addition, NRC has always encouraged uniformity in regulations other than those listed above, but no specific guidance has been provided.

It should be noted that the Uranium Mill Tailings Radiation Control Act and the Nuclear Waste Policy Act require Agreement States as well as NRC to incorporate certain elements in their regulatory programs (e.g., environmental assessments, land ownership, financial assurances). These requirements have been appropriately included in the categorization.

In light of the above, this procedure establishes criteria for better defining compatibility and determining the degree to which States regulations must show uniformity with Commission regulations.

II. Rule Categorization

Historically, the notion of degrees of compatibility has always been implicit in compatibility determinations. This notion, however, has never been given substance in the form of policies or procedures. Under this procedure pertinent NRC rules are categorized according to the degree of uniformity necessary between NRC and Agreement State requirements. Four categories are established as follows:

Division 1 Rules

There are certain provisions in NRC regulations that States must adopt, essentially verbatim, into their regulations. These provisions include those that form the basic language of radiation protection essential for effective communication between regulatory agencies and the regulated community. These provisions have been formulated and agreed to by national and international organizations, from consensus standards followed by industry and government. They include technical definitions such as "curie," "dose," and "rad," radiation protection standards such as occupational exposure limits, effluent release limits, and legal definitions such as for "byproduct material," "restricted area" and "occupational dose." These provisions are so basic to the regulatory programs that their modification by a State would result in numerous and difficult problems including interference in interstate commerce. These provisions are collectively referred to as Division 1 rules and Agreement States are required to adopt essentially identical provisions.

Division 2 Rules

There are other provisions in NRC regulations that address basic principles of radiation safety and regulatory functions. Such principles include generally applicable safety requirements such as personnel monitoring and ALARA, and procedural requirements such as detailed in Part 19. While States must address such principles in their regulations, the States may adopt requirements more

restrictive than NRC rules. The use of language identical to that in NRC rules is not necessary provided the underlying principles are the same. For example, 10 CFR 19.11 addresses the posting of certain notices to workers. While we believe that it is important that Agreement State licensees be required to make available to workers certain documents, the manner, location and time constraints under which they are posted may differ somewhat from the corresponding NRC provisions. Local circumstances may dictate more stringent requirements than those of 19.11. Other rules that would be included in this category include basic procedural requirements necessary for licensing, inspection authority, incident reporting, and radiation safety requirements for industrial radiographers. Such provisions are designated Division 2 rules.

Division 3 Rules

There are a great number of provisions in NRC regulations which would be appropriate for Agreement States to adopt, but which do not require any degree of uniformity between NRC and States rules. For example, NRC has found group medical licensing to be an improved method of licensing the medical uses of radionuclides. States utilizing a different procedure in licensing medical uses of radionuclides would not be hindering interstate commerce or deviating in any manner from basic radiation protection standards or procedures. Such rules, some of which relate to areas which are strictly matters between the regulatory agency and the regulated community within its jurisdiction are designated Division 3 rules. Such rules include administrative requirements as well as technical criteria which the agency feels the licensee must address in order to meet the basic radiation standards. In all cases, States are encouraged to adopt the regulatory approach taken by NRC in such rules, but are not required to do so.

Division 4 Rules

There are certain regulatory functions which are reserved to NRC pursuant to the Atomic Energy Act and 10 CFR Part 150. Rules pertaining to these areas are designated Division 4 rules. Such rules include those concerning reactor regulation, distribution of consumer products, exports and imports, and high level waste disposal. State regulations should not address these areas.

III. Listing of Pertinent NRC Rules

Attached as Appendix A of this procedure is a listing of all pertinent NRC rules (Parts 19, 20, 30, 31, 32, 33, 34, 35, 40, 61, 70, 71, and 150) by compatibility type. The corresponding section of the Suggested State Regulations can be found in Internal Procedure A.2.

APPENDIX A

CATEGORIZATION OF NRC RULES BY COMPATIBILITY TYPE

Division 1 Rules

19.3	Definitions (Exceptions - Act, Commission, license)
20.3	Definitions (Exceptions - Act, Commission, Gov't Agency, license)
20.4	Units of radiation dose
20.5	Units of radioactivity
20.101	Dose limits
20.102	Prior dose
20.103	Concentrations in restricted areas
20.104	Exposure of minors
20.105	Levels in unrestricted areas
20.106	Radioactivity in effluents
20.203	Caution signs, etc., except (c)(6)&(7)
20.403	Notifications of Incidents
Part 20	Appendix B and Appendix C
30.4	Definitions (Exceptions - Act, Commission, Gov't Agency, license, production facility, utilization facility)
30.11	Specific exemptions
30.12	Contractor exemptions
30.14	Exempt concentration
30.15	Exempt items
30.16	Sc-46 resins exemption
30.18	Exempt quantities
30.19	Self-luminous products
30.20	Gas and aerosol detectors
30.70	Exempt concentrations schedule
30.71	Exempt quantities schedule
31.3	Certain devices and equipment
32.2	Definitions
40.4	Definitions (Exceptions - Act, Commission, Gov't Agency, Pharmacist, physician)
40.11	DOE & NRC contractor exemptions
40.13	Unimportant quantities
40.14	Specific exemptions
40.22	Small quantities of source material
61.2	Definitions (Exceptions - Commission, Director, Gov't Agency)
61.41	Protection of general population
61.55	Waste classification
70.4	Definitions (Exceptions - Act,Atomic Weapon, Commission, Common defense and security, Gov't Agency)
70.11	DOE & NRC contractor exemptions
70.14	Specific exemptions
71.4	Definitions (those relating to materials transportation)
71.5	Transportation of licensed material
71.10	Exemptions for low-level materials

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Part 71	Appendix A
150.3	Definitions (b), (c), (g), (i), and (j)
150.11	Critical mass
150.20	Reciprocity

Division 2 Rules

19.11	Posting of Notices
19.12	Instructions to Workers
19.13	Notifications
19.14	Presence of worker representatives
19.15	Consultation with workers
19.16	Requests for inspection
19.17	Inspection not warranted
20.1(c)	ALARA
20.108	Bioassay Services
20.201	Surveys
20.202	Personnel Monitoring
20.203	(c)(6) and (7) 500 rem/hr rule
20.205	Picking up, receiving, and opening packages
20.207	Storage & control in unrestricted areas
20.301	Waste Disposal - General Requirements
20.302	Approval of disposal procedures
20.303	Sewage disposal
20.311	Transfer for disposal
20.402	Reports of Theft or loss
20.405	Reports of overexposures
20.408	Monitoring Reports on termination
Part 20	Appendix A
30.3	Activities requiring license
30.13	Carrier Exemption
30.31	Types of Licenses
30.32	Application for specific license
30.33	General requirements
30.34	Terms & Conditions
30.41	Transfer of byproduct material
30.55	Tritium reports (to be deleted)
31.5	Certain measuring, gauging and controlling devices
31.6	Installation of GL gauges
31.7	Luminous safety devices for use in aircraft
32.11	Introduction of exempt concentrations
32.12	Material transfer reports
32.13	Prohibition of introduction
32.51	Manufacture of GL gauges
32.51a	Manufacture of GL gauges
32.52	Transfer reports - GL gauges
32.53	Manufacture of luminous safety devices
32.54	Labeling of luminous safety devices
32.55	QA - luminous safety devices
32.56	Transfer reports - luminous safety devices
32.57	Manufacture of Am-241 reference sources
32.58	Labeling of Am-241 sources
32.59	Leak testing of Am-241 sources
32.61	Manufacture of Sr-90 ice detection devices

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32.62	QA - ice detection devices
32.70	Manufacture of Medical GL material
32.71	Manufacture of in vitro kits
32.72	Manufacture of radiopharmaceuticals
32.73	Manufacture of generators and reagent kits
32.74	Manufacture of sources for medical use
32.101	Schedule B - tests for luminous safety devices
32.102	Schedule C - tests for Am-241 sources
32.103	Schedule D - tests for Sr-90 ice detection devices
32.110	Sampling procedures
34.2	Definition
34.11	Specific licenses for radiography
34.21	Levels of radiation
34.22	Locking of devices
34.23	Storage precautions
34.24	Survey Instruments
34.25	Leak testing, etc.
34.26	Quarterly inventory
34.27	Utilization logs
34.28	Inspection and maintenance
34.31	Training
34.32	Operating and emergency procedures
34.33	Personnel Monitoring
34.41	Security
34.43	Surveys
Part 34	Appendix A
40.2a	Inactive tailings sites
40.12	Carrier exemptions
40.20	Types of licenses
40.26	GL - possession & storage of tailings
40.31(f) & (h)	License for source material milling
40.32	General requirements
40.34	Manufacture of depleted uranium products for GL
40.35	Manufacture of depleted uranium products for GL
40.41	Terms and Conditions
40.51	Transfer of source material
40.65	Effluent monitoring
Part 40	Appendix A
61.3	License required
61.10	Content of application
61.11	General information
61.12	Specific Technical information
61.13	Technical analyses
61.14	Institutional information
61.15	Financial information
61.23	Standards for issuance
61.24	Conditions of licenses
61.27	Application for renewal or closure
61.28	Contents of application for closure
61.29	Post-closure observation
61.30	Transfer
61.31	Termination
61.40	General requirement

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61.42	Protection of individuals from intrusion
61.43	Protection of individuals during operations
61.44	Stability of site after closure
61.50	Site suitability requirements
61.51	Site design
61.52	Facility operation and site closure
61.53	Environmental monitoring
61.54	Alternative requirements
61.56	Waste characteristics
61.57	Labeling
61.59	Institutional requirements
61.61	Applicant qualifications
61.62	Funding for closure and stabilization
61.63	Financial assurances
61.81	Tests at disposal facilities
61.82	Commission inspections
70.12	Carrier exemption
70.18	Types of licenses
70.23(a)	Requirements for approval
70.39	Manufacture of Pu calibration sources
70.42	Transfer of SNM
71.12	GL for NRC approved packages
71.13	Previously approved Type B packages
71.14	GL: DOT containers
71.16	GL: foreign approved packages
71.81	Operating controls and procedures
71.85	Preliminary determinations
71.87	Routine determinations (except fissile related)
71.88	Air transport of Pu
71.89	Opening instructions
150.31	UMTRCA
150.32	UMTRCA

Division 3 Rules

19.1	Purpose
19.2	Scope
19.4	Interpretations
19.5	Communications
19.20	Employee protection
19.30	Violations
19.31	Applications for exemptions
19.32	Discrimination prohibited
20.1	(a) & (b) Purpose
20.2	Scope
20.6	Interpretations
20.7	Communications
20.107	Medical diagnosis & therapy
20.204	Posting exceptions
20.206	Instruction of personnel
20.305	Disposal by incineration
20.306	Biomedical waste rule
20.401	Records

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20.407	Personnel Monitoring reports
20.409	Notifications and Reports to Individuals
20.501	Applications for exemptions
20.502	Additional Requirements
20.601	Violations
30.1	Purpose & Scope
30.2	Resolution of conflict
30.5	Interpretations
30.6	Communications
30.7	Employee protection
30.36	Expiration of licenses
30.37	Applications for renewal
30.38	Applications for amendment
30.39	Commission Action to renew or amend
30.51	Records
30.52	Inspections
30.53	Tests
30.61	Modification and revocation of licenses
30.62	Withholding of byproduct material
30.63	Violations
31.1	Purpose and Scope
31.2	Terms and conditions
31.8	Am-241 reference sources
31.9	GL to own material
31.10	Sr-90 ice detection devices
31.11	In-vitro GL
32.1	Purpose and scope
33.1	Purpose and scope
33.11	Broad license requirements
33.12	Broad license requirements
33.13	Broad license requirements
33.14	Broad license requirements
33.15	Broad license requirements
33.16	Broad license requirements
33.17	Broad license requirements
33.100	Schedule A
34.1	Purpose and scope
34.3	Applications for specific licenses
34.29	Permanent radiographic installations
34.42	Posting
34.44	Supervision of radiographer's assistants
34.51	Applications for exemptions
35.1	Purpose and scope
35.2	Medical license requirement
35.3(a)	Definition of "Human Use"
35.3(b)	Definition of "physician"
35.4	Application form
35.11	Licenses for human use
35.12	Licenses for individual physician's
35.13	Human use of sources
35.14	Group medical licensing
35.21	Teletherapy calibrations
35.22	Teletherapy spot-checks
35.23	Instrument calibration

35.24	Qualified expert
35.25	Teletherapy room monitor
35.26	5-year inspection and servicing
35.27	Records
35.31	Medical GL
35.41	Misadministration reporting
35.42	Misadministration reporting
35.43	Misadministration reporting
35.44	Misadministration reporting
35.45	Misadministration reporting
35.100	Medical Groups
40.1	Purpose
40.2	Scope
40.3	License requirements
40.5	Communications
40.6	Interpretations
40.7	Employee protection
40.21	GL- title to source material
40.25	GL- depleted uranium
40.31	(a)-(e), (g) applications for specific licenses
40.42	Expiration
40.43	Renewal of licenses
40.44	Amendment of licenses
40.45	Commission action to renew or amend
40.46	Inalienability
40.61	Records
40.62	Inspections
40.63	Tests
40.64	Reports
40.71	Modification, etc.
40.81	Violations
61.1	Purpose and scope
61.4	Communications
61.5	Interpretations
61.6	Exemptions
61.7	Concepts
61.9	Employee protection
61.20	Filing application
61.21	Repetition
61.22	Updating of application
61.25	Changes
61.26	Amendment of license
61.80	Maintenance of records
61.83	Violations
70.1	Purpose
70.2	Scope
70.3	License requirements
70.5	Communications
70.6	Interpretations
70.7	Employee protection
70.19	GL for plutonium reference source
70.20	GL to own SNM
70.21	Filing Applications
70.22	(a),(b),(c),(d),(e) Contents of applications

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70.31	Issuance of licenses
70.32	Conditions of licenses (Except statements strictly applicable to strategic quantities of SNM)
70.33	Renewal of licenses
70.34	Amendment of licenses
70.35	Commission Action to renew or amend
70.36	Inalienability
70.37	Disclaimer of warranties
70.41	Authorized use of SNM
70.55	Inspections
70.56	Tests
70.61	Modification and revocation
70.71	Violations
71.0	Purpose and scope
71.1	Communications
71.2	Interpretations
71.3	Requirement for license
71.7	Specific exemptions
71.9	Exemption of physicians
71.91	Records
71.93	Inspection and tests
71.95	Reports
71.99	Violations
71.101-71.137	QA
150.1	Purpose
150.2	Scope
150.4	Communications
150.5	Interpretations
150.30	Violations

Division 4 Rules

32.14	Manufacture of exempt items
32.15	QA - exempt items
32.16	Transfer reports - exempt items
32.17	Manufacture of Sc-46 resins
32.18	Manufacture of exempt quantities
32.19	Conditions of licenses - exempt quantities
32.20	Transfer reports - exempt quantities
32.22	Manufacture of self-luminous products
32.23	Safety criteria - self-luminous products
32.24	Table of organ doses - self-luminous products
32.25	Transfer reports - self-luminous products
32.26	Manufacture of gas and aerosol detectors
32.27	Safety criteria - gas and aerosol detectors
32.28	Table of organ doses - gas and aerosol detectors
32.29	Transfer reports - gas and aerosol detectors
32.40	Schedule A
61.8	Reporting: OMB approval
61.16	Other information
61.58	Alternative requirements
61.70	Scope
61.71	State and Tribal consultation
61.72	Filing of proposals

61.73	Commission approval
70.13	DOD
70.13a	Foreign aircraft
70.20a	Strategic quantities of SNM
70.20b	Carriers of SNM
70.22	(f),(g),(h),(i),(j),(k) and (l)
70.23(b)	Requirements for approval - Pu processing
70.24	Criticality
70.44	Creditor regulations
70.51	Material balance, etc.
70.52	Reports of criticality
70.53	Material status reports
70.54	Transfer reports
70.57	Measurement control program
70.58	Nuclear material controls
70.59	Effluent monitoring
70.62	Suspension and operation in war
71.18 - 71.24	Fissile material
71.31 - 71.77	NRC package approvals
71.83	Assumptions -unknown properties
150.7	Persons in offshore waters
150.10	Persons exempt
150.14	Physical Protection
150.15	Persons not exempt
150.15a	Continued Commission authority
150.16	Material transfer reports
150.17	Material transfer reports
150.17a	US/IAEA Safeguards requirements
150.19	Tritium reports
150.21	SNM by aircraft