



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

September 20, 2021

Mr. Mike Broderick, Manager
Oklahoma Department of
Environmental Quality
Radiation Management Section
P.O. Box 1677
Oklahoma City, OK 73101-1677

Dear Mr. Broderick:

We have reviewed the final revisions to the Oklahoma Department of Environmental Quality, Title 252, Oklahoma Administrative Code, Chapter 410 Radiation Management regulations, received by our office on August 3, 2021. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2015-1, 2015-2, 2015-3, 2015-4, 2015-5, 2018-1, 2018-2, and 2018-3 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on September 7, 2021.

As a result of our review, we have one comment that has been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comment 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 you revise your regulations to address our comment, 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 location of any changes made by Oklahoma, in response to our comments, and provide a copy to Division of Materials Safety, Security, State, and Tribal Programs, NMSS. The SRS Data Sheet summarizes our knowledge of the status of other Oklahoma 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 review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at (301) 415-0275 (Michelle.Beardsley@nrc.gov) or Joe O'Hara at (301) 415-6854 (Joe.OHara@nrc.gov).

Sincerely,



Signed by Anderson, Brian
on 09/20/21

Brian C. Anderson, Chief
State Agreement and Liaison Programs Branch
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comment
2. Oklahoma SRS Data Sheet

SUBJECT: LETTER TO M. BRODERICK RE: OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY FINAL REGULATIONS TO RATS 2015-1, 2015-2, 2015-3, 2015-4, 2015-5, 2018-1, 2018-2, AND 2018-3. DATE September 20, 2021

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|--------|--------|------------|-----|-----------|
| OFFICE | SLPB | SRRC | OGC | SLPB:BC |
| NAME | JOHara | MBeardsley | N/A | BAnderson |
| DATE | 9/7/21 | 9/7/21 | N/A | 09/20/21 |

OFFICIAL RECORD COPY

COMPATIBILITY COMMENT ON OKLAHOMA FINAL REGULATIONS

| STATE SECTION | NRC SECTION | RATS ID | CATEGORY | SUBJECT and COMMENTS | |
|---------------|-------------------|--|----------|----------------------|--|
| 1 | 252:410-10-1b(10) | § 71.91(c) and (d) § 71.101(a) § 71.101(b) and (c)(1) § 71.103(a) § 71.106 § 71.135 | 2015-3 | C | <p>Records</p> <p>Quality assurance requirements</p> <p>Quality assurance organization</p> <p>Quality assurance program</p> <p>Quality assurance records</p> <p>OK needs to exclude the phrase “certificate holder, and applicant for a COC” from 252:410-10-1b(10) as the NRC has sole authority for issuing a Certificate of Compliance, OR clearly indicate that these terms apply to the NRC as the NRC has sole authority for issuing a Certificate of Compliance.</p> <p>OK needs to make the change as stated above in order to meet the Compatibility Category C designation assigned to 10 CFR 71.91(c) and (d), 71.101(a), 71.101(b) and (c)(1), 71.103(a), 71.106, and 71.135.</p> |

STATE REGULATION STATUS

State: Oklahoma

Tracking Ticket Number: 21-44

Date: September 20, 2021

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

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|-----------------|---------------------------|--|
| 1991-1 | Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5) | 01/10/1994 | Not Required | Not Required | Oklahoma has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-2 | ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5) | none | Not Required | Not Required | Oklahoma has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-3 | Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183 | 01/01/1994 | Final | No Comments 05/20/1997 | |
| 1991-4 | Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980 | 10/15/1994 | Final | No Comments 09/16/1999 | |
| 1992-1 | Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2) | 01/27/1995 | Not Required | Not Required | Oklahoma has adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566 | none | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|-----------------------------|---------------------------|--|
| 1993-1 | Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628 | 10/25/1996 | Final | No Comments 09/16/1999 | |
| 1993-2 | Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715 | 07/01/1996 | Not Applicable ⁱ | Not Applicable | Oklahoma does not have any licensees subject to these regulations. (See SECY-95-112) |
| 1993-3 | Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886 | 07/22/1996 | Not Applicable ¹ | Not Applicable | Oklahoma does not have any licensees subject to these regulations. (See SECY-95-112) |
| 1994-1 | Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618 | none | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1994-2 | Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220 | 07/01/1997 | Not Applicable | Not Applicable | Oklahoma does not have the authority to regulate this material under its Agreement. |
| 1994-3 | Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026 | 08/15/1997 | Final | No Comments 09/16/1999 | |
| 1995-1 | Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322 | 01/01/1998 | Final | No Comments 09/16/1999 | |

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|---------|--|-----------------------------|-----------------|---------------------------|---|
| 1995-2 | Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900 | 03/13/1998 | Final | No Comments 05/20/1997 | |
| 1995-3 | Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983 | 03/01/1998 | Final | No Comments 09/16/1999 | |
| 1995-4 | Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5) | 06/30/1998 | Final | No Comments 09/16/1999 | Oklahoma has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1995-5 | Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038 | 08/14/1998 | Final | No Comments 09/16/1999 | |
| 1995-6 | Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235 | 11/24/1998 | Final | No Comments 09/16/1999 | |
| 1995-7 | Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2) | 10/20/1998 | Final | No Comments 09/16/1999 | |

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|---------|---|-----------------------------|-----------------|---------------------------|--|
| 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 09/16/1999 | |
| 1996-2 | One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109 | 02/15/1999 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1996-3 | Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669 | 06/17/1999 | Final | No Comments 09/16/1999 | |
| 1997-1 | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120 | 01/9/2000 | Final | No Comments 05/20/1997 | |
| 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 | No Comments 09/16/1999 | |
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120 | 05/29/2000 | Final | No Comments 09/16/1999 | |

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|---------|---|-----------------------------|----------------------|--|---|
| 1997-4 | Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1) | 02/10/2000 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078) |
| 1997-5 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947 | 06/27/2000 | Final | No Comments 09/16/1999 | |
| 1997-6 | Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057 | 08/20/2000 | Final | No Comments 09/16/1999 | |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634 | 01/02/2001 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 1998-1 | Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773 | 02/12/2001 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 1998-2 | Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535 | 07/01/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|----------------------|--|---|
| 1998-3 | License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2) | 07/10/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Oklahoma has adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1998-4 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059 | 07/09/2001 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 1998-5 | Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 39 63 FR 39477; 63 FR 45393 | 10/26/2001 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 1998-6 | Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127 | 11/20/2001 | Final ML052640398 | Comments 10/31/2005 ML053050275 | |
| 1999-1 | Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506 | 06/11/2002 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 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. |

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|----------------|---|------------------------------------|------------------------|--|--------------|
| 1999-3 | Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524 | 02/02/2003 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 2000-1 | Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337 | 05/17/2003 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 2000-2 | New Dosimetry Technology Parts 34, 36, 39 65 FR 63750 | 01/08/2004 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 2001-1 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162 | 02/16/2004 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 2002-1 | Revision of the Skin Dose Limit Part 20 67 FR 16298 | 04/05/2005 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 2002-2 | Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249 | 10/24/2005 | Final ML052640398 | No Comments 10/31/2005 ML053050275 | |
| 2003-1 | Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327 | 12/03/2006 | Final ML12338A011 | No Comments 01/09/2013 ML12361A196 | |

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|---------|---|-----------------------------|----------------------------------|--|-------|
| 2004-1 | Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697 | 10/01/2007 | Final ML12338A011 | No Comments 01/09/2013 ML12361A196 | |
| 2005-1 | Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001 | 07/11/2008 | Final ML102590266 | No Comments 10/29/2010 ML102810155 | |
| 2005-2 | Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926 | 04/29/2008 | Final ML102590266 | No Comments 10/29/2010 ML102810155 | |
| 2005-3 | Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128 | 12/01/2005 | License Condition ML053110225 | No Comments 11/07/2005 ML053120007 | |
| 2006-1 | Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005 | 03/27/2009 | Final ML12338A011 | No Comments 01/09/2013 ML12361A196 | |
| 2006-2 | National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685 | 02/06/2007 | Final ML102590266 | No Comments 10/29/2010 ML102810155 | |

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|---------|--|-----------------------------|--|--|-------|
| 2006-3 | National Source Tracking System Part 20 71 FR 658685, 72 FR 59162 | 01/31/2009 | License Condition ML083230013 License Condition ML091110146 | No Comments 12/05/2008 ML083290052 No Comments 04/28/2009 ML091120131 | |
| 2007-1 | Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207 | 10/29/2010 | Final ML102590266 | No Comments 10/29/2010 ML102810155 | |
| 2007-2 | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473 | 12/17/2010 | Final ML12338A011 | No Comments 01/09/2013 ML12361A196 | |
| 2007-3 | Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864 | 11/30/2010 | Final ML12338A011 | No Comments 01/09/2013 ML12361A196 | |
| 2007-4 | Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901 | 06/05/2008 | License Condition ML080940298 | No Comments 04/22/2008 ML081130062 | |
| 2008-1 | Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043 | 02/15/2011 | Final ML12338A011 | No Comments 01/09/2013 ML12361A196 | |

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|---------|--|-----------------------------|--|---|-------|
| 2009-1 | Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901 | 09/28/2012 | Final ML12338A011 | No Comments 01/09/2013 ML12361A196 | |
| 2011-1 | Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512 | 12/17/2015 | Final ML14203A296 | No Comments 08/13/2014 ML14202A524 | |
| 2011-2 | Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951 | 11/14/2014 | Final ML14203A296 Revised Final ML15033A177 | Comments 08/13/2014 ML14202A524 No Comments 03/25/2015 ML15033A166 | |
| 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 | Final ML12338A011 | No Comments 01/09/2013 ML12361A196 | |
| 2012-2 | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194 | 08/10/2015 | Final ML14203A296 | No Comments 08/13/2014 ML14202A524 | |
| 2012-3 | Technical Corrections Part 30, 34, 40 and 71 77 FR 39899 | 08/06/2015 | Final ML14203A296 | No Comments 08/13/2014 ML14202A524 | |
| 2012-4 | Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666 | 10/23/2015 | Final ML14203A296 | No Comments 08/13/2014 ML14202A524 | |

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|---------|---|--|--|---|--------------|
| 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 ML15033A177 License Condition ML15301A143 | Comment 03/25/2015 ML15033A166 No Comments 11/18/2015 ML15301A139 | Part 37 only |
| 2013-2 | Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, 10 CFR Parts 30, 40, and 70 78 FR 32310 | 08/27/2016 | Proposed ML15033A177 | Comments 03/25/2015 ML15033A166 | |
| *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 ML16224A956 Final ML21222A036 | Comments 09/10/2016 ML16224A910 No Comments 09/20/2021 ML21221A230 | |
| *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 ML16224A956 Final ML21222A036 | Comments 09/10/2016 ML16224A910 No Comments 09/20/2021 ML21221A230 | |
| *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 ML16224A956 Final ML21222A036 | Comments 09/10/2016 ML16224A910 Comment 09/20/2021 ML21221A230 | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|---|--|-------|
| *2015-4 | Miscellaneous Corrections, Parts 37 and 40 80 FR 45841 | 09/02/2018 | Proposed ML16224A956 Final ML21222A036 | Comments 09/10/2016 ML16224A910 No Comments 09/20/2021 ML21221A230 | |
| *2015-5 | Miscellaneous Corrections, 10 CFR Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150 80 FR 74974 | 12/31/2018 | Proposed ML16224A956 Final ML21222A036 | Comments 09/10/2016 ML16224A910 No Comments 09/20/2021 ML21221A230 | |
| *2018-1 | Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments, 10 CFR Parts 30, 32 and 35 | 01/14/2022 | Proposed ML19171A320 Final ML21222A036 | No Comments 08/01/2019 ML19171A308 No Comments 09/20/2021 ML21221A230 | |
| *2018-2 | Miscellaneous Corrections - Organizational Changes 10 CFR Parts 37, 40, 70 and 71 | 12/21/2021 | Proposed ML19171A320 Final ML21222A036 | No Comments 08/01/2019 ML19171A308 No Comments 09/20/2021 ML21221A230 | |
| *2018-3 | Miscellaneous Corrections – Organizational Changes Parts 1, 2,34, 37, 50, 71, 73, and 140 | 07/30/2022 | Final ML21222A036 | No Comments 09/20/2021 ML21221A230 | |
| 2020-1 | Individual Monitoring Devices 10 CFR Parts 34, 36, and 39 | 06/16/2023 | | | |

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|---------|--|-----------------------------|-------------------------|--------------------------------------|-------|
| 2020-2 | Social Security Number Fraud Prevention 10 CFR Parts 9 and 35 | 08/17/2023 | | | |
| 2020-3 | Miscellaneous Corrections 10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140 | 11/16/2023 | | | |
| 2021-1 | Miscellaneous Corrections 10 CFR Parts 2, 11, 20, 25, 32, 35, 37, 50, 52,55, 70, 72, 73, 95, and 110 | 09/08/2024 | | | |
| *NA | 10 CFR Part 32 equivalent | NA | Proposed ML19171A320 | Comment 08/01/2019 ML19171A308 | |

ⁱ IMPEP Team: verify that Oklahoma does not have any licensees subject to these regulations during each review.