



## **STP Procedure Approval**

### ***Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements - SA-200***

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<p><b>Procedure Title:</b>  <b><i>Compatibility Categories  Safety Identification  Regulations and Other</i></b>  <b>Procedure Number: SA-200</b></p>	<p><b>Page: 1 of 7</b></p> <p><b>Issue Date:</b>  02/06/2001</p>
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***and Health and  
for NRC  
Program Elements***

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***NOTE***

***The STP Director's Secretary is responsible for the maintenance of this master copy document as part of the STP Procedure Manual. Any changes to the procedure will be the responsibility of the STP Procedure Contact. Copies of STP procedures will be distributed for information.***

**I. INTRODUCTION**

This procedure establishes the compatibility and health and safety components assigned to the Nuclear Regulatory Commission (NRC) regulations and program elements as determined in accordance with Management Directive (MD) 5.9, *Adequacy and Compatibility of Agreement State Programs*.

**II. OBJECTIVE**

To provide guidance to the NRC staff, Agreement States, and States seeking an Agreement on the compatibility and health and safety components assigned to NRC regulations and program elements.

**III. BACKGROUND**

<p><b>Procedure Title:</b>  <b><i>Compatibility Categories  Safety Identification  Regulations and Other</i></b>  <b>Procedure Number: SA-200</b></p>	<p><b>Page: 1 of 7</b></p> <p><b>Issue Date:</b>  <b>02/06/2001</b></p>
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- A. The Policy Statement on Adequacy and Compatibility of Agreement State Programs sets forth the approach that the Commission will use when determining which of its regulations and program elements should be adopted by an Agreement State to maintain a compatible program. The policy statement also specifies that an Agreement State should have legally binding requirements to maintain adequate protection of public health and safety.
- B. MD 5.9, *Adequacy and Compatibility of Agreement State Programs*, describes the criteria and process NRC staff should follow to determine which NRC regulations and program elements should be adopted by an Agreement State for purposes of compatibility as well as purposes of health and safety. In accordance with MD 5.9, each regulation and program element is analyzed and classified in a specific compatibility or health and safety component.
- C. Office of State and Tribal Programs (STP) Procedure SA-200 supersedes OSP Procedure SA-200 and Internal Procedure B.7 (Revision 1), which was developed and maintained by the former Office of State Programs (OSP) to document, for use by NRC and State staff, the assigned compatibility or health and safety component for each rule and program element, as determined in accordance with MD 5.9. The component classifications are set out in individual tables as described further below.

#### **IV. ROLES AND RESPONSIBILITIES**

- A. The Director, STP, is responsible for carrying out the responsibilities outlined in MD 5.9, Section 5.9-032.
- B. The Deputy Director, STP, is responsible for assigning a staff member to serve as lead project manager for adequacy and compatibility determinations, assisting in procedure updates, and assisting in determination of rule and program element designations in accordance with MD 5.9.
- C. The lead project manager for adequacy and compatibility is responsible for the review, evaluation and resolution of adequacy and compatibility concerns in collaboration and coordination with NRC staff members and Agreement State personnel. The lead project manager also is responsible for updating this procedure at a frequency established by STP management.

#### **V. GUIDANCE**

NRC staff should follow the guidance presented in MD Handbook 5.9, *Adequacy and Compatibility of Agreement State Programs*, which describes the criteria and the process that will be used to determine the compatibility and health and safety components of NRC regulations and program elements that an Agreement State should adopt for an adequate and compatible program. In addition, the NRC staff should follow the guidance that a State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. In such cases, however, the State would need to commit to adopting the regulation, or to impose the regulation through license conditions or other legally binding means, if an application were to be received by the State.

When using dual citation of the English System of Units and the Internationale System of Units (SI), States have the flexibility to determine which unit is cited first and which unit follows in brackets or parentheses in their regulations. The order in which these units appear in Agreement State regulations is not a matter of compatibility and does not have an effect on public health and safety. This flexibility accommodates various State editing styles when citing these units.

A. 10 CFR Regulations Addressing Agreement Materials

The tables in Appendix A below, contain a section-by-section analysis of regulations in Title 10 of the Code of Federal Regulations (10 CFR) and program elements that are applicable to the regulation of agreement materials. The analysis is based on the categorization criteria and process set out in MD 5.9, *Adequacy and Compatibility of Agreement State Programs*.

The Parts of 10 CFR for which tables are provided all have been analyzed section-by-section; those Parts that do not have a corresponding table have been determined to address areas in which Agreement States either do not have regulatory authority or that are applicable specifically to NRC's regulatory program and need not be addressed by an Agreement State. For the purpose of completeness, those Parts that totally address areas of exclusive NRC authority are listed in Table 1. Those Parts that generally are applicable specifically to NRC's regulatory program, but are not areas of exclusive NRC authority, are listed in Table 2. Any future changes to these determinations will be reflected in revisions to Tables 1 and 2 and to the individual section-by-section analysis tables in Appendix A or Appendix B, as appropriate.

**Table 1**

Specific Parts of Title 10 of the Code of Federal Regulations That Address Areas of Exclusive NRC Authority
Parts 10, 11, 25, 26, 50, 51, 52, 53, 54, 55, 60, 62, 72, 73 <sup>1</sup> , 74, 75 <sup>2</sup> , 76, 81, 95, 100, 110, 140, and 160.

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<sup>1</sup> Section 73.67 (Physical Protection of Special Nuclear Material of Moderate and Low Strategic Significance) of 10 CFR Part 73 is applicable to certain Agreement State licensees pursuant to 10 CFR 150.14. Agreement States, therefore, may wish to inform their licensees of

Table 2

Specific Parts of Title 10 of the Code of Federal Regulations That Address Areas That Generally Are Applicable Only to NRC's Regulatory Program
Parts 0, 1, 2, 4, 7, 8, 9, 12, 13, 14, 15, 16, 21, <sup>3</sup> 170, and 171.

B. Regulation and Other Program Element Tables

1. The Regulation table is divided into four columns. These columns are: Regulation Section; Section Title; Compatibility Category; and Comments.
  - a. The Regulation Section column contains the numbering of the regulation section as it appears in the 10 CFR.
  - b. The Section Title column contains the section title as it appears in 10 CFR.

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the provisions of this part through a mechanism that is appropriate under the State's administrative procedure laws, but does not confer regulatory authority on the State in this area of exclusive NRC jurisdiction.

<sup>2</sup> Part 75 (Safeguards on Nuclear Material - Implementation of US/IAEA Agreement) may be applicable to certain Agreement State licensees as delineated in Section 75.2 - Scope. Agreement States, therefore, may wish to inform their licensees of the provisions of this part through a mechanism that is appropriate under the State's administrative procedure laws, but does not confer regulatory authority on the State in this area of exclusive NRC jurisdiction.

<sup>3</sup> The provisions in Part 21 derive from statutory authority in the Energy Reorganization Act, not the AEA, that does not apply to Agreement States. Therefore, this Part cannot be addressed under either compatibility or adequacy. While it may be argued that there are health and safety reasons to require States to adopt the provisions of Part 21, States may not have the statutory authority to do so.

- c. The Compatibility Category column contains compatibility or health and safety category for the regulation section that has been determined in accordance with the categorization criteria in MD 5.9.
- d. Compatibility Categories & Health and Safety Identification

The key to the categories represented by either the symbols “A,” “B,” “C,” “D,” “NRC” or “D/H&S” are as follows:

- A = Basic radiation protection standard or related definitions, signs, labels or terms necessary for a common understanding of radiation protection principles. The State program element should be essentially identical to that of NRC;
- B = Program element with significant direct transboundary implications. The State program element should be essentially identical to that of NRC;
- C = Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed need not be the same as NRC, provided the essential objectives are met;
- D = Not required for purposes of compatibility;
- NRC = Not required for purposes of compatibility. These are NRC program elements that address areas of regulation that cannot be relinquished to Agreement States pursuant to the Atomic Energy Act or provisions of 10 CFR regulations. The State should not adopt these program elements;
- D/H&S = Program elements identified by H&S in the Comment column are not required for purposes of compatibility; however, they do have particular health and safety significance. The State should

adopt the essential objectives of such program elements in order to maintain an adequate program.

A bracket around a category means that the section may have been adopted elsewhere and it is not necessary to adopt it again.

- e. The Comment column contains the rationale and supporting information for which a compatibility category or identification of health and safety significance was made. In all cases in which a regulation section is designated as Category C or H&S, the comment section should clearly provide supporting rationale for the determination and clearly define the essential objective(s) of the rule.
- f. In using the regulation tables, staff should be aware of the following points:
  - i. The following sections are found in multiple Parts of 10 CFR: *Purpose, Scope, Interpretations, Communications, OMB Approval, Violations, Criminal Penalties* and *Inspections*. They are all essentially identical from Part to Part. These requirements are not required for either compatibility or health and safety reasons. The State may elect to adopt similar sections based on its requirements;
  - ii. A number of terms and requirements are defined in more than one Part in 10 CFR. For purposes of consistency, the tables show the compatibility category for the definition or requirements in the most appropriate Part and refer to that Part at all other occurrences of the term or requirements with the compatibility category shown in brackets. See, for example, the definition of "restricted area" in the table for Part 19, Section 19.3;
  - iii. Unless otherwise indicated in the tables, the compatibility category or identification of health and safety significance applies to the entire section of the Part. See, for example, the table for Part 20, Section 20.2003, where individual paragraphs are assigned different components.



2. The Program Element Table is divided into three columns. These columns are: Program Element; Required For; and Comments.
  - a. The Program Element column describes the program element.
  - b. The Required For column provides whether the program element is required for purposes of adequacy or compatibility.
  - c. The Comment column contains the rationale and supporting information as to why a program element was designated as being required for either compatibility or adequacy.

C. Reviews

1. The lead project manager for adequacy and compatibility will review and revise these procedures, as needed, in accordance with MD 5.9.
2. The lead project manager will recommend to the Director of STP the cycle for review and update of this procedure taking into consideration periodic updates to incorporate new final rules or program elements adopted by the Commission. The revision of this procedure will also take into consideration any changes of designation of current NRC regulations and program elements.
3. Significant revisions to this procedure will be distributed for review and comment to STP staff, NMSS, OGC, the Agreement States, and States pursuing Agreement State status. A review and comment period of at least 30 days will be provided.
4. The lead project manager will review and address any comments provided on the revisions. Any significant comments will be coordinated with management and staff as appropriate.

D. Approvals

1. Approvals of designations of new final regulations will be done in accordance with MD 5.9 and 6.3, *The Rulemaking Process*.
2. Approvals of revisions to current designations of rules will be made by STP management. As needed, staff will seek input from NMSS, OGC, and Agreement States, and will submit significant proposed changes to the Commission for approval.

**VI. APPENDICES**

Appendix A - 10 CFR PARTS 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 61, 70, 71, and 150.  
Appendix B - Program elements.

**VII. REFERENCES**

1. STP Procedure SA-200 supersedes Pre-and Post-Agreement Activities B.7 (Revision 1): *Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements* - OSP Internal Procedure B.7, dated September 3, 1997.
2. Title 10 of the Code of Federal Regulations.
3. Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs*.
4. *Final Policy Statement on Adequacy and Compatibility of Agreement State Programs*, dated September 3, 1997.

5. Management Directive 6.3, *Rulemaking Process*.

**Part 19 - NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS**

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§19.1	Purpose	D	
§19.2	Scope	D	
§19.3	Definitions		
	Act	D	
	Commission	D	
	Exclusion	D	
	License	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Licensee	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category D.
	Restricted area	[A]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category A.
	Sequestration	D	
	Worker	C	This definition is needed for a common understanding of the term "worker" as used in the regulation of agreement material. The same definition should apply to persons working in more than one jurisdiction.
§19.4	Interpretations	D	
§19.5	Communications	D	
§19.8	Information collection requirement: OMB approval	D	
§19.11	Posting of notices to workers	C	These requirements are needed to provide a minimum level of information to workers and to assure that this information is consistent from one jurisdiction to another since workers may work in multiple jurisdictions.
§19.12	Instructions to workers	C	This provision should be adopted by States to assure a minimum level of required worker training since workers may work in multiple jurisdictions.
§19.13	Notification and reports to individuals	C	These requirements are needed to provide a minimum level of information to workers and to assure that this information is consistent from one jurisdiction to another since workers may work in multiple jurisdictions.
§19.14	Presence of representatives of licensees and workers during inspections	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§19.15	Consultation with workers during inspections	C	
§19.16	Requests by workers for inspections	C	
§19.17	Inspection not warranted; informal review	C	
§19.18	Sequestration of witnesses and exclusion of counsel in interviews conducted under subpoena	D	This section addresses an administrative matter between the NRC and it's licensees, the absence of which from Agreement State programs does not create a conflict or gap.
§19.20	Employee protection	D	
§19.30	Violations	D	
§19.31	Application for exemptions	D	
§19.32	Discrimination prohibited	D	
§19.40	Criminal penalties	D	

**Part 20 - STANDARDS FOR PROTECTION AGAINST RADIATION**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.1001	Purpose	D	
§20.1002	Scope	D	
§20.1003	Definitions		
	Absorbed Dose	A	
	Act	D	
	Activity	A	
	Adult	A	
	Airborne radioactive material	A	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Airborne Radioactivity area	A	
	Air-purifying respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	ALARA	A	
	Annual limit on intake (ALI)	A	
	Assigned protection factor (APF)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Atmosphere-supplying respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Background Radiation	A	
	Bioassay (radio bioassay)	A	
	Byproduct material	[A]	This definition also appears in 10 CFR §150.3(c). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Class	A	Also referred to as "Lung Class or Inhalation Class"
	Collective Dose	A	
	Commission	D	
	Committed dose equivalent	A	
	Committed effective dose equivalent	A	
	Constraint	C	
	Controlled Area	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Critical group	B	
	Declared Pregnant Woman	A	The term “declared pregnant woman was changed to a Compatibility Category A in the amendments, “Minor Corrections, Clarifying Changes, and a Minor Policy Change,” 63 FR 393477, July 23, 1998 and 63 FR 45393, August 26, 1998.
	Decommission	[C]	This definition also appears in 10 CFR 30.4. For purposes of compatibility, the language of the Part 30 definition should be used where it is assigned to Compatibility Category C.
	Deep-dose equivalent	A	
	Demand respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Department	D	
	Derived air concentration (DAC)	A	
	Derived air concentration-hour (DAC-hour)	A	
	Disposable respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Distinguishable from background	B	
	Dose or radiation dose	D	This definition is not required for compatibility. No definition is presented. Rather, several terms are referenced, which are later defined.
	Dose equivalent	A	
	Dosimetry processor	D	
	Effective dose equivalent	A	
	Embryo/fetus	A	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Entrance or access point	C	This definition provides the minimum information needed for a common understanding and because differing definitions may jeopardize an orderly regulatory pattern in the regulation of agreement material.
	Exposure	D	This definition does not provide any information that is essential to understanding basic radiation protection principles beyond the plain dictionary meaning.
	External dose	D	This definition does not provide any information that is essential to understanding basic radiation protection principles beyond the plain dictionary meaning
	Extremity	A	
	Fit factor	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Fit test	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Filtering facepiece (dusk mask)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Generally applicable environmental radiation standards	A- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority	This term is needed for common understanding in applying the dose limit requirements in 10 CFR 20.1301 and the reporting requirements in 10 CFR 20.2203. These sections reference requirements that are applicable to the uranium fuel cycle.
	Government agency	D	
	Gray	See 10 CFR §20.1004	This term is not defined in this section. Refer to the referenced section for the definition where it is assigned Compatibility Category A.



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Helmet	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Hood	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	High radiation area	A	
	Individual	A	
	Individual monitoring	A	
	Individual monitoring devices	C	This definition provides the minimum information needed for a common understanding of the term and because inconsistent definitions may jeopardize an orderly regulatory pattern for the regulation of agreement material.
	Internal dose	A	
	Lens dose equivalent	A	This term replaces “Eye dose equivalent” to avoid confusion.
	License	D	
	Licensed material	D	
	Licensee	D	
	Limits	A	
	Loose-fitting facepiece	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Lost or missing licensed material	B	This term and definition are needed for a common understanding in collecting and reporting information on regulation of agreement material on a nationwide basis.
	Member of the public	A	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Minor	A	
	Monitoring	A	
	Negative pressure respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Nonstochastic effect	A	The term, "deterministic," if defined essentially identically to "nonstochastic" is an acceptable substitute.
	NRC	D	
	Occupational Dose	A	
	Person	[C]	This definition also appears in 10 CFR §150.3(g). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category C.
	Planned special exposure	D	
	Positive pressure respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Powered air-purifying respirator (PAPR)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Pressure demand respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Public dose	A	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Qualitative fit test (QLFT)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Quantitative fit test (QNFT)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Quality Factor	A	
	Quarter	D	
	Rad	See 10 CFR §20.1004	This term is not defined in this section. Refer to the referenced section for the definition where it is assigned to Compatibility Category A.
	Radiation	A	
	Radiation area	A	
	Reference man	A	
	Rem	See 10 CFR §20.1004	This term is not defined in this section. Refer to the referenced section for the definition where it is assigned to Compatibility Category A.
	Residual radioactivity	B	
	Respiratory protective device	C	
	Restricted area	A	
	Sanitary sewerage	A	
	Self-contained breathing apparatus (SCBA)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Shallow-dose equivalent	A	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Sievert	See 10 CFR §20.1004	This term is not defined in this section. Refer to the referenced section for the definition where it is assigned to Compatibility Category A.
	Site boundary	D	
	Source Material	[A]	This definition also appears in 10 CFR §40.4. For purposes of compatibility, the language of the Part 40 definition should be used and it is assigned to Compatibility Category A. The Part 40 definition is used in the SSR's, as previously approved by NRC. The Part 150 definition contains an ambiguity that many States would be unable to adopt.
	Special Nuclear Material	[A]	This definition also appears in 10 CFR §70.4. For purposes of compatibility, the language of the Part 70 definition should be used and it is assigned to Compatibility Category A. The Part 70 definition is used in the SSR's, as previously approved by NRC.
	Stochastic effects	A	The term “probabilistic,” if defined essentially identically to “stochastic” is an acceptable substitute.
	Supplied-air respirator (SAR) or airline respirator	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Survey	A	
	Tight-fitting facepiece	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Total Effective Dose Equivalent (TEDE)	A	
	Unrestricted Area	A	
	Uranium Fuel Cycle	D	If a state chooses to adopt a definition of uranium fuel cycle, it must be essentially identical.
	User seal check (fit check)	B	This definition is added to clarify the new regulations at §§20.1701 through 20.1705 as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000. Because of its precise operational meanings, it is adopted essentially identical to help insure effective communication and to promote a common understanding for licensees who operate in multiple jurisdictions.
	Very High Radiation Area	A	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Week	D	
	Weighting factor	A	
	Whole body	A	
	Working level (WL)	A	
	Working level month (WLM)	A	
	Year	A	
§20.1004	Units of radiation dose	A	
§20.1005	Units of radioactivity	A	
§20.1006	Interpretations	D	
§20.1007	Communications	D	
§20.1008	Implementation	D	
§20.1009	Information collection requirements: OMB approval	D	
§20.1101	Radiation protection programs	D/H&S, except C- paragraph (d)	
§20.1201	Occupational dose limits for adults	A	
§20.1202	Compliance with requirements for summation of external and internal doses	A	
§20.1203	Determination of external dose from airborne radioactive material	A	
§20.1204	Determination of internal exposure	A	
§20.1205	Reserved		

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§20.1206	Planned special exposures	D	
§20.1207	Occupation dose limits for minors	A	
§20.1208	Dose to an Embryo/fetus	A	
§20.1301	Dose limits for individual members of the public	A- paragraphs (a)&(b) C- paragraph (c) D- paragraph (e) Paragraph (d) - A for States with authority to regulate u-mill activities and D for States without authority	Paragraph (c) does not impose a dose limit. The dose limits are established in paragraphs (a) and (b). Paragraph (c), the Statement of Consideration states that 0.5 rem per year limit was retained only to alleviate the immediate need to redesign or reshield facilities that were designed to meet the former 0.5 rem limit. For new facilities, the 0.1 rem should be used. Paragraph (e) does not impose a regulatory requirement. Paragraph (d) was changed to clarify that it applies to U-mill States.
§20.1302	Compliance with dose limits for individual members of the public	D/H&S - paragraphs (a)&(b) D- paragraph (c)	
§20.1401	General provisions and scope	C	
§20.1402	Radiological criteria for unrestricted use	C	
§20.1403	Criteria for license termination under restricted use	C	
§20.1404	Alternate criteria for license termination	C	
§20.1405	Public notification and public participation	C	
§20.1406	Minimization of contamination	C	
§20.1501	Surveys and Monitoring - General	D/H&S	

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§20.1502	Conditions requiring individual monitoring of external and internal occupational dose	D/H&S	
§20.1601	Control of access to high radiation areas	D/H&S	
§20.1602	Control of access to very high radiation areas	D/H&S	
§20.1701	Use of process or other engineering controls	D/H&S	
§20.1702	Use of other controls	D/H&S	
§20.1703	Use of individual respiratory protection equipment	D/H&S	
§20.1704	Further restrictions on the use of respiratory protection equipment	D	
§20.1705	Application for use of higher assigned protection factors	B	This section is added as a result of amendment, “Respirator Protection and Controls to Restrict Internal Exposures,” (64 FR 54543, October 7, 1999, and 64 FR 55524, October 13, 1999), effective February 2, 2000.
§20.1801	Security of stored material	D/H&S	
§20.1802	Control of material not in storage	D/H&S	
§20.1901	Caution signs	A	
§20.1902	Posting requirements	A	In adopting these provisions, States have the flexibility to omit the wording "grave danger.”
§20.1903	Exceptions to posting requirements	D	
§20.1904	Labeling containers	A	
§20.1905	Exceptions to labeling requirements	A	
§20.1906	Procedures for receiving and opening packages	D/H&S	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.2001	General requirements (Waste Disposal)	C	Agreement States should adopt the essential objectives of provision in order to eliminate confusion regarding the disposal of agreement material on a nationwide basis.
§20.2002	Method for obtaining approval of proposed disposal procedures	D	
§20.2003	Disposal by release into sanitary sewerage	A- paragraphs (a)(2) & (a)(3) C- paragraph (a)(4) D- paragraph (b) D/H&S- (a)(1)	
§20.2004	Treatment or disposal by incineration	D	
§20.2005	Disposal of specific wastes	D	
§20.2006	Transfer for disposal and manifests	B	
§20.2007	Compliance with environmental and health protection regulations	D	
§20.2101	General provisions	C	The use of SI units is the essential objective of this requirement.
§20.2102	Records of radiation protection programs	D	
§20.2103	Records of surveys	D	
§20.2104	Determination of prior occupational dose	D	If a State chooses to adopt “planned special exposure,” paragraph (b) should be adopted as a Category H&S.
§20.2105	Records of planned special exposures	D	
§20.2106	Records of individual monitoring results	C- paragraphs (a) & (e) D- paragraphs (b), (c), (d) & (f)	Agreement States should adopt paragraphs (a) and (e) to eliminate confusion in obtaining information in support of implementation of basic radiation protection standards since individuals may receive exposure in more than one licensee's facility or in more than one jurisdiction.



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§20.2107	Records of Dose to individual members of the Public	D	
§20.2108	Records of Waste Disposal	D	
§20.2110	Form of Records	D	
§20.2201	Reports of theft or loss of licensed material	C- paragraphs (a), (b), (d) & (e) D- paragraph (c)	These requirements are needed for a common understanding in collecting and reporting information on the regulation of agreement material on a nationwide basis.
§20.2202	Notification of Incidents	C- paragraphs (a), (b), (c) & (d)  D- paragraph (e)	All of this provision, except paragraph (e), is needed for a common understanding in collecting and reporting information on the regulation of agreement material on a nationwide basis.  Meeting the essential objective of this regulation for the purpose of compatibility means the State should adopt the numerical values noted in the regulation as the minimum level acceptable. If State adopts planned special exposure, then the state should adopt paragraph (e).
§20.2203	Reports of exposures, etc, exceeding the limits.	C- paragraphs (a), (b) D- paragraph (d) NRC- paragraph (c)	Paragraphs (a) and (b) provide requirements that are needed for a common understanding in collecting and reporting information on the regulation of agreement material on a nationwide basis.
§20.2204	Reports of Planned special exposures	D	If a State adopts planned special exposure, then the State should adopt this provision.
§20.2205	Reports to individuals of exceeding dose limits	C	
§20.2206	Reports of Individuals Monitoring	D-paragraphs (a)(2), (a)(6), (a)(7), (b) &(c) NRC- (a)(1), (a)(3), (a)(4), (a)(5)	
§20.2301	Applications for Exemptions	D	
§20.2302	Additional Requirements	D	
§20.2401	Violations	D	
§20.2402	Criminal Penalties	D	

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
Appendix A	Protection Factors for Respirators	B	Assigned protection factors provide acceptable levels of protection to be afforded by respirators. Consistency is required in protection factors that are established as acceptable in NRC and Agreement State regulations to reduce impacts on licensees who may operate in multiple jurisdictions
Appendix B (Tables 1,2, & 3)	Annual Limits on Intake (ALIs), Derived Air Concentrations (DACs), of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage	A	
Appendix C	Quantities of licensed materials requiring labeling	A	
Appendix D	United States Nuclear Regulatory Commission Offices	D	
Appendix E	Reserved		
Appendix F	Requirements for Low-level Waste Transfer for disposal at land disposal facilities and Manifest	B	The provisions are needed in order to provide consistency in regulating agreement material which cross multiple jurisdictions.
Appendix G	Requirements for Low-level radioactive waste intended for disposal at land disposal facilities and manifests	B, except definitions of forms 540, 540A, 541, 542, & 542A are D	These provisions are needed by Agreement States to provide consistency in regulating agreement material which cross multiple jurisdictions. However, Agreement States should not adopt the definition of NRC forms (540, 540A, etc.) as part of this section because they will establish their own forms consistent with their program. In addition, if the Agreement States have adopted the definitions of “package,” “source material” and “special nuclear material” in accordance with 10 CFR in other provisions of their regulations, it is not necessary to adopt these provisions in this section.

**Part 30 - RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§30.1	Scope	D	
§30.2	Resolution of Conflict	D	
§30.3	Activities requiring license	C	This requirement is needed for common understanding regarding activities requiring a license.
§30.4	Definitions		
	Act	D	
	Agreement State	[B]	This definition also appears in 10 CFR §150.3(b). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category B.
	Alert	A	
	Byproduct material	[A]	This definition also appears in 10 CFR §150.3(b). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Commencement of construction	D	
	Commission	D	
	Curie	[A]	This definition also appears in 10 CFR §20.1005(b). For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category A.
	Decommission	C	This definition is needed for effective communication regarding regulation of agreement material on a nationwide basis.
	Dentist	[D]	This definition also appears in 10CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category D.
	Department and Department of Energy	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Effective dose equivalent	[A]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category A.
	Government agency	D	
	License	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Medical use	[C]	This definition also appears in 10 CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category C.
	Microcurie	D	
	Millicurie	D	
	Person	[C]	This definition also appears in 10 CFR §150.3(g). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category C.
	Physician	[D]	This definition also appears in 10 CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category D.
	Podiatrist	[D]	This definition also appears in 10CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category D.
	Principal activities	D	
	Production facility	[D]	This definition also appears in 10 CFR §150.3(h). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category D. This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Research and development	D	
	Sealed source	B	This definition is needed for a common understanding because of transboundary effects.
	Site area emergency	A	
	Source material	[A]	This definition also appears in 10 CFR §150.3(i). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Special nuclear material	[A]	This definition also appears in 10 CFR §150.3(j). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	United States	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Utilization facility	[D]	This definition also appears in 10 CFR §150.3(l). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category D. This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
§30.5	Interpretations	D	
§30.6	Communications	D	
§30.7	Employee protection	D	
§30.8	Information collection requirements: OMB approval	D	
§30.9	Completeness and accuracy of information	D	
§30.10	Deliberate misconduct	C	The Commission determined in response to SECY-97-156 that Agreement States should adopt the essential objectives of this provision. If deliberate misconduct and wrongdoing issues involving Agreement State licensees were not pursued and closed by Agreement States, then a potential gap may be created between NRC and Agreement State programs.
§30.11	Specific exemptions	D	
§30.12	Persons using by-product material under certain Department of Energy (DOE) and Nuclear Regulatory Commission (NRC) contracts	B	This provision should be adopted by Agreement States in an essentially identical manner since it is required by Federal law.
§30.13	Carriers	B	
§30.14	Exempt concentrations	B	
§30.15	Certain items containing byproduct material	B	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§30.16	Resins containing scandium-46 and designed for sand-consolidation in oil wells	B	
§30.18	Exempt quantities	B	
§30.19	Self-luminous products containing tritium, krypton-85, or promethium-147	B	
§30.20	Gas and aerosol detectors containing byproduct material	B	
§30.21	Radioactive drug: Capsules containing carbon-14 urea for “in vivo” diagnostic use for humans	B, except paragraph (c) is NRC.	<p>This section was designated a Category B because of the need for nationwide consistency in the use of products which are widely distributed. The Agreement States will need to make appropriate provisions in their programs to allow any person to receive capsules containing one microcurie of carbon-14 urea for in vivo diagnostic use in humans without need for a license.</p> <p>Paragraph (c) was changed from Category B to NRC because it addresses and refers to an area that cannot be relinquished to Agreement States, which is requirements for an exempt distribution license.</p>
§30.31	Types of licenses	C	This provision is needed for effective communication regarding the different types of licenses.
§30.32	Application for specific licenses	C- paragraph (g) D- paragraphs (a), (b), (c), (d), (e), (f), & (h) and D/H&S- paragraph (i)	
§30.33	General requirements for issuance of specific licenses	D, except D/H&S - paragraphs (a)(2) & (a)(3)	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§30.34	Terms and conditions of licenses	C- paragraphs (a), (b), (c) D- paragraphs, (e)(2), (e)(4), (f), (g) NRC- paragraphs (d), (e)(1) & (e)(3) D/H&S- paragraph (h)	The essential objective(s) of paragraphs (a), (b), and (c) should be adopted by Agreement States because of the reciprocal recognition of licenses, transboundary effects in transferring material through multiple jurisdictions and to avoid conflicts and confusion in regulation of agreement material on a nationwide basis.  Paragraph (d) is NRC because these provisions address areas reserved to the Commission by the Atomic Energy Act.  Paragraph (h) is designated “H&S” because the notification of bankruptcy will alert agencies to the possibility of abandonment of licensed facilities at which there is potential for exposure in excess of Part 20 limits.
§30.35	Financial assurance and recordkeeping for decommissioning	D, except D/H&S - paragraphs (a), (b), (d) & (g)	States are given flexibility to allow different dollar amounts based upon jurisdiction and local conditions. The H&S designation for paragraph (g) is warranted because of the requirement for transfer of certain records (e.g. spills or spread of contamination) important for decommissioning to a subsequent licensee at the same facility.
§30.36	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas	D/H&S- paragraphs (c), (d), (e), (g), (h), (j) and (k) D- paragraphs (a), (b), (f) and (i)	
§30.37	Application for renewal of licenses	D	
§30.38	Application for amendment of licenses	D	
§30.39	Commission Action on applications to renew or amend	D	
§30.41	Transfer of byproduct material	C, except (a)(6) is NRC	This provision is needed for coherent regulation of agreement material on a nationwide basis. Paragraph (a)(6) authorizes transfer by export, a function reserved to NRC
§30.50	Reporting Requirements	C- paragraphs (a), (b), (c), except D- paragraph (c)(3)	States have the flexibility to require additional event reporting information. This information would depend on local conditions, laws, etc.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§30.51	Records	C- paragraphs (a) and (b) D- paragraph (c) D/H&S- paragraphs (d), (e) and (f)	The time required for record retention under paragraph (b) may vary in accordance with the type of activity being licensed. The H&S designation for paragraph (e) is warranted by the requirement for transfer of certain records (e.g. spills or spread of contamination) important for decommissioning to a subsequent licensee at the same facility and termination.
§30.52	Inspections	D	
§30.53	Tests	D	
§30.55	Tritium reports	[NRC]	The provision in this section also appears in 10 CFR 150.19 where it is applicable to licensees of Agreement States. It is assigned to Compatibility Category NRC since it requires reports to NRC.
§30.61	Modification and revocation of licenses	D	
§30.62	Right to cause the withholding or recall or byproduct material	D	
§30.63	Violations	D	
§30.64	Criminal penalties	D	
§30.70	Schedule A- exempt concentrations table	B	
§30.71	Schedule B - exempt quantity table	B	
§30.72	Schedule C- Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release	D/H&S	
Appendix A	Criteria Relating to Use of Financial tests and Parent Company Guarantees for Providing Reasonable Assurance of funds for Decommissioning	D	The amount of financial assurance required should reflect the current economic conditions at time of decommissioning.



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
Appendix B	Quantities of Licensed Material Requiring Labeling	B	
Appendix C	Criteria Relating to Financial Tests and Self Guarantees for Providing Reasonable Assurance of Funds for Decommissioning	D	
Appendix D	Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Commercial Companies that Have no Outstanding Rated Bonds	D	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees (63 FR 29535; June 1, 1998) Effective July 1, 1998.
Appendix E	Criteria Relating to Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Nonprofit Colleges, Universities, and Hospitals	D	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees (63 FR 29535; June 1, 1998) Effective July 1, 1998.

**Part 31 - GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§31.1	Purpose and Scope	D	
§31.2	Terms and Conditions	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§31.3	Certain devices and equipment	B	Agreement States should adopt this provision because it contains requirements for devices and equipment which are distributed nationwide.
§31.4	Information collection requirements: OMB approval	D	
§31.5	Certain measuring, gauging or controlling devices	D	Agreement States have the flexibility to authorize the use of these devices under a specific license rather than by general license.
§31.6	General license to install devices generally licensed in §31.5	C	Agreement States should adopt this provision because it recognizes the need for reciprocity of licenses from one jurisdiction to another for this activity. States may require notification as a part of these provisions.
§31.7	Luminous safety devices for use in aircraft	B	Agreement States should adopt this provision because it contains requirements for devices that are distributed nationwide and because of their nature they frequently cross multiple jurisdictions.
§31.8	Americium-241 in the form of calibration or reference sources	D	
§31.9	General license to own byproduct material	C	Changed to be consistent with 40.21 and 70.20.
§31.10	General license for strontium 90 in ice detection devices	B	Agreement States should adopt this provision because it contains requirements for devices that are distributed nationwide.
§31.11	General license for use of byproduct material for certain in vitro clinical or laboratory testing	D	Agreement States have the flexibility to authorize the use of these materials under a specific license.
§31.12	Maintenance of records	D	
§31.13	Violations	D	
§31.14	Criminal penalties	D	

**Part 32 - SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.1	Purpose and Scope	D	
§32.2	Definitions		
	Dose commitment	[A]	This term and definition are superseded by the new term and definition in 10 CFR Part 20, "committed dose equivalent," which is stated in more current radiation protection terminology and is assigned to compatibility Category A. The Part 20 term and definition should be used for purposes of compatibility and States should adopt this terminology consistently throughout their requirements.
	Lot Tolerance Percent Defective	B	
§32.3	Maintenance of records	D	
§32.8	Information collection requirements: OMB approval	D	
§32.11	Introduction of byproduct material in exempt concentrations into products or materials and transfer of ownership or possession: Requirements for license	C- paragraphs (a) & (b) B- paragraph (c)	
§32.12	Same: Records and material transfer reports	C	The time required for record retention may vary in accordance with the type of activity being licensed.
§32.13	Same: Prohibition of introduction	C	
§32.14	Certain items containing byproduct material; requirements for license to apply or initially transfer	NRC	The Statement of Consideration in 31 FR 5314, dated April 2, 1966-- The Commission determined that these items are intended for use by the general public. Accordingly, pursuant to Section 150.15(a)(6) of 10 CFR 150, Exemptions and Continued Regulatory Authority in Agreement States under Section 274, the transfer of their possession or control by the manufacturer, processor, or producer is subject to the Commission's licensing and regulatory requirements even if the product is manufactured pursuant to an Agreement State license. A manufacturer, processor or producer of such items when located in an Agreement State should file an application with the Commission for a specific license authorizing the transfer of such items.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.15	Same: Quality assurance, prohibition of transfer and labeling	NRC	
§32.16	Certain items containing byproduct material: Records and reports of transfer	NRC	
§32.17	Resins containing scandium-46 and designed for sand-consolidations in oil wells: Requirements for license to manufacture, or initially transfer for sale or distribution	B	This provision was previously designated as an area reserved to the NRC. A review of the Statements of Considerations for this rule (32 FR 4241, 3/18/67) indicates that this activity can be licensed by an Agreement State. The Commission considered that scandium-46 resins were not a product intended for use by the general public. Therefore, the transfer of such resins in an Agreement State by any manufacturer licensed by that Agreement State would not be licensed or regulated by the Commission.
§32.18	Manufacture, distribution and transfer of exempt quantities: Requirements for license	NRC	
§32.19	Same: Conditions of licenses	NRC	
§32.20	Same: Records and material transfer reports	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
32.21	Radioactive drug: Manufacture, preparation or transfer for commercial distribution of capsules containing carbon-14 urea each for “in vivo” diagnostic use for humans to persons exempt from licensing; requirements for a license	NRC	This section establishes the manufacturing and preparation requirements for approval of an exempt distribution license. Since an exempt distribution license can only be issued by the NRC, these requirements are under NRC’s regulatory jurisdiction.
§32.22	Self luminous products containing tritium, krypton-85 and promethium-147: Requirements for license to manufacture, process, produce, or initially transfer:	NRC	
§32.23	Same: Safety criteria	NRC	
§32.24	Same: Table of organ doses	B	See 10 CFR §32.51. Column IV of this table should be adopted in essentially identical language since §32.51 should be so adopted. The table may be incorporated with the Agreement State’s requirements which are equivalent to §32.51, as appropriate, rather than referenced separately.
§32.25	Conditions of licenses issued under §32.22: Quality Control, labeling and reports of transfer	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.26	Gas and aerosol detectors containing byproduct material: Requirements for license to manufacture, process, produce or initially transfer	NRC	
§32.27	Same: Safety criteria	NRC	
§32.28	Same: Table of organ doses	NRC	
§32.29	Conditions of licenses issued under §32.26: Quality control, labeling and reports of transfer	NRC	
§32.40	Schedule A: Prototype tests for automobile lock illuminators	NRC	
§32.51	Byproduct material contained in devices for use under §31.5: Requirements for license to manufacture or initially transfer	B	
§32.51a	Same: Conditions of licenses	B	
§32.52	Same: Material transfer reports and records	B	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.53	Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer	B	
§32.54	Same: Labeling of devices	B	
32.55	Same: Quality assurance; prohibition of transfer	B	
§32.56	Same: Material transfer reports	B	
§32.57	Calibration or reference sources Am-241: Requirements for license to manufacture or initially transfer	B	
§32.58	Same: Labeling of devices	B	
§32.59	Same: Leak testing of each source	B	
§32.60	[Reserved]		
§32.61	Ice detection devices containing strontium-90; Requirements for license to manufacture or initially transfer	B	
§32.62	Same: Quality Assurance; prohibition of transfer	B	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.71	Manufacture and distribution of byproduct material for certain in vitro clinical or laboratory testing under general license	B	
§32.72	Manufacture, preparation or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under Part 35	B	
§32.74	Manufacture and distribution of sources or devices containing byproduct material for medical use	B	
§32.101	Schedule B-prototype tests for luminous safety devices for use in aircraft	B	
§32.102	Schedule C-prototype tests for calibration or reference sources containing americium-241	B	
§32.103	Schedule D-prototype tests for ice detection devices containing strontium 90	B	
§32.110	Acceptance sampling procedures under specific licenses	B	



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§32.210	Registration of product information	B- for States that perform SS&D evaluations D- for States that do not perform SS&D evaluations	Changed to clarify that States that do not have an SS&D evaluation program do not need to adopt this section for purposes of compatibility.
§32.301	Violations	D	
§32.303	Criminal penalties	D	

**Part 33 - SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§33.1	Purpose and scope	D	
§33.8	Information collection requirements: OMB approval	D	
§33.11	Types of specific licences of broad scope	D	
§33.12	Applications for specific licenses of broad scope	D	
§33.13	Requirements for the issuance of a Type A specific license of broad scope	D	
§33.14	Requirements for the issuance of a Type B specific license of broad scope	D	
§33.15	Requirements for the issuance of a Type C specific license of broad scope	D	
§33.16	Application for other specific licenses	D	
§33.17	Conditions of specific licenses of broad scope	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§33.21	Violations	D	
§33.23	Criminal penalties	D	
§33.100	Schedule A	D	

**Part 34 - LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.1	Purpose and Scope	D	
§34.3	Definitions		
	ALARA	[A]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category A.
	Annual refresher safety training	C	
	Associated equipment	B	
	Becquerel	[A]	This definition also appears in 10 CFR 20.1005. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category A.
	Certifying entity	B	
	Collimator	B	
	Control (drive) cable	B	
	Control drive mechanism	B	
	Control tube	B	
	Exposure head	B	
	Field Station	C	The categorization of this section was changed to a Category C from Category D because this is a technical term used in the radiography industry and the essential objectives of this term should be adopted by the States.
	Gray	[A]	This definition also appears in 10 CFR 20.1004. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category A.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Guide tube (projection sheath)	B	
	Hands-on experience	C	
	Independent certifying organization	B	
	Industrial radiography (radiography)	B	
	Lay-barge radiography	B- for States that authorize licensees to perform lay-barge radiography D- for other States	
	Offshore platform radiography	B- for States that authorize platform radiography in inland waters or tidal waters subject to the States jurisdiction D- for other States	
	Permanent radiographic installation	C	The categorization of this section was changed to a Category C from Category D because this is a technical term used in the radiography industry and the essential objectives of this term should be adopted by the States.
	Practical examination	C	
	Radiation safety officer for industrial radiography	C	The categorization of this section was changed to a Category C from Category D because this is a technical term used in the radiography industry and the essential objectives of this term should be adopted by the States.
	Radiographer	C	
	Radiographer's assistant	B- for States that authorize the use of radiographer's assistants D- for other States	
	Radiographic exposure device	B	
	Radiographic operations	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Radiography	B	
	S-tube	B	
	Sealed source	[A]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category A.
	Shielded position	C	The categorization of this section was changed to a Category C from Category D because this is a technical term used in the radiography industry and the essential objectives of this term should be adopted by the States. .
	Sievert	[A]	This definition also appears in 10 CFR 20.1004. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category A.
	Source assembly	B	
	Source changer	B	
	Storage area	D	
	Storage container	B	
	Temporary jobsite	B	
	Underwater radiography	B- for States that authorize under-water radiography D- for other States	
§34.5	Interpretations	D	
§34.8	Information collection requirements: OMB approval	D	
§34.11	Application for a specific license	D	
§34.13	Specific license for industrial radiography	C	
§34.20	Performance requirements of industrial radiography equipment	B, except paragraph (a)(2) is D	Paragraph (a)(2) was changed to a Category D because it provides an alternative to meeting the requirements in paragraph (a)(1).

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.21	Limits on external radiation from storage containers and source changers	B	
§34.23	Locking of radiographic exposure devices, storage containers and source changers	B	
§34.25	Radiation survey instruments	C	
§34.27	Leak testing and replacement of sealed sources	C	
§34.29	Quarterly Inventory	C	
§34.31	Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers and survey instruments	C	
§34.33	Permanent Radiographic Installations	D/H&S	
§34.35	Labeling, storage, and transportation	B	
§34.41	Conducting industrial radiography operations	B, except paragraph (c) is B for States which authorize offshore platform or under-water radiography or D- for other States and paragraph (d) is D	<p>An Agreement State need not adopt paragraph (c) unless it authorizes these activities. If paragraph (c) is adopted, the requirements should be essentially identical to those of NRC.</p> <p>Paragraph (d) was added to specify the effective date of June 27, 1998 for having two qualified individuals present at locations other than a permanent radiographic installation.</p>
§34.42	Radiation safety officer for industrial radiography	D, except D/H&S for the first sentence only of this section and paragraph (a) is C.	Paragraph (a) is designated a compatibility Category C. The essential objective of this requirement is the minimum qualifications, training, and experience for RSOs for industrial radiography. The essential objectives of this provision should be adopted because the lack of it could potentially create an undue burden on interstate commerce since the practice of industrial radiography requires the crossing of multiple jurisdictions.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.43	Training	B, except Paragraph (a)(2) is D and paragraph (c) is B - for States that authorize the use of radiographer's assistants and D- for other States.	Because of certification requirements, there should be uniformity required by the transboundary implications of reciprocal recognition of certifications. If a State wishes to clearly specify the number of hours of formal classroom training as specified in the SSRs, this would be considered compatible.
§34.45	Operating and Emergency procedures	C, except for D- paragraphs (a)(9) & (b)	
§34.46	Supervision of radiographer's assistants	B- for States that authorize the use of radiographer's assistants  D- for other States	
§34.47	Personnel monitoring	C	
§34.49	Radiation surveys	C- paragraphs (a), (b), and (c) D- paragraph (d)	
§34.51	Surveillance	C	
§34.53	Posting	C	
§34.61	Records of the specific license for industrial radiography	D	
§34.63	Records of receipt and transfer of sealed sources	C	
§34.65	Records of radiation survey instruments	C	
§34.67	Records of leak testing	C	
§34.69	Records of quarterly inventory	C	
§34.71	Utilization logs	B	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§34.73	Records of inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments	C	
§34.75	Records of alarm system and entrance control check at permanent radiographic equipment	D	
§34.79	Records of training and certification	C	
§34.81	Copies of operating and emergency procedures	C	
§34.83	Records of personnel monitoring procedures	C	
§34.85	Records of radiation surveys	D	
§34.87	Forms of records	C	
§34.89	Location of documents and records	C	
§34.101	Notifications	C	
§34.111	Applications for exemptions	D	
§34.121	Violations	D	
§34.123	Criminal Penalties	D	
Appendix A	Radiographer certification	B	

**Part 35 - MEDICAL USE OF BYPRODUCT MATERIAL**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.1	Purpose and scope	D	
§35.2	Definitions		
	Address of use	D	
	ALARA	[A]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category A.
	Agreement State	[B]	This definition also appears in 10 CFR §150.3(b). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category B.
	Area of use	D	
	Authorized nuclear pharmacist	D	
	Authorized user	C	
	Brachytherapy source	D	
	Dedicated check source	D	
	Dental use	D	
	Dentist	D	
	Diagnostic clinical procedures manual	D	
	Management	D	
	Medical institution	D	
	Medical use	C	
	Ministerial change	D	
	Misadministration	C	States should adopt the quantitative values (e.g., the % differences; dose equivalents) in this provision in order to meet the essential objectives of this requirement.
	Mobile nuclear medicine service	D	
	Output	D	



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Pharmacist	D	
	Physician	D	
	Podiatric use	D	
	Podiatrist	D	
	Prescribed dosage	C	
	Prescribed dose	C	
	Radiation safety officer	D	
	Recordable event	D	
	Sealed source	[B]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category B.
	Teletherapy physicist	D	
	Written directive	C	
§35.5	Maintenance of records	D	
§35.6	Provisions for research involving human subjects.	D	
§35.7	FDA, other Federal, and State requirements	D	
§35.8	Information collection requirements: OMB Approval	D	
§35.11	License required	[C]	The general requirement for activities to be licensed appears in 10 CFR §30.4 which has been designated compatibility category C. Agreement States should adopt the Part 30 provision as a minimum requirement for their licensees.
§35.12	Application of license, amendment, or renewal	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.13	License amendments	D	
§35.14	Notifications	D	
§35.15	Exemptions regarding Type A specific licenses of broad scope	D	
§35.18	License issuance	D	
§35.19	Specific exemptions	D	
§35.20	ALARA program	[D]	The provision for ALARA requirements appears in 10 CFR §20.1101(b) and is generally applicable to all licensees. Section 20.1101(b) is not required for purposes of compatibility, but is designated as having health and safety (H&S) significance.
§35.21	Radiation Safety Officer	D, except D/H&S - paragraph (a)	
§35.22	Radiation safety committee	D	
§35.23	Statements of authority and responsibilities	D, except D/H&S - paragraph (a)	
§35.25	Supervision	D	
§35.29	Administrative requirements that apply to the provision of mobile nuclear medicine service	D	
§35.31	Radiation safety program changes	D	
§35.32	Quality management program	D/H&S - paragraphs (a), (b) and (c) D- paragraphs (d), (e) and (f)	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.33	Notifications, reports, and records of misadministrations	C	
§35.49	Suppliers for sealed sources or devices for medical use	D	
§35.50	Possession, use, calibration, and check of dose calibrators	D	
§35.51	Calibration and check of survey instruments	[D/H&S]	The provision for calibration of instruments requirements appears in 10 CFR §20.1501(b) and is generally applicable to all licensees. Section 20.1501(b) is not required for purposes of compatibility, but is designated as having health and safety (H&S) significance. This section was changed from D to [D/H&S] to be consistent with §20.1501. If a State adopts §20.1501 then the adoption of this Section is not necessary.
§35.52	Possession, use, calibration, and check of instruments to measure dosages of alpha- or beta-emitting radionuclides	[D/H&S]	The provision for calibration of instruments requirements appears in 10 CFR §20.1501(b) and is generally applicable to all licensees. Section 20.1501(b) is not required for purposes of compatibility, but is designated as having health and safety (H&S) significance. This section was changed from D to [D/H&S] to be consistent with §20.1501. If a State adopts §20.1501 then the adoption of this Section is not necessary.
§35.53	Measurements of dosages of unsealed by-product material for medical use	D/H&S - paragraphs (a)& (b) D- paragraph (c)	
§35.57	Authorization of calibration and reference sources	D	
§35.59	Requirements for possession of sealed sources and brachytherapy sources	D/H&S	
§35.60	Syringe shields and labels	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.61	Vial shields and labels	D	
§35.70	Surveys for contamination and ambient radiation exposure rate	D/H&S	
§35.75	Release of individuals containing radio pharmaceuticals or permanent implants	C- paragraph (a) D/H&S -paragraph (b) D - Paragraphs (c) and (d)	Paragraphs (a) is designated as “C” because of potential implications of a patient moving between multiple jurisdictions, and the essential objectives of this rule should be adopted to avoid conflicts, duplications or gaps. The essential objective of the rule is the release of individuals when it is not likely to exceed 0.5 rem. Agreement States may be more stringent than the NRC requirements, but not less stringent. Paragraph (b) is designated “H&S” because it establishes minimum requirements necessary to protect public health and safety.
§35.80	Technical requirements that apply to the provision of mobile nuclear medicine services	D	
§35.90	Storage of volatiles and gases	D	
§35.92	Decay-in-storage	D	
§35.100	Use of unsealed byproduct material for uptake, dilution, and excretion studies	D/H&S	
§35.120	Possession of survey instruments	D	
§35.200	Use of unsealed byproduct material for imaging and localization studies	D/H&S	
§35.204	Permissible molybdenum-99 concentration	D/H&S	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.205	Control of aerosols and gases	D/H&S	10 CFR §20.1201 and §20.1301 specify occupational and public dose limits, respectively, and are designated compatibility category A. Since this section directly references the Part 20 sections, it is not required for purposes of compatibility, but health and safety. The essential objective of this section is to insure the limits in Part 20 are not exceeded.
§35.220	Possession of survey instruments	[D/H&S]	The provision for calibration of instruments requirements appears in 10 CFR §20.1501(b) and is generally applicable to all licensees. Section 20.1501(b) is not required for purposes of compatibility, but is designated as having health and safety (H&S) significance. This section was changed from D to [D/H&S] to be consistent with §20.1501. If a State adopts §20.1501 then the adoption of this section is not necessary.
§35.300	Use of unsealed by-product material for therapeutic administration	D/H&S	
§35.310	Safety instruction	D	
§35.315	Safety precautions	D	
§35.320	Possession of survey instruments	[D/H&S]	The provision for calibration of instruments requirements appears in 10 CFR §20.1501(b) and is generally applicable to all licensees. Section 20.1501(b) is not required for purposes of compatibility, but is designated as having health and safety (H&S) significance. This section was changed from D to [D/H&S] to be consistent with §20.1501. If a State adopts §20.1501 then the adoption of this section is not necessary.
§35.400	Use of sources for brachytherapy	D	
§35.404	Release of patients or human research subjects treated with temporary implants	C	
§35.406	Brachytherapy sources inventory	D, except paragraphs (a) & (c) are D/H&S	
§35.410	Safety instruction	D	
§35.415	Safety precautions	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.420	Possession of survey instruments	[D/H&S]	The provision for calibration of instruments requirements appears in 10 CFR §20.1501(b) and is generally applicable to all licensees. Section 20.1501(b) is not required for purposes of compatibility, but is designated as having health and safety (H&S) significance. This section was changed from D to [D/H&S] to be consistent with §20.1501. If a State adopts §20.1501 then the adoption of this section is not necessary.
§35.500	Use of sealed sources for diagnosis	D	
§35.520	Availability of survey instrument	[D/H&S]	The provision for calibration of instruments requirements appears in 10 CFR §20.1501(b) and is generally applicable to all licensees. Section 20.1501(b) is not required for purposes of compatibility, but is designated as having health and safety (H&S) significance. This section was changed from D to [D/H&S] to be consistent with §20.1501. If a State adopts §20.1501 then the adoption of this section is not necessary.
§35.600	Use of a sealed source in a teletherapy unit	D	
§35.605	Maintenance and repair restrictions	D/H&S	
§35.606	License amendments	D	
§35.610	Safety instructions	D/H&S	
§35.615	Safety precautions	D/H&S	
§35.620	Possession of survey instrument	[D/H&S]	The provision for calibration of instruments requirements appears in 10 CFR §20.1501(b) and is generally applicable to all licensees. Section 20.1501(b) is not required for purposes of compatibility, but is designated as having health and safety (H&S) significance. This section was changed from D to [D/H&S] to be consistent with §20.1501. If a State adopts §20.1501 then the adoption of this section is not necessary.
§35.630	Dosimetry equipment	D/H&S	
§35.632	Full calibration measurements	D/H&S	States should adopt the quantitative values (e.g. % output differences and the times of calibrations) in this provision in order to meet the essential objectives of this requirement.
§35.634	Periodic spot-checks	D/H&S	
§35.636	Safety checks for teletherapy facilities	D/H&S	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§35.641	Radiation surveys for teletherapy facilities	D/H&S	This section was changed from D to D/H&S to be consistent with similar provisions and because it met the category H&S criteria.
§35.643	Modification of teletherapy unit or room before beginning a treatment program	D/H&S	This section was changed from D to D/H&S to be consistent with similar provisions and because it met the category H&S criteria.
§35.645	Reports of teletherapy surveys, checks, tests, and measurements	D	
§35.647	Five-year inspection	D/H&S	
§35.900	Radiation safety officer	D	
§35.901	Training for experienced radiation safety officer	D	
§35.910	Training for uptake, dilution, and excretion studies	D	
§35.920	Training for imaging and localization studies	D	
§35.930	Training for therapeutic use of unsealed byproduct material	D	
§35.932	Training for treatment of hyperthyroidism	D	
§35.934	Training for thyroid carcinoma	D	
§35.940	Training for use of brachytherapy sources	D	

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§35.941	Training for ophthalmic use of strontium-90	D	
§35.950	Training for use of sealed sources for diagnosis	D	
§35.960	Training for teletherapy	D	
§35.961	Training for teletherapy physicist	D	
§35.970	Training for experienced authorized users	D	
§35.971	Physician training in a three month program	D	
§35.972	Recentness of training	D	
§35.980	Training for an authorized nuclear pharmacist	D	
§35.981	Training for experienced nuclear pharmacist	D	
§35.990	Violations	D	
§35.991	Criminal penalties	D	
§35.999	Resolution of conflicting requirements during transition period	D	

**Part 36 - LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS**



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§36.1	Purpose & Scope	D- paragraph (a) C- paragraphs (b) & (c)	States should adopt the quantitative values and irradiator types in paragraphs (b) and (c) to meet the essential objectives of this requirement in order to avoid potential conflicts between jurisdictions.
§36.2	Definitions		
	Annually	D	
	Doubly encapsulated sealed source	D	
	Irradiator	C	
	Irradiator operator	D	
	Panoramic dry-source-storage irradiator	D	
	Panoramic irradiator	D	
	Panoramic wet-source-storage irradiator	D	
	Pool irradiator	D	
	Product conveyor system	D	
	Radiation room	D	
	Radiation safety officer	D	
	Sealed source	[B]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category B.
	Seismic area	D	
	Underwater irradiator	D	
§36.5	Interpretations	D	
§36.8	Information collection requirements: OMB approval	D	
§36.11	Application for a specific license	D	

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§36.13	Specific licenses for irradiators	D/H&S	
§36.15	Start of construction	D	
§36.17	Applications for exemptions	D	
§36.19	Request for written statements	D	
§36.21	Performance criteria for sealed sources	B	
§36.23	Access control	D/H&S	
§36.25	Shielding	D/H&S	
§36.27	Fire protection	D/H&S	
§36.29	Radiation monitors	D/H&S	
§36.31	Control of source movement	D/H&S	
§36.33	Irradiator pools	D/H&S	
§36.35	Source rack protection	D	
§36.37	Power failures	D/H&S	
§36.39	Design requirements	D/H&S	
§36.41	Construction monitoring and acceptance testing	D/H&S	
§36.51	Training	D/H&S	
§36.53	Operating & Emergency procedures	D/H&S	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§36.55	Personnel monitoring	D/H&S	This provision was changed from category “D” to “D/H&S” to be consistent with similar provisions and because it meet the “H&S” category criteria. The essential objective of this provision is that the irradiator operator and other individuals who enter the radiation room should wear personnel monitoring devices.
§36.57	Radiation surveys	D/H&S	States should adopt the quantitative values for surveys in this provision to meet the essential objectives of this requirement.
§36.59	Detection of leaking sources	D/H&S	States should adopt the quantitative values for detection of leaking sources in this provision to meet the essential objectives of this requirement.
§36.61	Inspection and maintenance	D/H&S	
§36.63	Pool water purity	D/H&S	States should adopt the quantitative values for pool water purity in this provision to meet the essential objectives of this requirement.
§36.65	Attendance during operation	D/H&S	
§36.67	Entering and leaving the radiation room	D/H&S	
§36.69	Irradiation of explosive or inflammable materials	D/H&S	
§36.81	Records and retention periods	D	
§36.83	Reports	C	
§36.91	Violations	D	
§36.93	Criminal penalties	D	

**Part 39 - LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§39.1	Purpose and Scope	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§39.2	Definitions		
	Energy compensation source	B	This definition is added as a result of amendment, “Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” (65 FR 20337, April 17, 2000), effective May 17, 2000. This definition is assigned a Compatibility Category B because the sources are routinely transported across jurisdictional boundaries for use. It is adopted essentially identical to assure uniform regulation.
	Field station	B	
	Fresh water aquifer	D	
	Injection tool	D	
	Irretrievable well logging source	D	
	Licensed material	D	
	Logging assistant	D	
	Logging supervisor	C	
	Logging tool	D	
	Personal supervision	D	
	Radioactive marker	D	
	Safety review	D	
	Sealed source	[B]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category B.
	Source holder	D	
	Subsurface tracer study	D	
	Surface casting for protecting fresh water aquifers	D	
	Temporary jobsite	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Tritium neutron generator target source	B	This definition is added as a result of amendment, “Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” (65 FR 20337, April 17, 2000), effective May 17, 2000. This definition is assigned a Compatibility Category B because the sources are routinely transported across jurisdictional boundaries for use. It is adopted essentially identical to assure uniform regulation.
	Uranium sinker bar	D	
	Well	D	
	Well logging	C	
§39.5	Interpretations	D	
§39.8	Information collection requirements: OMB approval	D	
§39.11	Application for a specific license	D	
§39.13	Specific licenses for well logging	D/H&S	
§39.15	Agreement with well owner or operator	C	
§39.17	Request for written statements	D	
§39.31	Labels, security, and transportation precautions	D- paragraph (a) C- paragraph (b)	
§39.33	Radiation detection instruments	C- paragraphs (a) & (c) D/H&S- paragraph (b) D- paragraph (d)	
§39.35	Leak testing of sealed sources	C	
§39.37	Physical inventory	D/H&S	
§39.39	Records of material use	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§39.41	Design and performance criteria for sealed sources	B	
§39.43	Inspection, maintenance, and opening of a source or source holder	C	
§39.45	Subsurface tracer studies	C	
§39.47	Radioactive markers	D	
§39.49	Uranium sinker bars	C	
§39.51	Use of sealed source in a well without surface casing	D	
§39.53	Energy compensation source	C	This provision is added as a result of amendment, “Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” (65 FR 20337, April 17, 2000), effective May 17, 2000. This provision is assigned a Compatibility Category C. Agreement States should adopt the essential safety objectives of this provision, and should be no less stringent than the NRC provisions.
§39.55	Tritium neutron generator target source	C	This provision is added as a result of amendment, “Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” (65 FR 20337, April 17, 2000), effective May 17, 2000. This provision is assigned a Compatibility Category C. Agreement States should adopt the essential safety objectives of this provision, and should be no less stringent than the NRC provisions.
§39.61	Training	B	This was changed to be consistent with §34.43 - radiographer training, since the transboundary impacts are similar.
§39.63	Operating & Emergency procedures	C	
§39.65	Personnel monitoring	C- paragraph (a) D- paragraphs (b) & (c)	
§39.67	Radiation surveys	C	
§39.69	Radioactive contamination control	C	
§39.71	Security	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§39.73	Documents & records required at field stations	C	
§39.75	Documents & records required at temporary job sites	C	
§39.77	Notification of incidents: abandonment procedures for irretrievable sources	C- paragraphs (a), (c) & (d) D- paragraph (b)	
§39.91	Applications for exemptions	D	
§39.101	Violations	D	
§39.103	Criminal penalties	D	

**Part 40 - DOMESTIC LICENSING OF SOURCE MATERIAL**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.1	Purpose	D	
§40.2	Scope	D	
§40.2a	Coverage of inactive tailings sites	A- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority	
§40.3	License requirements	C	
§40.4	Definitions		

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Act	D	
	Agreement State	[B]	This definition also appears in 10 CFR §150.3(b). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category B.
	Alert	[A]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category A.
	Byproduct material	[A]	This definition also appears in 10 CFR §150.3(c). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Commencement of construction	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category D.
	Commission	D	
	Corporation	D	This definition is not required for compatibility since it defines an entity, the regulation of which is reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Decommission	[C]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category C.
	Department of Energy	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Depleted uranium	A	
	Effective kilogram	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Government agency	D	
	License	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used where it is assigned to Compatibility Category D.
	Persons	[C]	This definition also appears in 10 CFR §150.3(g). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category C.



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Pharmacist	[D]	This definition also appears in 10 CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category D.
	Physician	[D]	This definition also appears in 10 CFR §35.2. For purposes of compatibility, the language of the Part 35 definition should be used and it is assigned to Compatibility Category D.
	Principle activities	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category D.
	Residual radioactive material	A- States with authority to regulate uranium mill activities (11.e(2) byproduct material) D- States without authority	
	Site area emergency	[A]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category A.
	Source material	[A]	This definition also appears in 10 CFR §150.3(i). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Special nuclear material	[A]	This definition also appears in 10 CFR §150.3(j). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Transient shipment	[D]	This definition also appears in 10 CFR §70.4. For purposes of compatibility, the language of the Part 70 definition should be used where it is assigned to Compatibility Category D.
	United States	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used where it is assigned to Compatibility Category D.
	Unrefined and unprocessed ore	B	
	Uranium enrichment facility	[D]	This definition also appears in 10 CFR §150.3(m). For purposes of compatibility, the language of the Part 150 definition should be used where it is assigned to Compatibility Category D. This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Uranium milling	C- States with authority to regulate uranium mill activities (11.e(2) byproduct material)  D- States without this authority	
§40.5	Communications	D	
§40.6	Interpretations	D	
§40.7	Employee protection	D	
§40.8	Information collection requirements: OMB approval	D	
§40.9	Completeness and accuracy of information	D	
§40.10	Deliberate misconduct	C	The Commission determined in response to SECY-97-156 that Agreement States should adopt the essential objectives of this provision. If deliberate misconduct and wrongdoing issues involving Agreement State licensees were not pursued and closed by Agreement States, then a potential gap may be created between NRC and Agreement State programs.
§40.11	Persons using source material under certain Department of Energy and Nuclear Regulatory Commission contracts	B	
§40.12	Carriers	B, except 40.12(b) is NRC	Paragraph 40.12(b) addresses import/export of material.
§40.13	Unimportant quantities of source material	B	
§40.14	Specific exemptions	D	Paragraphs (c) and (d) were changed from “NRC” to “D” to be consistent with the categorization of other 10 CFR exemption sections, i.e., 30.11, 61.6 and 70.14. Paragraph (b) is reserved.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.20	Types of licenses	D, except paragraph (a) is a C.	State may adopt a single provision that incorporates those of this paragraph and those of 30.31 and 70.18
§40.21	General license to receive title to source or byproduct material	C	
§40.22	Small quantities of source material	B	
§40.23	General license for carriers of transient shipments of natural uranium other than in the form of ore or ore residue	NRC	
§40.24	Reserved		
§40.25	General license for use of certain industrial products or devices	C	
§40.26	General license for possession and storage of byproduct material as defined in this part	C- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority	
§40.27	General license for custody and long-term care of residual radioactive material disposal sites	NRC	
§40.28	General license for custody and long-term care of uranium or thorium byproduct materials disposal sites	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.31	Application for specific licenses	D, except paragraph (j) is D/H&S and paragraphs (k) & (l) are NRC.	Paragraph (k) and (l) was changed from Category D to Category NRC because this provision addresses uranium enrichment facilities, which is an area reserved to the NRC.
§40.32	General requirements for issuance of specific licenses	D -paragraphs (a) & (f) D/H&S - paragraphs (b), (c) NRC -paragraphs (d), (e) & (g)	
§40.33	Issuance of a license for a uranium enrichment facility	NRC	
§40.34	Special requirements for issuance of specific licenses	B- paragraphs (a)(2) & (a)(3) D- paragraphs (a)(1), (b) & (c)	
§40.35	Conditions of specific licenses issued pursuant to §40.34	B -paragraphs (b) and (c) C -paragraph (a) D -paragraphs (d), (e) and (f)	
§40.36	Financial assurance and recordkeeping for decommissioning	D- paragraphs (c) and (e) D/H&S - paragraphs (a), (b), (d) and (f)	States have the flexibility to specify different dollar amounts based on jurisdiction and local conditions. The H&S designation for paragraph (f) is warranted by the requirement for transfer of certain records (e.g. spills or spread of contamination) important for decommissioning to a subsequent licensee at the same facility.
§40.38	Ineligibility of certain applicants	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.41	Terms and conditions of licenses	C -paragraphs (a), (b) and (c) D -paragraphs (e)(2) & (e)(4) NRC -paragraphs (d), (e)(1), (e)(3) & (g) D/H&S -paragraph (f)	The essential objective(s) of paragraphs (a), (b), and (c) should be adopted by Agreement States because of the reciprocal recognition of licenses, transboundary effects in transferring material through multiple jurisdictions and to avoid conflicts and confusion in regulation of agreement material on a nationwide basis.  Paragraphs (d), (e)(1), (e)(3), and (g) are NRC because these provisions address areas reserved to the Commission by the Atomic Energy Act. Paragraph (f) is designated “H&S” because the notification of bankruptcy will alert agencies to the possibility of abandonment of licensed facilities at which there is potential for exposure in excess of Part 20 limits.
§40.42	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas	D -paragraphs (a), (b) & (k)(4) D/H&S - paragraphs (c), (d), (e), (f), (g), (h), (i),(j) & (k)(1), (2), (3)	
§40.43	Renewal of licenses	D	
§40.44	Amendment of licenses at request of licensee	D	
§40.45	Commission action on application to renew or amend	D	
§40.46	Inalienability of licenses	C	
§40.51	Transfer of source or byproduct material	C- paragraphs (a),(b)(1) through (b)(5), (b)(7),(c), (d) NRC- paragraph (b)(6)	
§40.60	Reporting requirements	C- paragraphs (a), (b) & (c), except D- paragraph (c)(3)	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§40.61	Records	C - paragraphs (a)&(b) D - paragraphs (c)&(f) D/H&S - paragraphs (d)&(e)	The H&S designation for paragraph (e) is warranted by the requirement for transfer of certain records (e.g. spills or spread of contamination) important for decommissioning to a subsequent licensee at the same facility.
§40.62	Inspections	D	
§40.63	Tests	D	
§40.64	Reports	NRC	
§40.65	Effluent monitoring reporting requirements	C - States with authority to regulate uranium mill activities (11e.(2) byproduct material)  D - States without authority	
§40.66	Requirements for advance notice of export shipments of natural uranium	NRC	
§40.67	Requirement for advance notice of importation of natural uranium from countries that are not party to the Convention on the Physical Protection of Nuclear Material	NRC	
§40.71	Modification and revocation of licenses	D	
§40.81	Violations	D	
§40.82	Criminal penalties	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
APPENDIX A		C- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority	

**Part 61 - LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§61.1	Purpose & Scope	D	
§61.2	Definitions		
	Active maintenance	D/H&S	
	Buffer zone	D	
	Chelating agent	B	This definition appears in Appendix G to Part 20 Section I, Manifest definitions. This definition is designated a category B because of its significant transboundary implications in the disposal of low level waste.
	Commencement of construction	D	
	Commission	D	
	Custodial Agency	D	
	Director	D	
	Disposal	C	
	Disposal site	C	
	Disposal unit	D	
	Engineered barrier	D	
	Explosive material	D	
	Government agency	D	
	Hazardous waste	C	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Hydrogeologic unit	D	
	Inadvertent intruder	C	
	Indian Tribe	D	
	Intruder barrier	C	
	Land disposal facility	B	This definition appears in Appendix G to Part 20 Section I, Manifest definitions. This definition is designated a category B because of its significant transboundary implications in the disposal of low level waste.
	License	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Monitoring	C	
	Near-surface disposal facility	D	
	Person	[C]	This definition also appears in 10 CFR §150.3(g). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category C.
	Pyrophoric liquid	D	
	Site closure and stabilization	D	
	State	D	
	Stability	D	
	Surveillance	D	
	Tribal governing body	D	
	Waste	B	
§61.3	License required	C	
§61.4	Communications	D	
§61.5	Interpretations	D	
§61.6	Exemptions	D	
§61.7	Concepts	D/H&S	



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§61.8	Information collection requirements: OMB approval	D	
§61.9	Employee protection	D	
§61.9a	Completeness and accuracy of information	D	
§61.9b	Deliberate misconduct	C	The Commission determined in response to SECY-97-156 that Agreement States should adopt the essential objectives of this provision. If deliberate misconduct and wrongdoing issues involving Agreement State licensees were not pursued and closed by Agreement States, then a potential gap that may be created between NRC and Agreement State programs.
§61.10	Content of application	D	
§61.11	General information	D	
§61.12	Specific technical information	D	
§61.13	Technical analysis	D/H&S	
§61.14	Institutional information	D/H&S	
§61.15	Financial information	D	
§61.16	Other information	NRC	
§61.20	Filing and distribution of application	D	
§61.21	Elimination of repetition	D	
§61.22	Updating of application	D	
§61.23	Standards for issuance of a license	D/H&S- paragraphs (a) through (h) NRC- paragraphs (i) & (j) D- paragraphs (k) & (l)	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§61.24	Conditions of licenses	D	
§61.25	Changes	D	
§61.26	Amendment of license	D	
§61.27	Application for renewal or closure	D	
§61.28	Contents of application for closure	D	
§61.29	Post-closure observation and maintenance	D	
§61.30	Transfer of license	D/H&S	
§61.31	Termination of license	D	
§61.40	General requirement	D	
§61.41	Protection of the general population from releases of radioactivity	A	
§61.42	Protection of individuals from inadvertent intrusion	D/H&S	
§61.43	Protection of individuals during operations	D/H&S	This provision references the radiation protection standards in 10 CFR Part 20.
§61.44	Stability of the disposal site after closure	D/H&S	
§61.50	Disposal site suitability requirements for land disposal	D/H&S	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§61.51	Disposal site design for land disposal	D/H&S	
§61.52	Land disposal facility operation and disposal site closure	D/H&S	
§61.53	Environmental monitoring	D/H&S	
§61.54	Alternative requirements for design and operations	D/H&S	
§61.55	Waste classification	B	
§61.56	Waste characteristics	D/H&S	
§61.57	Labeling	D/H&S	States should adopt this provision for safety to prevent overexposure from mishandling of wastes with high activities.
§61.58	Alternative requirements for waste classification and characteristics	D	
§61.59	Institutional requirements	D/H&S	
§61.61	Applicant qualifications and assurances	D	
§61.62	Funding for disposal site closure and stabilization	D/H&S	
§61.63	Financial assurances for institutional controls	D/H&S	
§61.70	Scope	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§61.71	State and Tribal government consultation	D	
§61.72	Filing of proposals for State and Tribal participation	D	
§61.73	Commission approval of proposals	D	
§61.80	Maintenance of records, reports, and transfers	C	
§61.81	Tests at land disposal facilities	D	
§61.82	Commission inspections of land disposal facilities	D	
§61.83	Violations	D	
§61.84	Criminal penalties	D	

**Part 70 - DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.1	Purpose	D, except paragraphs (c), (d) and (e) are NRC	Paragraphs (c) and (d) address spent fuel and high level waste and physical security and accountability of materials, areas reserved to NRC. Paragraph (e) was changed from Category D to Category NRC because this provision addresses uranium enrichment facilities, which is an area reserved to the NRC.
§70.2	Scope	D	
§70.3	License requirements	C	
§70.4	Definitions		

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Act	D	
	Agreement State	[B]	This definition also appears in 10 CFR §150.3(b). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category B.
	Alert	[A]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category A.
	Atomic Energy	D	
	Atomic Weapon	D	
	Commencement of construction	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category D.
	Commission	D	
	Common defense and security	D	
	Contiguous sites	D	
	Corporation	[D]	This definition also appears in 10 CFR § 40.4. For purposes of compatibility, the language of the Part 40 definition should be used where it is assigned to Compatibility Category D. This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Decommission	[C]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category C.
	Department or Department of Energy	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Effective dose equivalent	[A]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category A.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Effective kilograms of special nuclear material	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Formula quantity	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Government agency	D	
	License	[D]	This definition also appears in 10 CFR §20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and it is assigned to Compatibility Category D.
	Persons	[C]	This definition also appears in 10 CFR §150.3(g). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category C.
	Plutonium processing and fuel fabrication plant	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Principal activities	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category D.
	Produce	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Research and development	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Restricted data	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Sealed source	[B]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category B.
	Site area emergency	[A]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used and it is assigned to Compatibility Category A.
	Source material	[A]	This definition also appears in 10 CFR §150.3(i). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Special nuclear material	[A]	This definition also appears in 10 CFR §150.3(j). For purposes of compatibility, the language of the Part 150 definition should be used and it is assigned to Compatibility Category A.
	Special nuclear material of low strategic significance	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Special nuclear material of moderate strategic significance	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Special nuclear material scrap	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Strategic special nuclear material	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Transient shipment	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	United States	[D]	This definition also appears in 10 CFR §30.4. For purposes of compatibility, the language of the Part 30 definition should be used where it is assigned to Compatibility Category D.
	Uranium enrichment facility	[D]	This definition also appears in 10 CFR §150.3(m). For purposes of compatibility, the language of the Part 150 definition should be used where it is assigned to Compatibility Category D. This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
§70.5	Communications	D	
§70.6	Interpretations	D	
§70.7	Employee protection	D	
§70.8	Information collection requirements; OMB approval	D	
§70.9	Completeness and accuracy of information	D	
§70.10	Deliberate misconduct	C	The Commission determined in response to SECY-97-156 that Agreement States should adopt the essential objectives of this provision. If deliberate misconduct and wrongdoing issues involving Agreement State licensees were not pursued and closed by Agreement States, then a potential gap may be created between NRC and Agreement State programs..



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.11	Persons using special nuclear material under certain DOE and NRC contracts	B	
§70.12	Carriers	B	
§70.13	Department of Defense	NRC	
§70.13a	Foreign military aircraft	NRC	
§70.14	Specific exemption	D	
§70.18	Types of licenses	C	State may adopt a single provision that incorporates those of this paragraph and those of 30.31 and 40.20(a). Changed to be consistent with 30.31.
§70.19	General license for calibration or reference sources	C	
§70.20	General license to own special nuclear material	C	
§70.20a	General license to possess special nuclear material for transport	NRC	
§70.20b	General license for carriers of transient shipments of formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance, special nuclear material of low strategic significance, and irradiated reactor fuel	NRC	

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§70.21	Filing	D- paragraphs (a)(2), (a)(3), (b), (d) & (e) NRC- paragraphs (a)(1), (c), (f), (g), (h)	Paragraphs (a)(2), (a)(3), (b) and (d) did not meet the compatibility or H&S criteria. In addition, they were changed to be consistent with similar sections in Parts 30 and 40.  Paragraph (a)(1) was changed to NRC because it deals with an area that can not be relinquished to the Agreement States.
§70.22	Contents of application	D- paragraphs (a), (d) & (e) NRC- paragraphs (b), (c), (f), (g), (h), (i), (j), (k), (l), (m) (n)	
§70.23	Requirements for the approval of applications	D- paragraphs (a)(1) & (a)(5) D/H&S - paragraphs (a)(2), (a)(3) & (a)(4) NRC- paragraphs (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12) & (b)	Paragraphs (a)(2), (a)(3), and (a)(4) were changed because they have particular health and safety significance and to be consistent with 10 CFR 30.33 and 40.32.  Paragraph (a)(6) was changed to NRC because it addresses and refers to an area that cannot be relinquished to Agreement States.  Paragraph (b) was added because it was omitted from the earlier charts.
§70.23a	Hearing required for uranium enrichment facility	NRC	
§70.24	Critically accident requirements	NRC	
§70.25	Financial assurance and recordkeeping for decommissioning	D- except (a) is NRC and D/H&S - paragraphs (b), (d) & (g)	States have the flexibility to specify different dollar amounts based on jurisdiction and local conditions.  Paragraph (a) addresses areas reserved to the NRC because it concerns uranium enrichment facilities and special nuclear materials in quantities sufficient to form a critical mass. Paragraph (g) was changed from Category D to H&S for consistency with similar provisions in 10 CFR Parts 30 and 40.
§70.31	Issuance of license	D- paragraphs (a) & (b) NRC- paragraphs (c), (d) & (e)	Paragraphs (c), (d) and (e) were changed from Category D to Category NRC because these provisions address uranium enrichment facilities, which is an area reserved to the NRC. However, the statement in paragraph (d) which provides, “no licenses will be issued if it would constitute an unreasonable risk to the health and safety of the public,” can be incorporated into the State program for Agreement materials.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.32	Conditions of licenses	C- paragraphs (a)(2) (a)(3 ) & (a)(8) D- paragraphs (b)(2) & (b)(5) D/H&S- paragraph (a)(9) NRC- paragraphs (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)	The essential objective(s) of paragraphs (a) (2), (a)(3) and (a)(8) should be adopted by Agreement States because of the reciprocal recognition of licenses, transboundary effects in transferring material through multiple jurisdictions and to avoid conflicts and confusion in regulation of agreement material on a nationwide basis. This section was also changed for consistency with similar provisions in 10 CFR 40.41 and 30.34.  Paragraph (a)(9) is designated “H&S” because the notification of bankruptcy will alert agencies to the possibility of abandonment of licensed facilities at which there is potential for exposure in excess of Part 20 limits.
§70.33	Renewal of licenses	D	
§70.34	Amendment of licenses	D	
§70.35	Commission action on applications to renew or amend	D	
§70.36	Inalienability of licenses	C	
§70.37	Disclaimer of warranties	NRC	
§70.38	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas	D- paragraphs (a), (b) & (k)(4) D/H&S - paragraphs (c), (d), (e), (f), (g), (h),(i), (j) & (k)(1), (2) & (3)	
§70.39	Specific licenses for the manufacture or initial transfer of calibration sources	C	
§70.40	Ineligibility of certain applicants	NRC	This section was added by 62 FR 6669, Feb. 12, 1997, “USEC Privatization Act: Certification and Licensing of Uranium Enrichment Facilities.”

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.41	Authorized use of special nuclear material	C	The essential objective(s) of this provision should be adopted by Agreement States because of the reciprocal recognition of licenses, transboundary effects in transferring material through multiple jurisdictions and to avoid conflicts and confusion in regulation of agreement material on a nationwide basis. In addition, the designation was changed to be consistent with 10 CFR 40.41 and 30.34.
§70.42	Transfer of special nuclear material	C, except paragraph (b)(6) is NRC	The designation was changed from “B” to “C” because the transboundary implications did not raise to those of a being direct and significant and to be consistent with 10 CFR 30.41.
§70.44	Creditor regulations	NRC	
§70.50	Reporting requirements	C - paragraphs (a), (b), (c), except D - paragraph (c)(3)	
§70.51	Material balance, inventory, and records requirements	C - paragraphs (a) & (b) NRC - paragraphs (c), (d) & (e)	This requirement differs from the equivalent Part 30 requirement in that a physical inventory of SNM is included. This should apply to Agreement State licensees so that a gap is not created in the nationwide regulation of this class of materials.
§70.52	Reports of accidental critically or loss or theft or attempted theft of special nuclear material	NRC	
§70.53	Material status reports	NRC	
§70.54	Nuclear material transfer reports	NRC	
§70.55	Inspections	NRC, except (a) and (b) are D	Paragraphs (a) and (b) apply to Agreement State authority and was changed to be consistent with 10 CFR 30.52.
§70.56	Tests	NRC, except (a) and (b) are D	Paragraphs (a) and (b) apply to Agreement State authority and was changed to be consistent with 10 CFR 30.53.
§70.57	Measurement control program for special nuclear material accounting and control	NRC	
§70.58	Fundamental nuclear material controls	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§70.59	Effluent monitoring reporting requirements	NRC	
§70.61	Modification and revocation of licenses	D	
§70.62	Suspension and operation in war or national emergency	NRC	
§70.71	Violations	D	
§70.72	Criminal penalties	D	

**Part 71 - PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL**

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.0	Purpose and Scope	D	
§71.1	Communications and Records	D	
§71.2	Interpretations	D	
§71.3.	Requirements for license	D	
§71.4	Definitions		
	A <sub>1</sub>	B	
	Carrier	B	
	Certificate holder	D	This term is not used in any section requiring Agreement State adoption.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Close reflection by water	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Containment System	D	This term is not used in any section requiring Agreement State adoption.
	Conveyance	D	This term is not used in any section requiring Agreement State adoption.
	Exclusive use	B	
	Fissile material	B	
	Licensed material	[D]	This definition also appears in 10 CFR 20.1003. For purposes of compatibility, the language of the Part 20 definition should be used and is assigned to Compatibility Category D.
	Low Specific Activity (LSA) material	B	
	Low toxicity alpha emitters	B	
	Maximum normal operating pressure	B	The definition of the term “maximum normal operating pressure” was changed from a compatibility category “B” to a category “D.” This term is not used in any section requiring Agreement State adoption; it relates to the heat conditions in §71.71(c)(1), which is designated a category “NRC.” This definition is not required for compatibility since it defines a term which pertains to an area reserved to the NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it is and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define this term then the definition should be essentially identical.
	Natural thorium	B	
	Normal form radioactive material	B	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
	Optimum interspersed hydrogenous moderation	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
	Package	B	
	Fissile material package	B	
	Type B package	B	
	Packaging	B	
	Special form radioactive material	B	
	Specific activity	B	
	State	D	
	Surface Contaminated Object (SCO)	B	
	Transport Index	B	
	Type A quantity	B	
	Type B quantity	B	
	Natural Uranium	B	
	Depleted Uranium	B	
	Enriched Uranium	B	
§71.5	Transportation of Licensed Material	B	
§71.6	Information collection requirements: OMB approval	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.7	Completeness and accuracy of Information	D	
§71.8	Specific exemptions	D	
§71.9	Exemption for physicians	D	
§71.10	Exemptions for low level material	<p>B- paragraphs (a)</p> <p>NRC- paragraphs (b) &amp; (c)</p>	<p>Paragraph (a) is retained as a category B because of its significant transboundary implications associated with the definition of “radioactive material” in the U.S. Department of Transportation regulations. DOT’s regulation at 49 CFR §173.403, “Definitions,” provides that radioactive material means any material having a specific activity greater than 70 Bq per gram (0.002 microcurie per gram); thus, materials with a specific activity less than this amount would be shipped without being considered as radioactive material. For consistency in this area, the exemption in paragraph (a) of section 71.10 reflects DOT’s definition of radioactive material and provides the basis for the exemption of materials with a specific activity less than 0.002 <math>\mu\text{Ci/g}</math>.</p> <p>Paragraphs (b) and (c) were changed from a compatibility category “B” to a category “NRC.” This exemption is reserved to the NRC because it was designed to delineate NRC’s authority from that of DOT’s in the area of transportation of radioactive materials. These provisions relinquish to DOT the control of types of shipments that are of low risk both from radiation and criticality standpoints. Further, to ensure that only low criticality risk shipments are included in the area of DOT authority, these provisions restrict the exemption to Type A and low-specific-activity (LSA) or surface contaminated (SCOs) that either contain no fissile material or satisfy the fissile material exemption requirements in §71.53. Finally, this exemption is reserved to the NRC because it does not relieve licensees from DOT requirements by reason of NRC’s authority, nor does the exemption relieve licensees from the restrictions on air transportation of plutonium imposed by Congress. Thus, Agreement States should not adopt these provisions in order to retain their ability to implement all of 49 CFR as directed by DOT.</p>
§71.11	Deliberate misconduct	C	
§71.12	General license: NRC-approved package	B	
§71.13	Previously approved package	<p>B- paragraphs (a) &amp; (b)</p> <p>NRC- paragraphs (c) &amp; (d)</p>	Paragraphs (c) and (d) address transportation package approvals areas reserved to the NRC



REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.14	General license: DOT specification container material	B	
§71.16	General license: Use of foreign approved package	B	
§71.18	General license: Fissile material, limited quantity of package	D	This provision is not required for purposes of compatibility because the transportation of these packages in Agreement States is already covered under existing Department of Transportation (DOT) regulations.
§71.20	General license: Fissile material, limited moderator per package	D	This provision is not required for purposes of compatibility because the transportation of these packages in Agreement States is already covered under existing (DOT) regulations.
§71.22	General license: Fissile material, limited quantity, Controlled Shipment	D	This provision is not required for purposes of compatibility because the transportation of these packages in Agreement States is already covered under existing (DOT) regulations.
§71.24	General license: Fissile material, limited moderator, controlled shipment	NRC	
§71.31	Contents of Application	NRC	
§71.33.	Package description	NRC	
§71.35	Package evaluation	NRC	
§71.37	Quality Assurance	NRC	
§71.38	Renewal of a certificate of compliance or quality assurance program approval	NRC	
§71.39	Requirements for additional information	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.41	Demonstration of Compliance	NRC	
§71.43	General Standards for all packages	NRC	
§71.45	Lifting and tie-down Standards for all packages	NRC	
§71.47	External radiation Standards for all packages	[B]	This requirement was changed from a compatibility category “NRC” to “[B].” This provision was changed because it establishes the external radiation standards for all transportation packages. It is essential that the Agreement States adopt this provision in an essentially identical manner because they have direct and significant transboundary affects. The bracket, indicates that a State should adopt this provision in an essentially identical manner because of its direct and significant transboundary effects; however, if a State has adopted this provision as a part of its DOT regulations, then the adoption of this section is not necessary.
§71.51	Additional Requirements for Type B packages	NRC	
§71.52	Exemption for low-specific-activity (LSA) packages	NRC	
§71.53	Fissile material exemptions	NRC	
§71.55	General Requirements for fissile material packages	NRC	
§71.57	Reserved		
§71.59	Standards for arrays of fissile material packages	NRC	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.61	Special requirements for irradiated nuclear fuel shipments	NRC	
§71.63	Special requirements for plutonium shipments	NRC	
§71.64	Special requirements for plutonium air shipments	NRC	
§71.65	Additional Requirements	NRC	
§71.71	Normal conditions of transport	NRC	
§71.73	Hypothetical accident conditions	NRC	
§71.74	Accident conditions for air transport of plutonium	NRC	
§71.75	Qualification of special form radioactive material	NRC	
§71.77	Qualification of LSA-III material	NRC	
§71.81	Applicability of operating controls	D	This requirement was changed from a compatibility category “B” to “D.” This designation was changed because it does not meet any of the criteria for designation as Category A, B, C or Health and Safety and is not required for the purposes of compatibility.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.83	Assumptions as to unknown properties	[B]	This requirement was changed from a compatibility category “NRC” to “[B].” Agreement States can regulate fissile material below 350gms. This provision is needed to address fissile material regulated by the States and to assure a regulatory gap in the regulations of these materials is not created. The bracket, indicates that a State should adopt this provision in an essentially identical manner because of its direct and significant transboundary effects; however, if a State has adopted this provision as a part of its DOT regulations, then the adoption of this section is not necessary.
§71.85	Preliminary determinations	B	
§71.87	Routine determinations	B	
§71.88	Air Transportation of plutonium	B	
§71.89	Opening instructions	B	
§71.91	Records	D	
§71.93.	Inspection and tests	D	
§71.95	Reports	D	
§71.97	Advance notification of shipment of irradiated reactor fuel and nuclear waste	B	
§71.99	Violations	D	
§71.100	Criminal penalties	D	
§71.101	Quality assurance requirements	D	
§71.103	Quality assurance organization	D	
§71.105	Quality assurance program	D	

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§71.107	Package design control	D	
§71.109	Procurement document control	D	
§71.111	Instructions, procedures, and drawings	D	
§71.113	Document control	D	
§71.115	Control of purchased material, equipment, and services	D	
§71.117	Identification and control of materials, parts, and components	D	
§71.119	Control of special processes	D	
§71.121	Internal Inspection	D	
§71.123	Test control	D	
§71.125	Control of measuring and test equipment	D	
§71.127	Handling, storage, and shipping control	D	
§71.129	Inspection, test, and operating status	D	
§71.131	Nonconforming materials, parts, or components	D	
71.133	Corrective action	D	

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§71.135	Quality assurance records	D	
§71.137	Audits	D	
Appendix A	Determination of A1 and A2	B	

**Part 150 - EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES  
AND IN OFFSHORE WATERS UNDER SECTION 274**

<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§150.1	Purpose	D	
§150.2	Scope	D	
§150.3	Definitions		
§150.3(a)	Act	D	
§150.3(b)	Agreement State	B	Definition has significant nationwide and transboundary implications.
§150.3(c)	Byproduct Material	A	
§150.3(d)	Commission	D	
§150.3(e)	Government Agency	D	
§150.3(f)	Offshore Waters	B	Essential to the reciprocity provisions in §150.20
§150.3(g)	Person	C	
§150.3(h)	Production facility	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
§150.3(i)	Source material	A	
§150.3(j)	Special nuclear material	A	
§150.3(k)	State	D	
§150.3(l)	Utilization facility	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.

REGULATION SECTION	SECTION TITLE	COMPATIBILITY CATEGORY	COMMENTS
§150.3(m)	Uranium enrichment facility	D	This definition is not required for compatibility since it defines a term which pertains to an area reserved to NRC. A State may adopt this definition for purposes of clarity or communication. This definition can be adopted by Agreement States since it in and of itself does not convey any authority whereby a State can regulate in an exclusive NRC jurisdiction. However, if a State chooses to define the term then the definition should be essentially identical.
§150.4	Communications	D	
§150.5	Interpretations	D	
§150.7	Persons in offshore waters not exempt	NRC	
§150.8	Information collection requirements: OMB approval	D	
§150.10	Persons exempt	NRC	This exemption addresses discontinuance of NRC authority in an Agreement State.
§150.11	Critical mass	B	This provision defines a scope of authority that NRC can relinquish to States for special nuclear materials. This must be identical from State to State and therefore it has significant and direct transboundary implications.
§150.14	Commission regulatory authority for physical protection	NRC	This provision addresses continuing NRC authority over special nuclear material in Agreement States.
§150.15	Persons not exempt	NRC	This provision addresses continuing NRC authority over certain activities in Agreement States.
§150.15a	Continued Commission authority pertaining to byproduct material	NRC	This provision addresses continuing NRC authority over certain activities in Agreement States.
§150.16	Submission to Commission of nuclear material transfer reports	NRC	Although this requirement is an issue within NRC exclusive jurisdiction, States should adopt some method to advise their licensees of these NRC requirements.
§150.17	Submission to Commission of source material reports	NRC	Although this requirement is an issue within NRC exclusive jurisdiction, States should adopt some method to advise their licensees of these NRC requirements.



<b>REGULATION SECTION</b>	<b>SECTION TITLE</b>	<b>COMPATIBILITY CATEGORY</b>	<b>COMMENTS</b>
§150.17a	Compliance with requirements of US/ IAEA safeguards agreement	NRC	
§150.19	Submission to Commission of tritium reports	NRC	Although this requirement is an issue within NRC exclusive jurisdiction, States should adopt some method to advise their licensees of these NRC requirements.
§150.20	Recognition of Agreement State licenses	C- paragraphs (a) & (b) NRC- paragraphs (c) & (d)	Provisions (a) and (b) are important for coherent regulation of agreement material on a national basis. The Agreement State should adopt these requirements so that the State reciprocally recognizes licenses issued by other Agreement States and NRC within its jurisdiction, including provisions for notifying the regulatory agency when work is to be performed under reciprocity. Any fee provisions are Compatibility Category D. Provisions (c) & (d) relate to NRC authority to regulate activities in offshore waters.
§150.21	Transportation of special nuclear material by aircraft	NRC	Provision addresses continuing NRC authority over activities in Agreement States.
§150.30	Violations	D	
§150.31	Requirements for Agreement State regulation of byproduct material	C- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority	
§150.32	Funds for reclamation or maintenance of byproduct material	C- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority	
§150.33	Criminal penalties	D	

## PROGRAM ELEMENTS

PROGRAM ELEMENT	REQUIRED FOR	COMMENTS
<b>Legislation and Legal Authority</b>	Adequacy	See discussion in Adequacy Section of Policy Statement
-- Regulations	Compatibility or Health and Safety	See Regulation Tables for 10 CFR Parts in Appendix A of this Procedure
-- Guidance documents and interpretations	D	
<b>Licensing</b>	Adequacy	See discussion in Adequacy Section of Policy Statement
-- Reciprocal recognition of licenses	C	This program element has significant effects on the regulation of agreement materials on a national basis. However, States should be provided flexibility for the type of license and time period recognized under reciprocity. Although there are transboundary implications, there is not a necessity for all States to be identical, such as would be required by a classification of "A."
-- Written procedures	C	
-- Maintenance of records, especially for decommissioning	C	
-- Inspection and licensing files	C	
<b>Inspection and Enforcement</b>	Adequacy	See discussion in Adequacy Section of Policy Statement
-- Written procedures	C	
-- Radiological laboratory support	D	
-- Instrumentation	D	
<b>Personnel</b>	Adequacy	See discussion in Adequacy Section of Policy Statement
-- Qualification procedures	C	There should be minimum education and experience requirements for all technical personnel in RCPs nationwide. Flexibility is provided to allow for different State administrative requirements.

PROGRAM ELEMENT	REQUIRED FOR	COMMENTS
<b>Response to Events and Allegations</b>	Adequacy	See discussion in Adequacy Section of Policy Statement
-- Written procedures	C	
-- Major incident investigation procedures	C	Need to prevent gaps in reporting effectiveness of national program
-- Procedures for investigation of "wrongdoing"	C	
<b>Sealed source and device program</b>	Adequacy	Non-common performance indicator
-- Standard review plan	C	
-- Format and content of registration certificates	B	Need to have national consistency so that all RCPs can rely on the specific information included in these documents.
-- Inclusion of Information in the National SS&D registry	B	Need to have national consistency so that all RCPs can rely on the specific information included in these documents
-- Written procedures	C	
<b>Low level waste</b>	Adequacy	Non-common performance indicator
-- Written procedures	C	
<b>Uranium recovery</b>	Adequacy	Non-common performance indicator
-- Written procedures	C	
<b>Exchange of information</b>	C	Necessary for effective regulation of agreement materials on a national basis; necessary for effective review of NRC and Agreement State programs for agreement material with respect to protection of public health and safety.
-- Event reporting	C	See previous comment. In addition, Agreement State event reporting to NRC is mandatory as directed by the Commission in a Staff Requirements Memorandum dated June 30, 1997. Failure to comply with provision can serve as a basis alone or a finding of "not compatible."
<b>Legal assistance</b>	D	

<b>PROGRAM ELEMENT</b>	<b>REQUIRED FOR</b>	<b>COMMENTS</b>
<b>Technical advisory committees</b>	D	
<b>Technical assistance and support</b>	D	
<b>Program funding, including program support services</b>	D	
<b>Organization, management &amp; location of radiation control program</b>	D	