

July, 19, 2012

ALL AGREEMENT STATES

REVISION OF THE CHRONOLOGY OF NUCLEAR REGULATORY COMMISSION (NRC) AMENDMENTS INCLUDING SUMMARY OF CHANGE DOCUMENT FOR THE FINAL RULE, "TECHNICAL CORRECTIONS" [RATS ID 2012-3] (FSME-12-064)

Purpose: To provide the Agreement States with the Chronology of the U.S. Nuclear Regulatory Commission (NRC) Amendments, including the addition of RATS ID 2012-3, Technical Corrections, Parts 30, 34, 40, and 71 (effective date, August 6, 2012), and the Summary of Change Document.

Background: The NRC is amending its regulations to make technical corrections in certain parts of the regulations, including typographical and spelling errors, and other edits and conforming changes.

Discussion: The final rules published on July 6, 2012, are posted in the *Federal Register* (FR), 77 FR 39899, with an effective date of August 6, 2012, and can be accessed through this website: <http://www.gpo.gov/fdsys/pkg/FR-2012-07-06/pdf/2012-16176.pdf>. The chronology is enclosed in its entirety and includes RATS ID: 2012-3, as maintained by the Office of Federal and State Materials and Environmental Management Programs. The chronology is for your use to plan rulemaking actions that are needed to satisfy the compatibility and health and safety category designations of the NRC regulations. This document will also be used by the Integrated Materials Performance Evaluation Program teams during upcoming program reviews.

In addition, a summary of change document for the August 6, 2012, amendments has been enclosed with this letter. These summaries are for your use to identify the changes to the *Code of Federal Regulations* text as well as the compatibility categories associated with the changes. These regulations are due for adoption by the Agreement States no later than August 6, 2015. We request that both proposed regulations and final regulations be provided to us for review in accordance with FSME Procedure SA-201, "Review of State Regulatory Requirements."

If you have any questions regarding this correspondence, please contact me or the individual named below.

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Enclosures:

1. Chronology of NRC Amendments
2. Summary of Change Document

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Chronology of NRC Amendments

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566; (none)	1992-2
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618; (none)	1994-1
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards - Part 40	59 FR 28220; (7/1/97)	1994-2
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use- Parts 30, 32, 35	59 FR 61767; 59 FR 65243; 60 FR 322; (1/1/98)	1995-1
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535; (none)	1998-2
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 32, 35, 36 and 39	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1
Revision of the Skin Dose Limit-Part 20	67 FR 16298; (4/5/05)	2002-1
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; (10/24/05)	2002-2
Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments – Part 71.	69 FR 3697; (10/01/07)	2004-1
Security Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1
Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; 71 FR 1926 (4/29/08)	2005-2
Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090)	70 FR 72128 (12/01/2005)	2005-3
Minor Amendments -Parts 20, 30,32, 35, 40, 70	71 FR 15005 (03/27/09)	2006-1

NRC Chronology Identification	FR Notice Number (State Implementation Due Date)	RATS ID
National Source Tracking System - Serialization Requirements Part 32 (with reference to Part 20 Appendix E)	71 FR 65685 (02/06/07)	2006-2
National Source Tracking System Part 20	71 FR 65685 (01/31/09 Cat I and Cat II)	2006-3
Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35	72 FR 45147, 54207 (10/29/10)	2007-1
Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, and 150	72 FR 58473 (12/17/10)	2007-2
Requirements for Expanded Definition of Byproduct Material Parts - 20, 30, 31, 32, 33, 35, 61, and 150	72 FR 55864, 73 FR 42672 (11/30/10)	2007-3
Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material (Order EA-07-305)	72 FR 70901 (06/05/08)	2007-4
Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent Parts – 19 and 20	72 FR 68043, 72233 (02/15/11)	2008-1
Medical Use of Byproduct Material—Authorized User Clarification, Part 35	74 FR 33901 (09/28/12)	2009-1
Decommissioning Planning, Parts 20, 30, 40, and 70	76 FR 35512 (12/17/2015)	2011-1
Licenses, Certifications, and Approvals for Materials Licensees, Parts 30, 36, 39, 40, 51, 70, and 150	76 FR 56951 (11/14/2014)	2011-2
Change of Compatibility of 10 CFR 31.5 and 31.6 in the Withdrawal of Proposed Rule and Closure of Petition For Rulemaking: Organization of Agreement States and Florida Department of Health, Bureau of Radiation Control	77 FR 3640 (01/25/2015)	2012-1
Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste – Part 71	77 FR 34194 (08/10/2015)	2012-2
Technical Corrections – Parts 30, 34, 40, and 71	77 FR 39899 (08/06/2015)	2012-3

Technical Corrections – Parts 30, 34, 40, and 71
(77 FR 39899, Published July 6, 2012) RATS ID: 2012-3 Effective: August 6, 2012
Date Due for State Adoption August 6, 2015

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§30.34(h)(1)(ii)	Terms and conditions of licenses		H&S	<p>In §30.34, paragraph (h)(1)(ii) was revised to remove the reference “11 U.S.C. 101(14)” and add, in its place, the reference “11 U.S.C. 101(15).”</p> <p>(ii) An entity (as that term is defined in 11 U.S.C. 101(15)) controlling the licensee or listing the license or licensee as property of the estate; or</p>			
§34.20(a)(1)	Performance requirements for industrial radiography equipment		B	<p>In §34.20(a)(1), the address for the American National Standards Institute is updated as follows:</p> <p>(a)(1) * * * This publication may be purchased from the American National Standards Institute, Inc., 25 West 43rd Street, New York, New York 10036; Telephone: (212) 642–4900. * * *</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Part 40, Appendix A, section I, Criterion 4(d)	Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings for Wastes Produced by the Extraction or Concentration of Source material from ores processed primarily for their Source Material Content		C	<p>The eight paragraph of Criterion 4(d) is revised to read as follows:</p> <p>Criterion 4. * * *</p> <p>(d) *** Rock covering of slopes may be unnecessary where top covers are very thick (on the order of 10 m or greater); impoundment slopes are very gentle (on the order of 10 h:1v or less); bulk cover materials have inherently favorable erosion resistance characteristics; and, there is negligible drainage catchment area upstream of the pile and good wind protection as described in points (a) and (b) of this Criterion.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Part 40, Appendix A, section I, Criterion 8A	Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings for Wastes Produced by the Extraction or Concentration of Source material from ores processed primarily for their Source Material Content		C	<p>The third sentence of Criterion 8A is revised to read as follows:</p> <p>Criterion 8A. * * * The appropriate NRC regional office as indicated in appendix D to 10 CFR part 20 of this chapter, or the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, must be immediately notified of any failure in a tailings or waste retention system that results in a release of tailings or waste into unrestricted areas, or of any unusual conditions (conditions not contemplated in the design of the retention system) that if not corrected could indicate the potential or lead to failure of the system and result in a release of tailings or waste into unrestricted areas.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Part 71, Appendix A, Table A-1	Packaging and Transportation of Radioactive Material, A ₁ and A ₂ Values for Radionuclides		[B]	<p>In Table A-1, the entries for Bi-205, Cm-248, Eu-150 (long lived), and Te-132(a) and footnote b were revised to read as follows:</p> <p>See the table at the end of the document.</p>			

Table A-1—A₁ and A₂ VALUES FOR RADIONUCLIDES

Symbol of radionuclide	Element and atomic number	A ₁ (TBq)	A ₁ (Ci) ^b	A ₂ (TBq)	A ₂ (Ci) ^b	Specific activity	
						(TBq/g)	(Ci/g)
*	*	*	*	*	*	*	*
Bi-205	Bismuth (83)	7.0×10^{-1}	1.9×10^1	7.0×10^{-1}	1.9×10^1	1.5×10^{-3}	4.2×10^4
*	*	*	*	*	*	*	*
Cm-248		2.0×10^{-2}	5.4×10^{-1}	3.0×10^{-4}	8.1×10^{-3}	1.6×10^{-4}	4.2×10^{-3}
*	*	*	*	*	*	*	*
Eu-150 (long lived)		7.0×10^{-1}	1.9×10^1	7.0×10^{-1}	1.9×10^1	6.1×10^4	1.6×10^6
*	*	*	*	*	*	*	*
Te-132 (a)		5.0×10^{-1}	1.4×10^1	4.0×10^{-1}	1.1×10^1	1.1×10^4	3.0×10^5
*	*	*	*	*	*	*	*

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^b The values of A₁ and A₂ in Curies (Ci) are approximate and for information only; the regulatory standard units are Terabecquerels (TBq) (see Appendix A to part 71—Determination of A₁ and A₂, Section I).