

March 11, 1997

Mr. James A. deKrafft, Assistant Director  
Radiological Health Program  
Department of Health  
Commonwealth of Virginia  
P. O. Box 2418  
Richmond, Virginia 23218

Dear Mr. deKrafft:

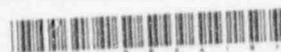
Thank you for your letter of January 18, 1997, to Mr. Robert E. Trojanowski of my staff, in which you indicated that the Virginia Radiation Advisory Board expressed some level of interest with regard to the Commonwealth's participation in the NRC Agreement State Program.

As requested, Enclosure 1 provides a current listing of NRC licensees in the Commonwealth, to include medical use licensees. Enclosure 2 is an index of material license program codes which can be used as a cross reference check not only to identify the medical use licensees, but also to determine specifically the nature of the activity allowed by the license.

For planning purposes, you also inquired about the dollar amount in fees typically collected from these licensees on an annual basis. During FY 1996, i.e., October 1, 1995 through September 30, 1996, the Commission collected \$3,449,700.00 from 10 CFR Part 171 licensees, and \$51,680.00 from 10 CFR Part 170 licensees, for an overall total of \$3,501,380.00. Please note that these fee monies do not include any fees which the Commission would have collected from those licensee which would not be transferred to the State under a Subsection 374b Agreement of the Atomic Energy Act, which would include Federal licensees, commercial nuclear reactor facilities, research reactors, and production facilities such as fuel processing or fabrication facilities.

Additional materials are also enclosed for your review which provide general background information. These include: 3) A copy of the staff briefing paper recently used to brief officials of the State of Connecticut, 4) A copy of NRC Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)", and associated Handbook; 5) A copy of the Agreement between the Nuclear Regulatory Commission and the State of Maine, as authorized by Section 274b of the Atomic Energy Act of 1954 as amended, and signed by the Chairman and the Governor, respectively, dated March 25, 1992, 6) Copies of Section 274b of the Atomic Energy Act, as amended, "Cooperation with States" and Policy Statement governing the administration of the program; and, 7) "Implementing Procedures for the Policy Statements: Statement of Principles and Policy for the Agreement State Program and Policy Statement on Adequacy and Compatibility of Agreement State Programs."

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L-4-2544 VA

SP01

J. deKrafft

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We appreciate your interest in the Agreement State Program, and as Bob has indicated to you, NRC staff members would be happy to brief the members of the Virginia Radiation Advisory Board on the merits of the program, or other factions within the Commonwealth as you deem necessary.

Please do not hesitate to contact me directly, or other members of my staff, if you would like to further pursue or discuss this matter, or in the event you need additional information. Bob can be reached at (404) 331-5597

Sincerely,

Original signed by  
Luis A. Reyes

Luis A. Reyes,  
Regional Administrator

Enclosure: As stated

cc w/o encl: R. L. Bangart

OFFICE	R11-ORA	R11-DNMS				
SIGNATURE	<i>RET</i>	<i>BSM</i>				
NAME	BTrojanowski	BMallett				
DATE	03 / 7 / 97	03 / 11 / 97	03 / / 97	03 / / 97	03 / / 97	03 / / 97
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY

DOCUMENT NAME: O:\ORA\RET\DEKRAFFT.RET



ENCLOSURES

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AGREEMENT STATE PROGRAM BACKGROUND INFORMATION

1. LISTING OF NRC LICENSES OPERATING IN THE  
COMMONWEALTH OF VIRGINIA
2. LISTING OF NRC MATERIAL LICENSE PROGRAM CODES
3. AGREEMENT STATE BRIEFING MATERIALS (CONNECTICUT)
4. NRC MANAGEMENT DIRECTIVE 5.6, INTEGRATED MATERIALS  
PERFORMANCE EVALUATION PROGRAM(IMPEP) & HANDBOOK
5. AGREEMENT BETWEEN NRC AND THE STATE OF MAINE(COPY)
6. COPY OF SECTION 274b, ATOMIC ENERGY ACT, AS  
AMENDED, "COOPERATION WITH STATES
7. IMPLEMENTING PROCEDURES, AGREEMENT STATE POLICY  
STATEMENTS: PRINCIPLES/ADEQUACY AND COMPATIBILITY

MARCH, 1997

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PROGRAM  
CODE-----  
01100

MEDICAL COLLEGE OF HAMPTON ROADS  
RADIATION SAFETY OFFICE  
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NORFOLK, VA 23507

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02120

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PHONE: 804-358-7051  
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DATE: 02/21/97

ACTIVE NRC LICENSEES IN VIRGINIA

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PROGRAM  
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02120

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DATE: 02/21/97

ACTIVE NRC LICENSEES IN VIRGINIA

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02120

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DATE: 02/21/97

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02120

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02120

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02120

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ACTIVE NRC LICENSEES IN VIRGINIA

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02121

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PROGRAM  
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02121

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CONTACT: STEVEN K. JONAKIN, MD  
PHONE: 703-980-6822  
R.S.O.: S. JONAKIN, MD/D. NAHARIN, MD

RUSSELL CTY. MEDICAL CTR., INC.  
CARROLL AND TATE STREETS  
LEBANON, VA 24266

CONTACT: WAYNE KEENE  
PHONE: 540-889-7107  
R.S.O.: H.G. KENNEDY, JR. MD, E.L. COBURN, MD

SOUTHEASTERN IMAGING  
379 TEEL BROOKE ROAD  
ROCKY MOUNT, VA 24151

CONTACT: NAYAN K. BHATT, MD  
PHONE: 703-634-5200  
R.S.O.: N.K. BHATT, MD/L. ANTHONY, PH.D.

SOUTHSIDE COMMUNITY HOSPITAL  
800 CAK STREET  
FARMVILLE, VA 23901-1199

CONTACT: JOHN H. GREER  
PHONE: 804-392-8811  
R.S.O.: DOROTHY COONEY, MD/M. WAKAT, MD



PROGRAM  
CODE  
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02121

WARREN MEMORIAL HOSPITAL  
1000 SHENANDOAH AVENUE  
FRONT ROYAL, VA 22630

CONTACT: LARRY SMITH  
PHONE: 703-636-6101  
R.S.O.: PHILIP M. MASSEY, MD

WISE APPALACHIAN REGIONAL HOSPITAL  
APPALACHIAN REGIONAL HEALTHCARE, INC  
P. O. BOX 3267  
NORTON RD, HOSPITAL DR.,  
WISE, VA 24293

CONTACT: OLIVIER VAN DIERDONCK  
PHONE: 703-328-2511  
R.S.O.: SRIKUMAR GOPALAN, MD/THOMAS HAINES

WYTHE COUNTY COMMUNITY HOSPITAL  
600 WEST RIDGE ROAD  
WYTHEVILLE, VA 24382

CONTACT: JOHN R. MCCLANE, MD  
PHONE: 703-228-2181  
R.S.O.: J. MCCLANE/F. ZIEGLER/K. RITCH

02200

CARDIOVASCULAR CENTER OF OYSTER  
POINT, INC.  
SUITE 202  
11835 FISHING POINT DR.  
NEWPORT NEWS, VA 23606

CONTACT: CHARLES M. VAUGHAN, MD  
PHONE: 804-873-0360  
R.S.O.: CHARLES M. VAUGHAN, MD

COMMUNITY RADIOLOGY OF VIRGINIA, INC  
2000 LEATHERWOOD LANE  
BLUEFIELD, VA 24605

CONTACT: STEPHEN P. RASKIN, MD I  
PHONE: 304-327-7177  
R.S.O.: S.O. RASKIN, MD/M.D. SHAHAN, MD

DANVILLE DIAGNOSTIC IMAGING CENTER  
P.O. BOX 2129  
DANVILLE, VA 24541

CONTACT: DAVID E. JOHNSEN, MD  
PHONE: 804-799-0202  
R.S.O.: DAVID E. JOHNSEN, MD

FAIR OAKS IMAGING CENTER  
4001 FAIR RIDGE DR., STE. 103  
FAIRFAX, VA 22033

CONTACT: VINCENT J. MASCATELLO, MD  
PHONE: 703-385-5203  
R.S.O.: VINCENT J. MASCATELLO, MD

PROGRAM  
CODE-----  
02200

FAIRFAX RADIOLOGICAL CONS., INC.  
2722 MERRILEE DRIVE #230  
FAIRFAX, VA 22031-4400

CONTACT: GORDON HEAD, MD  
PHONE:  
R.S.O.: GARY ALAN KRASICKY, MD

HEART CENTER OF NORTHERN VIRGINIA  
4660 KENMORE AVE., SUITE 800  
ALEXANDRIA, VA 22304

CONTACT: MORTON E. KALUS, JR., MD  
PHONE: 703-461-8686  
R.S.O.: MORTON E. KALUS, JR. M.D.

NO. VIRGINIA RADIOLOGY & NUCLEAR  
MEDICINE, INC.  
6305 CASTLE PLACE, SUITE A  
FALLS CHURCH, VA 22044

CONTACT: PANOS G. KOUTROUVELIS, MD  
PHONE: 703-241-7180  
R.S.O.: PANOS G. KOUTROUVELIS, MD

NORTHERN VIRGINIA ENDOCRINOLOGISTS  
3020 HAHAKER COURT, SUITE 502  
FAIRFAX, VA 22031

CONTACT: PETER S. ROSS, MD  
PHONE: 202-849-8440  
R.S.O.: PETER S. ROSS, MD

RADIOLOGY ASSOCIATES, P.C.  
5205 LYNNGATE COURT  
BURKE, VA 22015

CONTACT: JAMES H. MERO, M.D.  
PHONE: 703-978-3200  
R.S.O.: ROBERT A. FERRIS, MD

SHARPE, JR., M.D., ALTON R.  
THYROID SPECIALIST, INC.  
HIGHLAND I BUILDING  
7231 FOREST AVENUE, SUITE 103  
RICHMOND, VA 23226

CONTACT: ALTON R. SHARPE, JR., MD  
PHONE:  
R.S.O.: ALTON R. SHARPE, JR. MD

WOODBURN NUCLEAR MEDICINE, LTD.  
WOODBURN MEDICAL PARK  
3289 WOODBURN ROAD, SUITE 60  
ANNANDALE, VA 22003

CONTACT: ERIC NORBY, MD  
PHONE: 703-698-3447  
R.S.O.: ERIC H. NORBY, MD

## ACTIVE NRC LICENSEES IN VIRGINIA

PROGRAM  
CODE  
-----

02201

ABOULATTA, M.D., HUSSEIN M.  
2000 MEADE PARKWAY  
SUFFOLK, VA 23434

CONTACT: HUSSEIN M. ABOULATTA, MD  
PHONE: 804-539-0251  
R.S.O.: H.M. ABOULATTA, MD/J.E. SEIBEL, MD

CARDIAC DIAGNOSTIC SERVICES  
OF VIRGINIA, INC.  
3289 WOODBURN RD. #70  
ANNANDALE, VA 22003

CONTACT: CHRIS SMARTE  
PHONE: 703-641-0500  
R.S.O.: NEIL CHRISTIAN SMARTE, CNMT

CARDIOLOGY ASSOCIATES OF  
FREDERICKSBURG  
2500 CHARLES STREET  
FREDRICKSBURG, VA 22401

CONTACT: GREGORY J. KAUFFMAN, M.D.  
PHONE: 540-373-1331  
R.S.O.: GREGORY J. KAUFFMAN, MD

CARDIOLOGY CONSULTANTS OF DANVILLE,  
INC.  
115 SOUTH MAIN ST., SUITE 112  
DANVILLE, VA 24541

CONTACT: STEVEN D. RICHARDS, M.D.  
PHONE: 804-791-0188  
R.S.O.: STEVEN D. RICHARDS, MD

CARDIOLOGY CONSULTANTS, LTD.  
844 KEMPSVILLE ROAD, STE. 204  
NORFOLK, VA 23502

CONTACT: RONALD A. STINE, MD  
PHONE: 804-466-6100  
R.S.O.: RONALD A. STINE, MD

DUKE, HOWARD, D.P.M.  
LEE MEDICAL BLDG., SUITE 106  
1805 MONUMENT AVE.  
RICHMOND, VA 23220

CONTACT: DR. HOWARD DUKE  
PHONE: 804-358-9031  
R.S.O.: HOWARD DUKE, D.P.M.

HARRISONBURG MEDICAL ASSOCIATES  
1871 EVELYN BYRD AVENUE  
HARRISONBURG, VA 22801

CONTACT: CHRISTINE J. AUVILLE  
PHONE: 703-434-1635  
R.S.O.: DOUGLAS ALFRED DAVIES, MD

## ACTIVE NRC LICENSEES IN VIRGINIA

PROGRAM  
CODE-----  
02201

HEART & VASCULAR STUDIES, CNTR. FOR  
1531 AMBERLY FOREST ROAD  
VIRGINIA BEACH, VA 23456

CONTACT: R.E. MODLINGER, MD  
PHONE: 804-471-3838  
R.S.O.: RONALD E. MODLINGER, M.D.

HEMATOLOGY & ONCOLOGY ASSOC. LTD.  
5226 DAWES AVE.  
ALEXANDRIA, VA 22311

CONTACT: JUNE C. STEEL  
PHONE:  
R.S.O.: JUNE C. STEEL

LEWIS-GALE CLINIC, INC.  
1802 BRAEBURN DR.  
SALEM, VA 24153

CONTACT: JANICE DUDLEY  
PHONE: 703-772-3400  
R.S.O.: ROBERT G. ZELLER, MD

PORTSMOUTH CARDIOLOGY, INC.  
3235 ACADEMY AVE., SUITE 201  
PORTSMOUTH, VA 23703

CONTACT: D.B. CHOUGH, M.D.  
PHONE: 804-483-6420  
R.S.O.: DAWN Y. MANJONEY, M.D.

ROANOKE VALLEY CARDIOLOGY ASSOC.  
SUITE 101  
102 HIGHLAND AVENUE  
ROANOKE, VA 24013

CONTACT: JACEK SLOWIKOWSKI, MD  
PHONE: 703-342-7941  
R.S.O.: JACEK S. SLOWIKOWSKI, MD

TIDEWATER HEART INSTITUTE  
12720 MCMAHON ROAD, SUITE 205  
NEWPORT NEWS, VA 23602

CONTACT: PATRICIA A. NAHORMEK  
PHONE: 804-825-4288  
R.S.O.: PATRICIA A. NAHORMEK, MD

VIRGINIA HEART GROUP, LTD  
306 E. HUNDRED ROAD  
CHESTER, VA 23831

CONTACT: PHILIP DUNCAN, M.D., PRESIDENT  
PHONE: 804-530-5178  
R.S.O.: BEVERLY E. SPENCER, MD

PROGRAM  
CODE-----  
02201VIRGINIA HEART INSTITUTE  
205 N. HAMILTON STREET  
RICHMOND, VA 23221CONTACT: CHARLES L. BAIRD, JR., MD  
PHONE: 804-359-9265  
R.S.O.: CHARLES L. BAIRD, JR., MDWEAVER MEDICAL ASSOCIATES  
P.O. BOX 26448  
RICHMOND, VA 23261CONTACT: JOHN A. WEAVER, MD  
PHONE: 804-358-9962  
R.S.O.: JOHN A. WEAVER, MD

02220

MERITUS PLS, INC.  
(FORMERLY MERITUS HEALTH SYSTEMS)  
SUITE 200  
233 HERSHBERGER ROAD  
ROANOKE, VA 24012CONTACT: JOEL DOBSON ADMINISTRATOR  
PHONE: 703-563-0165  
R.S.O.: F.H. GEORGE, MD

02230

ALEXANDRIA HOSPITAL  
4320 SEMINARY ROAD  
ALEXANDRIA, VA 22304CONTACT: LINDA BACKSTROM  
PHONE: 703-379-3102  
R.S.O.: MICHAEL H. FRIEDMAN, MDBON SECOURS-DEPAUL MEDICAL CENTER  
(FORMERLY DEPAUL MEDICAL CENTER)  
150 KINGSLEY LANE  
NORFOLK, VA 23505CONTACT: RAVINDRA P. RAO  
PHONE: 804-489-5251  
R.S.O.: RAVINDRA P. RAO, MS/C. SINESI, MDDANVILLE REGIONAL MEDICAL CENTER  
142 SOUTH MAIN STREET  
DANVILLE, VA 24541CONTACT: LAURENCE F. THOMSON, M.S.  
PHONE: 804-799-3703  
R.S.O.: LAURENCE F. THOMSON, M.S.HENRICO DOCTORS HOSPITAL  
NUCLEAR MEDICINE DEPARTMENT  
1602 SKIPWITH ROAD  
RICHMOND, VA 23229CONTACT: PATRICK W. FARRELL  
PHONE: 804-289-4872  
R.S.O.: B. WILLIAMSON, MD/V. RAVAL

PROGRAM  
CODE-----  
02230

LEWIS-GALE MEDICAL CENTER  
1900 ELECTRIC ROAD  
SALEM, VA 24153-9989

CONTACT: WILLIAM B. DOWNEY  
PHONE: 703-989-4261  
R.S.O.: R.GLOSSNER/D.RANDOLPH, MD

RICHMOND RADIATION ONCOLOGY CENTER  
5711 STAPLES MILL ROAD  
RICHMOND, VA 23228

CONTACT: WILSON B. SPRENKLE, MD  
PHONE: 804-266-7762  
R.S.O.: MARCUS A. GILBERT

RIVERSIDE REGIONAL MEDICAL CENTER  
500 J. CLYDE MORRIS BOULEVARD  
NEWPORT NEWS, VA 23601-1976

CONTACT: LELAND R. KIRKLAND, PH.D, RSO  
PHONE: 804-599-2757  
R.S.O.: L.R. KIRKLAND/H. PRUSSIA

SENTARA HOSPITALS  
NORFOLK GENERAL DIVISION  
RADIOLOGY  
600 GRESHAM DRIVE  
NORFOLK, VA 23507

CONTACT: DAVID WEIMER, MD  
PHONE: 804-628-3000  
R.S.O.: ALBERT G. KASENTER

VIRGINIA COMMONWEALTH UNIVERSITY  
OFFICE OF ENVIRONMENTAL HEALTH &  
SAFETY  
P.O. BOX 112 MCV STATION  
RICHMOND, VA 23298-0001

CONTACT: WILLIAM L. DEWEY  
PHONE: 804-786-9131  
R.S.O.: DEAN W. BROGA, PH.D.

02300

RIVERSIDE REGIONAL MEDICAL CENTER  
CANCER TREATMENT CENTER  
500 J. CLYDE MORRIS BOULEVARD  
NEWPORT NEWS, VA 23601

CONTACT: WILLIAM DOWNEY  
PHONE: 804-594-2644  
R.S.O.: LELAND KIRKLAND, PH.D.

VIRGINIA BAPTIST HOSPITAL  
3300 RIVERMONT AVENUE  
LYNCHBURG, VA 24503

CONTACT: VAN MCCOMAS, RSO  
PHONE: 804-947-4010  
R.S.O.: V. MCCOMAS/L.REDMOND, MD



## ACTIVE NRC LICENSEES IN VIRGINIA

PROGRAM  
CODE-----  
02300

VIRGINIA, UNIVERSITY OF  
RECTORS AND VISITORS  
OFFICE OF ENV. HEALTH & SAFETY  
P.O. BOX 3425, EDMONT ROAD  
CHARLOTTESVILLE, VA 22903

CONTACT: RICHARD G. PICCOLO  
PHONE: 804-924-7334  
R.S.O.: H.W. BERK, PH.D./R.G. PICCOLO

VIRGINIA, UNIVERSITY OF  
RECTORS AND VISITORS  
OFFICE OF ENV. HEALTH & SAFETY  
P.O. BOX 3425  
CHARLOTTESVILLE, VA 22903

CONTACT: RICHARD G. PICCOLO, CHP  
PHONE: 804-924-7334  
R.S.O.: HAROLD BERK, PH.D./RICHARD PICCOLO

02400

BLUE RIDGE EQUINE CLINIC, INC.  
P.O. 278  
FREE UNION, VA 22940

CONTACT: R. REYNOLDS COWLES, JR.  
PHONE: 804-973-7947  
R.S.O.: R. REYNOLDS COWLES, JR., DVM

SPURLOCK EQUINE ASSOCIATES  
ROUTE 2, BOX 261  
LOVETTSVILLE, VA 22080

CONTACT: DR. SHAUNA SPURLOCK  
PHONE: 703-882-3459  
R.S.O.: DR. SHAUNA SPURLOCK

VETERINARY IMAGING  
6651-F BACKLICK ROAD  
SPRINGFIELD, VA 22150

CONTACT: DAVID S. HERRING, DVM  
PHONE: 301-854-5474  
R.S.O.: DAVID S. HERRING, DVM

02410

AMERICAN MEDICAL LABS., INC.  
14225 NEWBROOK DR., BOX 10841  
CHANTILLY, VA 22021-0841

CONTACT: JOHN D. PRAITHER, RSO  
PHONE: 703-691-9100  
R.S.O.: JOHN PRAITHER

BAYER CORPORATION  
BOX 307, ROUTE 11 SOUTH  
MIDDLETOWN, VA 22645

CONTACT: JOHN H. TYSON, MANAGER  
PHONE: 703-869-3200  
R.S.O.: CRISTI CIANCHI

PROGRAM  
CODE  
-----

02410

GENETICS AND IVF INSTITUTE  
3020 JAVIER ROAD  
FAIRFAX, VA 22031

CONTACT: ANNE MADDALENA  
PHONE: 703-698-7355  
R.S.O.: JOSEPH D. SCHULMAN, MD

LABORATORY CORPORATION OF AMERICA  
13900 PARK CENTER ROAD  
HERNDON, VA 22071

CONTACT: REBECCA ASHLEY, MT  
PHONE: 703-742-3100  
R.S.O.: MANAL O. MILAD

LABORATORY CORPORATION OF AMERICA  
8040 VILLA PARK DR., SUITE 200  
RICHMOND, VA 23228

CONTACT: SUSAN T. ZECHINI  
PHONE: 804-266-7777  
R.S.O.: SUSAN T. ZECHINI

VIRGINIA, COMMONWEALTH OF  
DIV. OF CONSOLIDATED LAB SERVICES  
1 NORTH 14TH STREET  
RICHMOND, VA 23219

CONTACT: EILEEN Q. SANDERS  
PHONE:  
R.S.O.: EILEEN Q. SANDERS

02500

GEOPIX TECHNOLOGY, INC.  
BLUE RIDGE NUCLEAR PHARMACY  
1807-H MURRY ROAD  
ROANOKE, VA 24018

CONTACT: G. F. GILLILAND  
PHONE: 910-274-1258  
R.S.O.: ROBERT W. BEIGHTOL

NORTHERN VIRGINIA ISOTOPES, INC.  
44901 FALCON PLACE, SUITE 116  
STERLING, VA 20166

CONTACT: ALLEN C. JONES, PRESIDENT  
PHONE:  
R.S.O.: A.C. JONES, R.P.H., J. ZEHNER

RADIOLOGY SERVICES OF HAMPTON  
ROADS, L.C.  
3301 COLLEY AVENUE  
NORFOLK, VA 23508-3016

CONTACT: RALEIGH HAMILTON  
PHONE: 804-622-6222  
R.S.O.: JOHN TABB, PH.D.

PROGRAM  
CODE-----  
02511TRI-MED SPECIALTIES, INC.  
1500 AVON STREET EXTENDED  
CHARLOTTESVILLE, VA 22902CONTACT: SUSIE HOFFMAN  
PHONE: 804-977-8711  
R.S.O.:

02513

BEST INDUSTRIES, INC.  
7643 FULLERTON ROAD  
SPRINGFIELD, VA 22153CONTACT: KRISHNAN SUTHANTHIRAN  
PHONE: 703-451-2378  
R.S.O.: KRISHNAN SUTHANTHIRAN

03110

INTERMONT COMPANY, THE  
ROUTE 1, BOX 26  
BLAND, VA 24315CONTACT: JAMES T. NUNN  
PHONE: 703-688-3043  
R.S.O.: JAMES T. NUNN

03111

CONSOL, INC.  
P.O. BOX 947, WATER ST.  
BLUEFIELD, VA 26405CONTACT: KENT M. REDDING  
PHONE: 304-326-6376  
R.S.O.: C. YURCHICK/J.D. ST. PETERMARSHALL MILLER & ASSOCIATES  
BLUEFIELD INDUSTRIAL PARK  
P. O. BOX 848  
BLUEFIELD, VA 24605-0848CONTACT: PHILIP J. WATERS  
PHONE: 703-322-5467  
R.S.O.: P.J. WATERS/S. NELSON

03120

ALLIANT TECHSYSTEMS, INC.  
{FORMERLY HERCULES AEROSPACE}  
RADFORD ARMY AMMUNITION PLANT  
CALLER SERVICE 1  
RADFORD, VA 24141CONTACT: M.L. GRIFFITH  
PHONE: 703-639-8388  
R.S.O.: MYRA N. ADAMS/DAVID D. JERVEYALLIED-SIGNAL CORP.  
FIBERS DIV.  
CHESTERFIELD PLANT  
P. O. BOX 831  
HOPEWELL, VA 23860CONTACT: JAMES A. CARPENTER  
PHONE: 804-541-6124  
R.S.O.: JAMES A. CARPENTER

## ACTIVE NRC LICENSEES IN VIRGINIA

PROGRAM  
CODE-----  
03120

ALLIED-SIGNAL, INC.  
ENGINEERED MATERIALS SECTOR  
IBERS DIVISION, HOPEWELL PLANT  
P.O. BOX 761  
HOPEWELL, VA 23860

CONTACT: B. G. MOORING  
PHONE: 804-541-5644  
R.S.O.: B.G. MOORING/D.G. BOWLES

ALLIED-SIGNAL, INC.  
FORMERLY BRIDGESTONE/FIRESTONE, INC.  
105 WINSTON CHURCHILL DRIVE  
HOPEWELL, VA 23860-0450

CONTACT: DANNY STIDHAM  
PHONE: 804-541-2000  
R.S.O.: L.P. BATTEN

ALLIEDSIGNAL, INC. TECHNICAL CENTER  
P.O. BOX 31  
PETERSBURG, VA 23804

CONTACT: M.D. BARNETT  
PHONE: 804-520-3221  
R.S.O.: MICHAEL D. BARNETT

AMOCO FOAM PRODUCTS COMPANY  
P.O. BOX 3178  
WINCHESTER, VA 22604

CONTACT: DAVID WHITACRE  
PHONE: 703-667-9740  
R.S.O.: DAVID WHITACRE

AMOCO OIL CO.  
YORKTOWN REFINERY  
P. O. BOX 578  
YORKTOWN, VA 23690

CONTACT: DAVID R. ELLIOTT, JR.  
PHONE: 804-898-5120  
R.S.O.: DAVID R. ELLIOTT

APG LIME CORP.  
STATE ROUTE 635  
RIPPLEMEAD, VA 24150

CONTACT: ROBERT H. SHELOR  
PHONE: 703-626-7163  
R.S.O.: DAVID TAYLOR

APPLIED EXTRUSION TECHNOLOGIES, INC  
DBA AET  
EDGEMONT DRIVE  
COVINGTON, VA 24426-2075

CONTACT: J. L. PIERCE  
PHONE: 703-962-1141  
R.S.O.: J. L. CHAMBERS

PROGRAM  
CODE-----  
03120

BASSETT FURNITURE INDUSTRIES, INC.  
BASSETT FIBERBOARD PLANT  
P.O. BOX 626  
BASSETT, VA 24055

CONTACT: JAMES FRANKLIN  
PHONE: 703-629-6447  
R.S.O.: WAYNE ATKINS

BEAR ISLAND PAPER CO.  
P.O. BOX 2119  
ASHLAND, VA 23005

CONTACT: JAMES P. VLAHAKIS  
PHONE: 804-227-3394  
R.S.O.: WILLIAM A. ABATO

BTR PAPER GROUP  
WEAVEXX CORP., INC.  
ROUTE 2, BOX 165  
FARMVILLE, VA 23901

CONTACT: BILLY STANFILL  
PHONE: 804-392-6111  
R.S.O.: BILLY STANFILL

CARGILL, INCORPORATED  
501 BARNES RD., P.O. BOX 7506  
CHESAPEAKE, VA 23324

CONTACT: BOB J. SMITH  
PHONE: 804-545-8461  
R.S.O.: RCBERT SMITH

CARPENTER COMPANY  
P.O. BOX 34526  
2400 JEFFERSON DAVIS HWY.  
RICHMOND, VA 23234

CONTACT: FAUSTO D. PINEDA  
PHONE: 804-233-8391  
R.S.O.: F.D. PINEDA

CHEMSTONE CORPORATION  
P.O. BOX 71  
STRASBURG, VA 22657

CONTACT: RICHARD C. CULP  
PHONE: 703-465-5161  
R.S.O.: L. CRABILL/D. HIMELRIGHT

CHESAPEAKE PAPER PRODUCTS COMPANY  
BOX 311  
WEST POINT, VA 23181

CONTACT: WILLIAM D. HESE, JR.  
PHONE: 804-843-5000  
R.S.O.: WILLIAM HESE, JR.

PROGRAM  
CODE-----  
03120CLINCHFIELD COAL CO.  
P.O. BOX 7  
DANTE, VA 24237CONTACT: PAUL KING  
PHONE: 703-889-6191  
R.S.O.: PAUL KINGDOMINION TERMINAL ASSOCIATES  
P.O. BOX 967-A  
NEWPORT NEWS, VA 23607CONTACT: JOHN E. DAVIS  
PHONE: 804-245-2275  
R.S.O.: JOHN E. DAVISE. I. DU PONT DE NEMOURS & CO., INC  
SPRUANCE FIBERS PLANT  
P.O. BOX 27001  
RICHMOND, VA 23261CONTACT: CLARENCE P. MIHAL, JR.  
PHONE: 804-383-2948  
R.S.O.: C.P. MIHAL/W. HOLT/D. SCHWARTZE. I. DU PONT DE NEMOURS & CO., INC  
DU PONT BOULEVARD  
WAYNESBORO, VA 22980CONTACT: JAMES W. PRUETT  
PHONE: 703-949-2613  
R.S.O.: JAMES W. PRUETTFAIRFAX COUNTY GOVERNMENT  
LOWER POTOMAC POLLUTION CONTROL  
PLANT  
9399 RICHMOND HWY., BOX 268  
LORTON, VA 22199-0268CONTACT: CHERYL ST. AMANT  
PHONE: 703-550-9740  
R.S.O.: ARTHUR PUSKASGEORGIA-PACIFIC CORPORATION  
P.O. BOX 309  
SKIPPER, VA 23879CONTACT: DENISE FLUHARTY, TECH.MGR  
PHONE: 804-634-6133  
R.S.O.: DENISE FLUHARTY/BARRY KERNGREEN BAY PACKAGING, INC.  
WINCHESTER COATED PRODUCTS DIVISION  
P O BOX 3568  
285 PARK CENTER DRIVE  
WINCHESTER, VA 22604-3568CONTACT: JOHN H. WINTERS, FACILITIES MGR  
PHONE: 703-678-2600  
R.S.O.: MICHAEL P. DICKEY



PROGRAM  
CODE-----  
G3120

HERMES ABRASIVES LTD.  
524 VIKING DRIVE, BOX 2389  
VIRGINIA BEACH, VA 23450

CONTACT: DAVID J. POTTER  
PHONE: 804-486-6623  
R.S.O.: JUERGEN LINGE

HOECHST CELANESE CORPORATION  
3340 W. NORFOLK ROAD  
PORTSMOUTH, VA 23703

CONTACT: RON HARPER, RSO  
PHONE: 804-483-7000  
R.S.O.: RONALD HARPER

HOECHST CELANESE FIBERS COMPANY  
P.O. BOX 1000  
NARROWS, VA 24124

CONTACT: T.E. JOHNSON  
PHONE: 703-921-1111  
R.S.O.: THOMAS E. JOHNSON

HUNTSMAN CHEMICAL CORP.  
5100 BAINBRIDGE BLVD.  
CHESAPEAKE, VA 23320

CONTACT: RONALD D. SCHNUELLE  
PHONE:  
R.S.O.: RONALD D. SCHNUELLE

ICI FILMS  
P.O. BOX 411  
HOPEWELL, VA 23860

CONTACT: ROGER C. CAMPBELL  
PHONE: 804-541-9531  
R.S.O.: DAVE VANAKEN

LONE MOUNTAIN PROCESSING COMPANY  
P.O. BOX 40  
PENNINGTON GAP, VA 24277

CONTACT: DENNIS KOSTIC  
PHONE: 703-383-4784  
R.S.O.: GEORGE SMITH

MASONITE CORPORATION  
WOOD FIBER INDUSTRIES DIVISION  
P.O. BOX 3327  
DANVILLE, VA 24543

CONTACT: WILLIAM E. MOSBY, JR.  
PHONE: 804-797-1321  
R.S.O.: WILLIAM E. MOSBY, JR./OTIS JOHNSON

## ACTIVE NRC LICENSEES IN VIRGINIA

PROGRAM  
CODE-----  
03120MASONITE CORPORATION  
P.O. BOX 232  
STUART, VA 24171CONTACT: COLIN SMITH, PLANT ENGINEER  
PHONE: 703-694-7151  
R.S.O.: COLIN SMITHOLD DOMINION ELECTRIC COOPERATIVE/  
VIRGINIA POWER  
STATE RTE. 600, P.O. BOX 245  
CLOVER, VA 24534CONTACT: KARL BENTLEY  
PHONE: 804-454-7962  
R.S.O.: KARL BENTLEYPHILIP MORRIS U. S. A.  
P.O. BOX 26603  
RICHMOND, VA 23261CONTACT: JOSEPH N. TENHET  
PHONE: 804-274-2946  
R.S.O.: JOSEPH N. TENHETPOTOMAC ELECTRIC POWER CO.  
POTOMAC RIVER GENERATING STATION  
1400 NORTH ROYAL STREET  
ALEXANDRIA, VA 22314CONTACT: JAMES M. STANTON  
PHONE: 703-838-3730  
R.S.O.: JAMES M. STANTON/JOHN W. MARTINSCIENCE AND TECHNOLOGY CORP.  
SUITE 3  
4483 JAMES MADISON PARKWAY  
KING GEORGE, VA 22485CONTACT: SAMUEL L. EURE  
PHONE: 703-663-0252  
R.S.O.: RODNEY DODD/HARRY BARRICKSTONE CONTAINER CORPORATION  
P.O. BOX 201  
HOPEWELL, VA 23860CONTACT: BRUCE R. MANSON, MILL ENGINEER  
PHONE: 804-541-9600  
R.S.O.: ALBERT W. PRICEUNION CAMP CORP.  
FINE PAPER DIVISION  
P. O. BOX 178  
FRANKLIN, VA 23851CONTACT: JON L. WOLTMANN  
PHONE: 804-569-4228  
R.S.O.: HUGH S. RAULSTON

PROGRAM  
CODE  
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03120

UNITED STATES GYPSUM COMPANY  
1001 BUCHANAN ST., BOX 4686  
NORFOLK, VA 23523

CONTACT: MICHAEL J. HUTSON  
PHONE: 804-545-2461  
R.S.O.: MICHAEL HUTSON

VIRGINIA ELECTRIC & POWER CO.  
POSSUM POINT POWER STATION  
5000 DOMINION BOULEVARD  
GLEN ALLEN, VA 23060

CONTACT: JIMMY W. WALLACE  
PHONE: 703-221-3181  
R.S.O.: JIMMY W. WALLACE

VIRGINIA FIBRE CORPORATION  
P.O. BOX 339  
AMHERST, VA 24521

CONTACT: DAVID T. SCOTT  
PHONE: 804-933-4164  
R.S.O.: LAWRENCE WORLEY

WESTVACO CORPORATION  
RIVERSIDE STREET  
COVINGTON, VA 24426-0950

CONTACT: RAYMOND HUNDLEY, III, RSO  
PHONE: 703-969-5386  
R.S.O.: R. HUNDLEY/J. GIBSON

YOKOHAMA TIRE CORPORATION  
P.O. BOX 3250  
SALEM, VA 24153

CONTACT: WILLIAM M. ARNOLD  
PHONE: 703-389-5426  
R.S.O.: WILLIAM M. ARNOLD

03121

A-TECH/VIRGINIA, INC., DBA  
ROOFING SYSTEMS ASSOCIATES, INC.  
P.O. BOX 7164  
ROANOKE, VA 24019

CONTACT: THEODORE CROCKER, PRES.  
PHONE: 703-982-5607  
R.S.O.: THEODORE D. CROCKER

ADAMS CO. ROOFING COMPANY  
P. O. BOX 12007  
ROANOKE, VA 24027

CONTACT: HAROLD HALL  
PHONE: 804-563-0870  
R.S.O.: HAROLD G. HALL

PROGRAM  
CODE-----  
03121

ALEXCOM & ASSOCIATES, INC.  
10 LEELAND ROAD, SUITE 110  
FREDERICKSBURG, VA 22405

CONTACT: ROLAND COMBS  
PHONE: 703-752-0810  
R.S.O.: ROLAND E. COMBS

ALPHA CORPORATION  
45665 WILLOW POND PLAZA  
STERLING, VA 20164

CONTACT: JOHN VICINSKI, PE  
PHONE: 703-709-2206  
R.S.O.: ROBERT HOOD, P.E.

AMBRIC TESTING & ENGINEERING ASSOC.  
OF VIRGINIA, INC.  
LOWER LEVEL  
80 SOUTH EARLY STREET  
ALEXANDRIA, VA 22304

CONTACT: RICHARD KNAUF, P.E.  
PHONE: 703-370-3100  
R.S.O.: ROSALINDA BROWN/RONY AVALOS

APAC-VIRGINIA, INC.  
P. O. BOX 779  
DANVILLE, VA 24543

CONTACT: DONALD R. JOHNSON  
PHONE: 804-792-4211  
R.S.O.: DONALD R. JOHNSON

APAC-VIRGINIA, INC.  
RICHMOND DIVISION  
P.O. BOX 35015  
RICHMOND, VA 23235-0015

CONTACT: ROBERT W. THOMPSON, JR.  
PHONE: 804-744-1135  
R.S.O.: SCOTT R. WYNN

APAC-VIRGINIA, INC.  
P.O. BOX 4140  
MANASSAS, VA 22110

CONTACT: HAROLD L. SEAL, JR.  
PHONE:  
R.S.O.: HAROLD L. SEAL, JR.

ARIAS, INC.  
201 GLYNDON ST., S.E.  
VIENNA, VA 22180

CONTACT: CHARLES P. ARIAS  
PHONE: 703-255-3410  
R.S.O.: CHARLES P. ARIAS

PROGRAM  
CODE  
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03121

ASPHALT ROADS & MATERIALS CO., INC.  
4985 EUCLID ROAD, BOX 62423  
VIRGINIA BEACH, VA 23462

CONTACT: DAVID H. SAMUELS  
PHONE: 804-497-3591  
R.S.O.: DAVID H. SAMUELS

ATLANTIC GEOTECHNICAL SERVICES, INC  
10998 RICHARDSON ROAD  
ASHLAND, VA 23005

CONTACT: MICHAEL O. NOGGLE  
PHONE: 804-752-7222  
R.S.O.: MICHAEL O. NOGGLE

B & S CONTRACTING, INC.  
ROUTE 5, BOX 108-B  
STAUNTON, VA 24401

CONTACT: C.H. SCOTT  
PHONE: 703-886-8886  
R.S.O.: C.H. SCOTT

B. P. SHORT & SON PAVING CO. INC  
P.O. BOX 2007  
PETERSBURG, VA 23804

CONTACT: VICTOR PARKS, III, V. PRES.  
PHONE: 804-732-8412  
R.S.O.: MARSHALL A. (PETE) GROW, JR.

BARB & SHUMAKER, INC.  
319 ISLAND ROAD  
BRISTOL, VA 24201

CONTACT: DON W. SHUMAKER, JR.  
PHONE: 703-669-5811  
R.S.O.: DON W. SHUMAKER, JR.

BASIC CONSTRUCTION COMPANY  
P.O. BOX 2719  
NEWPORT NEWS, VA 23609-0719

CONTACT: JOHN E. POINDEXTER  
PHONE: 804-249-3289  
R.S.O.: CHAD PRITCHARD

BENGTSON, DEBELL & ELKIN, LTD.  
5900 CENTREVILLE ROAD  
CENTREVILLE, VA 20121

CONTACT: ARTHUR L. WOODS  
PHONE: 703-631-9630  
R.S.O.: ADAM PHILLIPS

PROGRAM  
CODE-----  
03121

BLAIR BROS., INC.  
1 BLAIR BROS. RD.  
P.O. BOX 5413  
SUFFOLK, VA 23435

CONTACT: WILLIAM F. JUDKINS  
PHONE: 804-539-1696  
R.S.O.: WILLIAM F. JUDKINS

BLAKEMORE CONSTRUCTION CORP.  
P.O. BOX 27404  
RICHMOND, VA 23261

CONTACT: HAROLD M. GATEWOOD  
PHONE: 804-262-1233  
R.S.O.: ROBERT D. MORRISON, III

C. T. I. CONSULTANTS, INC.  
14221-B WILLARD ROAD, STE. 100  
CHANTILLY, VA 22021

CONTACT: D. CLIFF THOMAS  
PHONE: 703-803-6411  
R.S.O.: D. CLIFF THOMAS

CHI ASSOCIATES, INC.  
2000 N. 14TH STREET, #315  
ARLINGTON, VA 22201

CONTACT: SEAWRIGHT W. ANDERSON  
PHONE: 703-558-3408  
R.S.O.: SEAWRIGHT W. ANDERSON

CITY OF NORFOLK  
DEPT. OF PUBLIC WORKS  
STREETS & BRIDGES  
300 E. 17TH ST.  
NORFOLK, VA 23517

CONTACT: JAMES W. FRIEND  
PHONE: 804-441-2952  
R.S.O.: JAMES W. FRIEND

CLENDENIN CONSULTING & REMEDIATION  
GROUP  
116-I EDWARDS FERRY ROAD  
LEESBURG, VA 20176-2301

CONTACT: BRUCE E. CLENDENIN, PRESIDENT  
PHONE: 703-771-8816  
R.S.O.: BRUCE E. CLENDENIN

COMBINED TECHNOLOGIES, INC.  
2246-J DABNEY ROAD  
RICHMOND, VA 23230-1276

CONTACT: PAUL W. BURCH, PE  
PHONE: 804-737-0076  
R.S.O.: PAUL W. BURCH

PROGRAM  
CODE-----  
03121

COMMONWEALTH ENV. ASSOC., INC.  
3000 EAST BOUNDARY TERRACE  
SUITE #1  
MIDLOTHIAN, VA 23112

CONTACT: WILLIAM MAYES  
PHONE: 804-744-3527  
R.S.O.: ANDREW W. MAYES

CONSOLIDATION COAL COMPANY  
ENGINEERING DEPT.--DESIGN AND  
CONSTRUCTION SECTION  
P.O. BOX 1289  
BLUEFIELD, VA 24605

CONTACT: C. E. ASBURY, JR., RSO  
PHONE: 703-326-3664  
R.S.O.: C. E. ASBURY, JR.

CONSULTING ENGINEERS CORP.  
9490A TYCO ROAD  
VIENNA, VA 22180

CONTACT: MAHARAJ K. JALLA  
PHONE: 703-848-2120  
R.S.O.: JAMES R. BARR

DAN AND GRAHAM LEASING, INC.  
4215 LAFAYETTE CENTER DRIVE  
SUITE 2  
CHANTILLY, VA 20151

CONTACT: H.D. CAMPBELL, JR.  
PHONE: 703-802-0093  
R.S.O.: H.D. CAMPBELL, JR.

DEWBERRY & DAVIS  
8401 ARLINGTON BOULEVARD  
FAIRFAX, VA 22031-4666

CONTACT: KURT R. THOMPSON, P.E.  
PHONE: 703-876-4700  
R.S.O.: G. SHAWN BALL/RICHARD RIVIERE

DRAPER ADEN ASSOCIATES  
4136 INNSLAKE DRIVE  
GLEN ALLEN, VA 23060

CONTACT: JEFFREY LIGHTHISER, VPRES  
PHONE:  
R.S.O.: JOEL S. PINNIX, P.E.

E. V. WILLIAMS COMPANY, INC.  
P.O. BOX 938  
NORFOLK, VA 23501

CONTACT: BARRY W. BASS  
PHONE: 804-537-9435  
R.S.O.: BARRY W. BASS

PROGRAM  
CODE-----  
03121

EARTH TECH, INC.  
1115 5TH STREET, SW  
CHARLOTTESVILLE, VA 22902-6465

CONTACT: JOHN Y. GOOCH, RSO  
PHONE: 804-977-1498  
R.S.O.: JOHN Y. GOOCH(VA)/D. LIBENSON(NJ)

ECS, LTD.  
2119-D NORTH HAMILTON STREET  
RICHMOND, VA 23230

CONTACT: RICHARD S. FARMER, P.E.  
PHONE: 804-353-6333  
R.S.O.: RICHARD S. FARMER

EMSI ENGINEERING, INC.  
6997 GATEWAY COURT  
MANASSAS, VA 22110

CONTACT: FOUAD EMARA  
PHONE: 703-818-8519  
R.S.O.: FOUAD EMARA/R. DOMINGO/M FARHANGI

ENGINEERING & MATERIALS  
TECHNOLOGIES, INC.  
8487 EUCLID AVE., SUITE 7  
MANASSAS\_PARK, VA 20111-5213

CONTACT: SHAHZAD. S. MOOSA, P.E.  
PHONE: 703-361-9898  
R.S.O.: SHAHZAD S. MOOSA, P.E.

ENGINEERING & TESTING  
CONSULTANTS, INC.  
419 S. LYNNHAVEN RD., STE. 112  
VIRGINIA BEACH, VA 23452

CONTACT: DEBORAH A. EVANS  
PHONE: 804-486-5522  
R.S.O.: DEBORAH A. EVANS

ENGINEERING CONSULTING SERVICES, LTD  
SUITE R  
14000 THUNDERBOLT LANE  
CHANTILLY, VA 22021

CONTACT: ELIZABETH B. WEIS  
PHONE: 703-834-5527  
R.S.O.: RICHARD D. STORBECK

FACILITY ENGINEERING ASSOCIATES  
11166 MAIN STREET, SUITE 103  
FAIRFAX, VA 22030

CONTACT: CHRISTOPHER P. HODGES, PE, PRES  
PHONE:  
R.S.O.: CHRISTOPHER P. HODGES



PROGRAM  
CODE-----  
03121FAIRFAX, CITY OF  
3410 PICKETT ROAD  
FAIRFAX, VA 22031CONTACT: RON SHILLINGBURG  
PHONE: 703-385-7983  
R.S.O.: RONALD L. SHILLINGBURGFLOYD ASPHALT PAVING COMPANY  
ROUTE 2, BOX 177  
BLUEFIELD, VA 24605CONTACT: BRENDA ANDERSON  
PHONE: 703-326-1666  
R.S.O.: DAVID COLLINSFOUNDATION ENG. SCIENCE, INC.  
11843 CANON BLVD., SUITE B6  
NEWPORT NEWS, VA 23606CONTACT: RAJA S. ELAWAR, P.E.  
PHONE: 757-873-4113  
R.S.O.: RAJA S. ELAWAR, P.E.FROEHLING & ROBERTSON, INC.  
BOX 27524  
RICHMOND, VA 23261CONTACT: WILLIAM W. BRIODY  
PHONE: 804-264-2701  
R.S.O.: WILLIAM W. BRIODYG. M. T., INC.  
22446 DAVIS DRIVE, SUITE 127  
STERLING, VA 20164CONTACT: AHMED ELREFAI, PH.D.  
PHONE: 701-406-8702  
R.S.O.: E. DAVIS AND S. SHALABYGEOTECHNICAL & ENVIRONMENTAL  
SERVICES  
P.O. BOX 354  
MT. SIDNEY, VA 24467CONTACT: HENRY B. MULLIN  
PHONE: 703-248-0610  
R.S.O.: WILLIAM J. BARKERGEOTECHNICAL CONSULTING & TESTING  
8551 SUDLEY ROAD  
MANASSAS, VA 22110CONTACT: EMAD E. SAADEH, P.E.  
PHONE: 703-335-5134  
R.S.O.: TIMOTHY V. FARABAUGH

PROGRAM  
CODE  
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03121

GEOTECHNICS, INC.  
P.O. BOX 217  
VINTON, VA 24179

CONTACT: JOHN R. CUTRIGHT, P.E.  
PHONE: 703-344-4569  
R.S.O.: JOHN R. CUTRIGHT

GLAMORGAN COAL CORPORATION  
P.O. BOX 3237  
WISE, VA 24293

CONTACT: EDDIE BATEMAN  
PHONE: 703-328-8078  
R.S.O.: FRANK BOWMAN

GREELEY AND HANSEN  
2116 W. LABURNUM AVE. STE. 100  
RICHMOND, VA 23227-4359

CONTACT: ROGER J. CROWIN  
PHONE: 804-355-9993  
R.S.O.: EDWIN W. PHILLIPS

GREENHORNE & O'MARA, INC.  
11211 WAPLES MILL ROAD  
FAIRFAX, VA 22030

CONTACT: HENRY N. DOYLE, DIV. MGR  
PHONE: 703-385-9800  
R.S.O.: THOMAS C. LONG

HARRISONBURG, VIRGINIA, CITY OF  
320 EAST MOSBY ROAD  
HARRISONBURG, VA 22801

CONTACT: MARK P. MILAM, DEP. PURCHAS'G  
PHONE:  
R.S.O.: JAMES D. BAKER

HAYES, SEAY, MATTERN & MATTERN  
ARCHITECTS - ENGINEERS - PLANNERS  
1315 FRANKLIN ROAD S. W.  
ROANOKE, VA 24016

CONTACT: WADE A. ANDERSON  
PHONE: 703-343-6971  
R.S.O.: WADE A. ANDERSON

HDH ASSOCIATES, P.C.  
P.O. BOX 230  
872 WEST SALEM PLAZA  
SALEM, VA 24153

CONTACT: JOHN PATTEN  
PHONE: 703-389-8282  
R.S.O.: JOHN PATTEN/JOE HALE

PROGRAM  
CODE-----  
03121

HENRICH, VIRGINIA, COUNTY OF  
DEPARTMENT OF PUBLIC WORKS  
P.O. BOX 27032  
RICHMOND, VA 23273

CONTACT: HOWARD G. HIGH, JR.  
PHONE: 804-747-4396  
R.S.O.: HOWARD G. HIGH, JR.

HENRY S. BRANSCOME, INC.  
P. O. DRAWER 260  
WILLAMSBURG, VA 23187

CONTACT: KENNETH G. EPPS  
PHONE: 804-229-2504  
R.S.O.: KENNETH G. EPPS

HERBERT & ASSOCIATES, LTD.  
P.O. BOX 64758  
VIRGINIA BEACH, VA 23464

CONTACT: JOHN A. HERBERT  
PHONE: 804-420-2797  
R.S.O.: JOHN A. HERBERT

HURT & PROFFIT, INC.  
2524 LANGHORNE ROAD  
LYNCHBURG, VA 24501

CONTACT: CHARLES F. HURT, PRES.  
PHONE: 804-847-7796  
R.S.O.: CHARLES F. HURT

ISLAND CREEK COAL CO.  
P.O. DRAWER L  
OAKWOOD, VA 24631

CONTACT: GERALD F. RAMSEY  
PHONE: 703-498-3351  
R.S.O.: GERALD F. RAMSEY

JEWELL SMOKELESS COAL CORP., INC.  
P.O. BOX 70  
VANSANT, VA 24656

CONTACT: CHARLES E. ELLIS  
PHONE: 703-935-8810  
R.S.O.: BOBBY E. O'QUIN/MARK SINGLETON

JULIUS BRANSCOME, INC.  
7812 BETHLEHEM ROAD  
MANASSAS, VA 22110

CONTACT: KIMBERLY LOWERLY  
PHONE: 703-335-1000  
R.S.O.: KIMBERLY LOWERLY

PROGRAM  
CODE-----  
03121LAW ENGINEERING, INC.  
804 PROFESSIONAL PLACE WEST  
CHESAPEAKE, VA 23320CONTACT: WALTER L. WEEKS  
PHONE: 804-424-6060  
R.S.O.: WALTER L. WEEKSLAW ENGINEERING, INC.  
4465 BROOKFIELD CORPORATE DR.  
CHANTILLY, VA 22021CONTACT: ROBERT D. ALVAREZ  
PHONE: 703-968-4700  
R.S.O.: ROBERT ALVAREZLAWHORNE BROTHERS, INC.  
P.O. BOX 10005  
LYNCHBURG, VA 24506CONTACT: CHARLES H. TOLER  
PHONE: 804-239-8821  
R.S.O.: CHARLES H. TOLERLEE HY PAVING CORPORATION  
BOX 7502  
RICHMOND, VA 23231CONTACT: ROBERT F. BUTLER  
PHONE: 804-222-8336  
R.S.O.: ROBERT F. BUTLERLEESBURG, TOWN OF  
P. O. BOX 88  
LEESBURG, VA 22075CONTACT: ROBERT H. LILLY  
PHONE:  
R.S.O.: ROBERT H. LILLYLOUIS BERGER & ASSOCIATES, INC.  
7637 HULL STREET ROAD, STE.100  
RICHMOND, VA 23235CONTACT: JOHN E. EPPERLY  
PHONE: 703-960-1282  
R.S.O.: JOHN EPPERLYM.C. CONSTRUCTION, INC.  
P.O. BOX 759  
SOUTH BOSTON, VA 24592CONTACT: FRANK C. HYLTON  
PHONE: 804-571-4501  
R.S.O.: FRANK HYLTON

PROGRAM  
CODE-----  
03121MAC CONSTRUCTION, INC.  
P.O. BOX 338  
OAKWOOD, VA 24631CONTACT: MARK L. MCCLANAHAN  
PHONE:  
R.S.O.: MARK L. MCCLANAHANMARVIN V. TEMPLETON & SONS, INC.  
P. O. BOX 4339  
LYNCHBURG, VA 24502CONTACT: S. MICHAEL WEAKLEY  
PHONE: 804-239-0383  
R.S.O.: S. MICHAEL WEAKLEYMCCALLUM TESTING LABS., INC.  
P. O. BOX 13337  
1808 HAYWARD AVENUE  
CHESAPEAKE, VA 23325-0337CONTACT: PHILIP S. BERMAN  
PHONE:  
R.S.O.: PHILIP S. BERMANMEGA CONTRACTORS, INC.  
P.O. BOX 6387  
RICHMOND, VA 23230CONTACT: J. BRENT MOORE  
PHONE: 804-749-3266  
R.S.O.: C.J. RAYMOND, JR.MOISTURE PROTECTION SYSTEMS  
ANALYSTS, INC.  
SUITE 223  
1350 BEVERLY ROAD  
MCLEAN, VA 22101CONTACT: VIRGIL J. HOOD, PRESIDENT  
PHONE:  
R.S.O.: VIRGIL J. HOODMOORE BROTHERS COMPANY, INC.  
P.O. BOX 920  
VERONA, VA 24482CONTACT: LEE C. YOWELL  
PHONE: 703-248-8181  
R.S.O.: LEE C. YOWELLNEWPORT NEWS, CITY OF  
ENGINEERING DEPT.  
CONSTRUCTION INSPECTION  
513 OYSTER POINT ROAD  
NEWPORT NEWS, VA 23602CONTACT: DONALD E. ELLIS  
PHONE: 804-877-5700  
R.S.O.: DONALD E. ELLIS

PROGRAM  
CODE-----  
03121NEWTON ASPHALT CO., INC. OF VA  
5601 COURTNEY AVE., BOX 9420  
ALEXANDRIA, VA 22304CONTACT: GERALD W. BURTON  
PHONE: 703-751-7100  
R.S.O.: GERALD W. BURTON/BERNARD MILLEROLVER, INC.  
1116 SOUTH MAIN STREET  
BLACKSBURG, VA 24060CONTACT: JOHN H. KILBY  
PHONE: 703-552-5548  
R.S.O.: JOHN H. KILBYP. C. GOODLOE & SON, INC.  
382 KINGS HIGHWAY  
FREDERICKSBURG, VA 22405CONTACT: LUCY HARMAN, SEC/TREAS  
PHONE:  
R.S.O.: LARRY D. MEADOWSPARSONS BRINCKERHOFF CONSTRUCTION  
SERVICES, INC.  
475 SPRING PARK PLACE, STE.500  
HERNDON, VA 22070CONTACT: JOHN V. SULLIVAN.  
PHONE: 703-834-3174  
R.S.O.: JOHN V. SULLIVANPATTON, HARRIS, RUST & ASSOC., P.C.  
SUITE 500  
14221A WILLARD ROAD  
CHANTILLY, VA 22021CONTACT: WOODROW R. HELENBURG  
PHONE: 703-273-8700  
R.S.O.: WOODROW R. HELENBURGPRINCE WILLIAM COUNTY  
DEPARTMENT OF PUBLIC WORKS  
4379 RIDGEWOOD CENTER DRIVE  
PRINCE WILLIAM, VA 22192CONTACT: RONNIE K. STUART  
PHONE: 703-791-6656  
R.S.O.: RONNIE K. STUARTPROFESSIONAL SERVICE INDUSTRIES, INC  
1788 ISLAND ROAD, SUITE 1  
BRISTOL, VA 24201CONTACT: B. UTEIR, RSO  
PHONE:  
R.S.O.: DANAN UTEIR /J. THORNTON-CORP.RSO

## ACTIVE NRC LICENSEES IN VIRGINIA

PROGRAM  
CODE-----  
03121

PROFESSIONAL SERVICE INDUSTRIES, INC  
2930 ESKRIDGE ROAD, SUITE A  
FAIRFAX, VA 22031

CONTACT: ADAM ACKERMANN  
PHONE: 630-691-1496  
R.S.O.: A. ADAS, RSO/A. ACKERMANN CORP. RSO

PROFESSIONAL SERVICES IND., INC.  
(FORMERLY GEO DESIGN CONS.)  
204-B GRAYSON ROAD, SUITE B  
VIRGINIA BEACH, VA 23462

CONTACT: WILLIAM E. BURGE  
PHONE: 804-473-9533  
R.S.O.: W. BURGE/C. KATTAN-VB/B. BURDETTE, BS

RALPH WHITEHEAD & ASSOCIATES  
SUITE A  
553 SOUTHLAKE BOULEVARD  
RICHMOND, VA 23236

CONTACT: RONALD C. BRIGGS, V. PRES  
PHONE: 804-794-1185  
R.S.O.: RONALD C. BRIGGS

RLS & COMPANY  
18596 LEE HIGHWAY  
ABINGDON, VA 24210

CONTACT: L. C. SUTHERLAND  
PHONE: 703-628-2482  
R.S.O.: LESLIE C. SUTHERLAND

ROBERT B. BALTER CO.  
7646B FULLERTON ROAD  
SPRINGFIELD, VA 22153

CONTACT: J. CHARLES LEVERGOOD  
PHONE: 703-569-3050  
R.S.O.: J. C. LEVERGOOD/M. WRIGHTSON/R. BEGIN

ROOF SURVEY AND CONSULTANTS, INC.  
2045 WESVAN DRIVE, N.E.  
ROANOKE, VA 24012

CONTACT: CHARLES R. AKERS  
PHONE: 703-977-1815  
R.S.O.: CHARLES R. AKERS

ROOFING CONSULTANTS OF VA., INC.  
3205 SKIPWITH ROAD  
RICHMOND, VA 23294

CONTACT: WILLIAM D. SANDERS  
PHONE: 804-747-6313  
R.S.O.: WILLIAM D. SANDERS

PROGRAM  
CODE-----  
03121ROY W. FORD CO., INC.  
P.O. BOX 9  
BLAIRS, VA 24527CONTACT: FRED C. FORD  
PHONE:  
R.S.O.: FRED C. FORDS. L. WILLIAMSON CO., INC.  
P.O. BOX 648, 1230 RIVER RD.  
CHARLOTTESVILLE, VA 22902CONTACT: MICHAEL W. REESE, RPO  
PHONE: 804-295-6137  
R.S.O.: MICHAEL W. REESES.R. DRAPER PAVING CO., INC.  
4742 OLD ROCKY MOUNT ROAD  
ROANOKE, VA 24014CONTACT: JO LYNN DRAPER  
PHONE: 703-774-4419  
R.S.O.: DAVID E. KIDDSCHNABEL ENGINEERING ASSOC., INC.  
ONE WEST CARY STREET  
RICHMOND, VA 23220CONTACT: GILBERT T. SEESE, V PRES  
PHONE: 804-649-7035  
R.S.O.: ROBERT A/ HILL, IIISEAL ENGINEERING, INC.  
3323 DUKE STREET  
ALEXANDRIA, VA 22314CONTACT: DAVID A. FYFFE, V. PRESIDENT  
PHONE: 703-823-6366  
R.S.O.: DAVID A. FYFFESHIRLEY CONTRACTING CORPORATION  
8435 BACKLICK ROAD  
LORTON, VA 22079-1498CONTACT: MICHAEL L. POST  
PHONE: 703-550-8100  
R.S.O.: LAURA JARGOSOIL CONSULTANTS, INC.  
13944-G WILLARD ROAD  
CHANTILLY, VA 22021CONTACT: DONN S. SMITH  
PHONE: 703-631-3555  
R.S.O.: D. SMITH/M. TRIPPI/S. GENTRY



PROGRAM  
CODE-----  
03121SOIL TECH, INC.  
14630 F FLINT LEE RD.  
CHANTILLY, VA 22021CONTACT: WILLIAM F. SLEDJESKI  
PHONE: 703-631-9647  
R.S.O.: WILLIAM SLEDJESKISTUART M. PERRY, INC.  
117 LIMESTONE LANE  
WINCHESTER, VA 22602CONTACT: DAVID A. BURLESON  
PHONE: 702-662-3431  
R.S.O.: R.M. DEIHL/D.A. BURLESONSUBTEC, INC.  
7 WEST 4TH STREET  
SALEM, VA 24153CONTACT: LEONARD W. WAGONER  
PHONE: 540-362-8881  
R.S.O.: LEONARD W. WAGONERSUPERIOR PAVING CORPORATION  
P.O. BOX 900  
GAINESVILLE, VA 20156CONTACT: HOWARD ADRIAN, SAFETY DIRECTOR  
PHONE: 703-631-0004  
R.S.O.: HOWARD ADRIAN/FRED FREET. A. HOUSTON & ASSOC., LTD  
16416 MT. RUN LANE, BOX 891  
CULPEPER, VA 22701CONTACT: T. A. HOUSTON  
PHONE: 703-825-6262  
R.S.O.: T. A. HOUSTONTHOMPSON & LITTON, INC.  
P.O. BOX 1307  
WISE, VA 24293CONTACT: MICHAEL W. HATFIELD, P.E.  
PHONE: 703-328-2151  
R.S.O.: MICHAEL W. HATFIELDTIDEWATER TESTING DIVISION  
DOUBLE F ENTERPRISES, INC.  
P.O. BOX 10639  
NORFOLK, VA 23513CONTACT: FRANCIS A. FAAS  
PHONE: 804-857-1727  
R.S.O.: FRANCIS A. FAAS

PAGE: 41

LICENSEES IN VIRGINIA

CONTACT: PETER J. FANARA  
PHONE: 804-379-6160  
R.S.O.: PETER J. FANARA

CONTACT: GARY L. KLINEDEN  
PHONE: 703-557-0960  
R.S.O.: MARCEL W. VIVIL

CONTACT: CHARLES J. NEMMERS, PE, DIR  
PHONE: 703-285-2434  
R.S.O.: TERRY M. MITCHELL

CONTACT: WILLIAM C. WALKER  
PHONE: 703-667-6020  
R.S.O.: WILLIAM C. WALKER

CONTACT: PAUL BALDWIN, JR.  
PHONE: 804-328-3142  
R.S.O.: BALDWIN JONES/LAWSON/MCGANN/BUNCH

CONTACT: KIMWOOD J. PARTENHEIMER, PE  
PHONE: 804-266-2199  
R.S.O.: KIMWOOD J. PARTENHEIMER

CONTACT: R. G. POINDEXTER  
PHONE: 703-395-3316  
R.S.O.: SUSAN B. POWERS

STATE ROAD  
56-4099  
TRANSPORTATION, DEPARTMENT OF  
FEDERAL HIGHWAY ADMINISTRATION  
NORTH RIDGETOP CIRCLE  
STERLING, VA 22170

TRANSPORTATION, DEPARTMENT OF  
FEDERAL HIGHWAY ADMINISTRATION  
FHW-30  
6300 GEORGETOWN PIKE  
MCCLEAN, VA 22101

VALLEY ASPHALT PRODUCTS, INC.  
P.O. BOX 138  
CLEARBROOK, VA 22624

VIRGINIA DEPT. OF TRANSPORTATION  
MATERIALS DIVISION  
1401 EAST BROAD STREET  
RICHMOND, VA 23219

VIRGINIA GEOTECHNICAL SERVICES, PC  
8211 HERMITAGE ROAD  
RICHMOND, VA 23228-3031

VIRGINIA IRON, COAL & COKE CO.  
P.O. BOX 1578  
COESBURN, VA 24330

ACTIVE MRC LICENSEES IN VIRGINIA

PROGRAM  
CODE  
-----  
03121

TIMMONS  
711 NORTH COURTHOUSE ROAD  
RICHMOND, VA 23236-4099

CONTACT: PETER J. FANARA  
PHONE: 804-379-6160  
R.S.O.: PETER J. FANARA

TRANSPORTATION, DEPARTMENT OF  
FEDERAL HIGHWAY ADMINISTRATION  
EASTERN RIDGETOP CIRCLE  
21400 RIDGETOP CIRCLE  
STERLING, VA 22170

CONTACT: GARY L. KLINEDINST  
PHONE: 703-557-0960  
R.S.O.: MARCEL W. VIVIER

TRANSPORTATION, DEPARTMENT OF  
FEDERAL HIGHWAY ADMINISTRATION  
FHWA-HNR-30  
6300 GEORGETOWN PIKE  
MCCLEAN, VA 22101

CONTACT: CHARLES J. NEMMERS, PE, DIR  
PHONE: 703-285-2434  
R.S.O.: TERRY M. MITCHELL

VALLEY ASPHALT PRODUCTS, INC.  
P.O. BOX 138  
CLEARBROOK, VA 22624

CONTACT: WILLIAM C. WALKER  
PHONE: 703-667-6020  
R.S.O.: WILLIAM C. WALKER

VIRGINIA DEPT. OF TRANSPORTATION  
MATERIALS DIVISION  
1401 EAST BROAD STREET  
RICHMOND, VA 23219

CONTACT: PAUL BALDWIN, JR.  
PHONE: 804-328-3142  
R.S.O.: BALDWIN/JONES/LAWSON/MCGANN/BUNCH

VIRGINIA GEOTECHNICAL SERVICES, PC  
8211 HERMITAGE ROAD  
RICHMOND, VA 23228-3031

CONTACT: KIMWOOD J. PARTENHEIMER, PE  
PHONE: 804-266-2199  
R.S.O.: KIMWOOD J. PARTENHEIMER

VIRGINIA IRON, COAL & COKE CO.  
P. O. BOX 1578  
COEBURN, VA 24230

CONTACT: R. G. POINDEXTER  
PHONE: 703-395-3316  
R.S.O.: SUSAN B. POWERS

PROGRAM  
CODE-----  
03121TIMMONS  
711 NORTH COURTHOUSE ROAD  
RICHMOND, VA 23236-4099CONTACT: PETER J. FANARA  
PHONE: 804-379-6160  
R.S.O.: PETER J. FANARATRANSPORTATION, DEPARTMENT OF  
FEDERAL HIGHWAY ADMINISTRATION  
EASTERN FEDERAL LANDS HWY. DIV  
21400 RIDGETOP CIRCLE  
STERLING, VA 22170CONTACT: GARY L. KLINEDINST  
PHONE: 703-557-0960  
R.S.O.: MARCEL W. VIVIERTRANSPORTATION, DEPARTMENT OF  
FEDERAL HIGHWAY ADMINISTRATION  
FHWA-HNR-30  
6300 GEORGETOWN PIKE  
MCCLEAN, VA 22101CONTACT: CHARLES J. NEMMERS, PE, DIR  
PHONE: 703-285-2434  
R.S.O.: TERRY M. MITCHELLVALLEY ASPHALT PRODUCTS, INC.  
P.O. BOX 138  
CLEARBROOK, VA 22624CONTACT: WILLIAM C. WALKER  
PHONE: 703-667-6020  
R.S.O.: WILLIAM C. WALKERVIRGINIA DEPT. OF TRANSPORTATION  
MATERIALS DIVISION  
1401 EAST BROAD STREET  
RICHMOND, VA 23219CONTACT: PAUL BALDWIN, JR.  
PHONE: 804-328-3142  
R.S.O.: BALDWIN/JONES/LAWSON/MCGANN/BUNCHVIRGINIA GEOTECHNICAL SERVICES, PC  
8211 HERMITAGE ROAD  
RICHMOND, VA 23228-3031CONTACT: KIMWOOD J. PARTENHEIMER, PE  
PHONE: 804-266-2199  
R.S.O.: KIMWOOD J. PARTENHEIMERVIRGINIA IRON, COAL & COKE CO.  
P. O. BOX 1578  
COEBURN, VA 24230CONTACT: R. G. POINDEXTER  
PHONE: 703-395-3316  
R.S.O.: SUSAN B. POWERS

## ACTIVE NRC LICENSEES IN VIRGINIA

PROGRAM  
CODE  
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03121

W-L CONSTRUCTION & PAVING, INC.  
DRAWER 927  
CHILHOWIE, VA 24319

CONTACT: JOHN H. TAYLOR, SECRETARY  
PHONE:  
R.S.O.: JOHN H. TAYLOR

WESTVACO CORP.  
RESEARCH CENTER  
MILL ROAD  
COVINGTON, VA 24426

CONTACT: LACY D. WOLFE  
PHONE: 703-969-5100  
R.S.O.: LACY D. WOLFE

WHITLOCK DALRYMPLE POSTON &  
ASSOCIATES, INC.  
8832 RIXLEW LANE  
MANASSAS, VA 22110

CONTACT: CARLIN L. HALL, II  
PHONE: 703-361-8012  
R.S.O.: C.L. HALL, D.A. DARRAH, R.J. NIBER

WILBUR SMITH ASSOCIATES  
2921 TELESTAR COURT  
FALLS CHURCH, VA 22042

CONTACT: JAMES A. BRENNAN  
PHONE: 703-698-9780  
R.S.O.: JAMES A. BRENNAN

ZANNINO ENGINEERING  
1650-A MOUNTAIN ROAD  
GLEN ALLEN, VA 23060

CONTACT: THOMAS L. ZANNINO, PE  
PHONE: 804-741-1305  
R.S.O.: THOMAS ZANNINO

03123

APPALACHIAN POWER CO.  
P.O. BOX 2021  
ROANOKE, VA 24022

CONTACT: RAYMOND E. FISHER  
PHONE: 703-985-2300  
R.S.O.: D. M. GILES

CONAGRA PET PRODUCTS, INC.  
PLANT A  
2258 DARBYTOWN ROAD  
RICHMOND, VA 23231

CONTACT: PATRICK M. MALONEY  
PHONE: 804-236-1404  
R.S.O.: PATRICK M. MALONEY

PROGRAM  
CODE-----  
03123

DIVERSIFIED LABORATORIES, INC.  
SUITE 1300  
3810 CONCORDE PARKWAY  
CHANTILLY, VA 22021

CONTACT: WENDELL T. SLOVER, LAB MGR  
PHONE: 703-222-8700  
R.S.O.: WENDELL T. SLOVER

ETS ANALYTICAL SERVICES, INC.  
1401 MUNICIPAL ROAD, NW  
ROANOKE, VA 24012

CONTACT: TERRY ALDHIZER  
PHONE: 703-387-3995  
R.S.O.: DAVID TOMPKINS

FAIRFAX COUNTY HEALTH DEPARTMENT  
LABORATORY  
10777 MAIN ST. #301  
FAIRFAX, VA 22030

CONTACT: CHESTER L. BOWMAN  
PHONE: 703-246-3218  
R.S.O.: MARK J. STANGLER

FAIRFAX COUNTY WATER AUTHORITY  
1250 HOLLY KNOLL DRIVE  
HERNDON, VA 22070

CONTACT: EVELYN TORRES, PH.D.  
PHONE: 703-430-1170  
R.S.O.: JAMES W. BERRY

INFILCO DEGREMONT, INC.  
TECSULT LABS DIVISION  
2216 PERL ROAD  
RICHMOND, VA 23230

CONTACT: P. TEMPLE BALLARD  
PHONE: 804-756-7625  
R.S.O.: P. TEMPLE BALLARD

VIRGINIA ELECTRIC & POWER CO.  
5000 OLD DOMINION BOULEVARD  
GLEN ALLEN, VA 23060

CONTACT: MS. P.F. FAGGERT  
PHONE: 804-796-2674  
R.S.O.: LLOYD W. ROGERS

VIRGINIA, COMMONWEALTH OF  
DEPT. OF GENERAL SERVICES  
DIVISION OF FORENSIC SCIENCE  
401-A COLLEY AVE., TIDEWATER  
NORFOLK, VA 23507-1966

CONTACT: ROBERT J. CAMPBELL  
PHONE: 804-623-8327  
R.S.O.: ROBERT J. CAMPBELL



PROGRAM  
CODE  
-----

03124

GENICOM CORPORATION  
1 GENICOM DRIVE  
WAYNESBORO, VA 22980-1999CONTACT: G. F. PELTIER  
PHONE: 703-949-1673  
R.S.O.: D. R. BURNETTJUSTICE, DEPARTMENT OF  
FEDERAL BUREAU OF INVESTIGATION  
BLDG. 2795B-A  
ENGINEERING RESEARCH FACILITY  
QUANTICO, VA 22135CONTACT: MICHAEL J. MCDEVITT  
PHONE: 703-640-1921  
R.S.O.: MICHAEL J. MCDEVITT

03212

BEST INDUSTRIES, INC.  
7643 FULLERTON ROAD  
SPRINGFIELD, VA 22153CONTACT: KRISHNAN SUTHANTHIRAN  
PHONE: 703-451-2378  
R.S.O.: S.I. RAMASWAMY /G.B. TALLEY

03214

COMMONWEALTH BIOTECHNOLOGIES, INC  
911 EAST LEIGH ST, SUITE G-19  
RICHMOND, VA 23219CONTACT: RICHARD J. FREER, PHD. CHMN  
PHONE: 804-828-2590  
R.S.O.: RICHARD J. FREER, PH.D.MOLINS RICHMOND, INC.  
P.O. BOX 6159  
RICHMOND, VA 23222-0159CONTACT: PHILIP N. THEURER  
PHONE: 304-329-9081  
R.S.O.: PHILIP N. THEURERPALOMAR SENSOR APPLICATIONS CORP.  
(FORMERLY TEMET, USA)  
P.O. BOX 439  
GREAT FALLS, VA 22066CONTACT: RICHARD C. KRAHE  
PHONE: 703-759-6000  
R.S.O.: RICHARD C. KRAHE

03221

GENERAL HEALTH PHYSICS  
7217 LOCKPORT PLACE #203  
LORTON, VA 22079CONTACT: JOHN B. DAVIS, PRESIDENT  
PHONE: 703-550-7525  
R.S.O.: JOHN B. DAVIS

PROGRAM  
CODE  
-----

03221

NEWPORT NEWS SHIPBUILDING &  
DRYDOCK COMPANY  
DEPT. E85, BLDG. 4632-2  
4101 WASHINGTON AVE.  
NEWPORT NEWS, VA 23607-2770

CONTACT: C.T. HILL  
PHONE: 804-380-2369  
R.S.O.: C.T. HILL

PHYSICS ASSOCIATES  
5346 PETERS CREEK ROAD N.W.  
ROANOKE, VA 24019

CONTACT: LEE S. ANTHONY, PH.D.  
PHONE: 703-563-0165  
R.S.O.: LEE S. ANTHONY, PH.D.

03225

CENTRAL VIRGINIA LABORATORIES  
& CONSULTANTS, INC.  
P.O. BOX 10938  
LYNCHBURG, VA 24506

CONTACT: JAMES J. MYRON, PH.D.  
PHONE: 804-847-2852  
R.S.O.: JAMES J. MYRON

HAUNI RICHMOND, INC.  
2800 CHARLES CITY ROAD  
RICHMOND, VA 23231

CONTACT: DARRELL BASINGER  
PHONE:  
R.S.O.: DARRELL W. BASINGER

HEALTH PHYSICS CONSULTATION, INC.  
2308 INTERLINK ROAD  
LYNCHBURG, VA 24503

CONTACT: JOHN W. CURE, III, PRES.  
PHONE: 804-384-7003  
R.S.O.: JOHN W. CURE, III

NEWPORT NEWS SHIPBUILDING, INC.  
NEWPORT NEWS INDUSTRIAL DIVISION  
SUITE 108  
700 THIMBLE SHOALS BLVD.  
NEWPORT NEWS, VA 23606-2544

CONTACT: C.L. TRENT  
PHONE: 804-380-7594  
R.S.O.: L.S. MORAN

VIRGINIA, COMMONWEALTH OF  
BUREAU OF RADIOLOGICAL HEALTH  
P.O. BOX 2448  
1500 E. MAIN ST., ROOM 104A  
RICHMOND, VA 23219

CONTACT: LESLIE P. FOLDES  
PHONE: 804-786-5932  
R.S.O.: JAMES A. DE KRAFFT



## ACTIVE NRC LICENSEES IN VIRGINIA

PROGRAM  
CODE-----  
03240MOLINS RICHMOND, INC.  
P.O. BOX 6159  
RICHMOND, VA 23222CONTACT: PHILIP N. THEURER  
PHONE: 804-329-9081  
R.S.O.:

03255

PALOMAR SENSOR APPLICATIONS CORP.  
737 WALKER RD, SUITE 1  
P.O. BOX 439  
GREAT FALLS, VA 22066CONTACT: RICHARD C. KRAHE  
PHONE: 703-759-6000  
R.S.O.:

03310

CONNEX PIPE SYSTEMS INCORPORATED  
ONE CONNEX WAY  
TROUTVILLE, VA 24175CONTACT: RALPH E. NODES, RAD.SAFE/OFCR  
PHONE: 703-992-1600  
R.S.O.: RALPH E. NODESINTERMET CORPORATION  
LYNCHBURG FOUNDRY COMPANY  
ARCHER CREEK PLANT  
P.O. BOX 11589  
LYNCHBURG, VA 24506-1589CONTACT: THOMAS J. WOODALL  
PHONE: 804-528-8200  
R.S.O.: THOMAS J. WOODALL OR CLYDE L. TRENT

03320

ADAMS INDUSTRIAL SERVICES, INC.  
1885 GRAND BAY DRIVE  
VIRGINIA BEACH, VA 23456CONTACT: THOMAS D. ADAMS  
PHONE: 804-416-1307  
R.S.O.: THOMAS D. ADAMSADVEX CORPORATION  
121 FLOYD THOMPSON DRIVE  
HAMPTON, VA 23666-1307CONTACT: GEORGE E. SLEMP  
PHONE: 804-865-0920  
R.S.O.: GEORGE E. SLEMPANALYTIC STRESS RELIEVING, INC.  
WESTERN STRESS DIVISION  
(FORMERLY WESTERN STRESS, INC.)  
7523 WHITEPINE ROAD  
RICHMOND, VA 23237CONTACT: JAMES SPEESE  
PHONE: 804-271-5447  
R.S.O.: RAYMOND M. MARTIN

## ACTIVE NRC LICENSEES IN VIRGINIA

PROGRAM  
CODE-----  
03320

FROEHLING & ROBERTSON, INC.  
P.O. BOX 27524, 3015 DUMBARTON  
RICHMOND, VA 23261

CONTACT: WILLIAM W. BRIDY  
PHONE: 804-264-2701  
R.S.O.: WILLIAM W. BRIDY

LONGVIEW INSPECTION, INC.  
1800 EAST BELT BOULEVARD  
RICHMOND, VA 23224

CONTACT: DAVID NEAL  
PHONE: 800-853-4417  
R.S.O.: DAVID NEAL

MATERIAL TESTING LABORATORIES, INC.  
1531 EARLY STREET  
NORFOLK, VA 23502-1603

CONTACT: PETER H. LORSONG  
PHONE: 804-855-1971  
R.S.O.: P.H. LORSONG, JR./THOMAS H. HARTLEY

NEWPORT NEWS SHIPBUILDING & DRYDOCK  
COMPANY  
DEPT. 031, BLDG. 11  
4101 WASHINGTON AVENUE  
NEWPORT NEWS, VA 23607-2770

CONTACT: H.W. COMPTON, JR.  
PHONE: 757-380-2929  
R.S.O.: C. SNYDER, H. COMPTON, R. WALLACE

NORFOLK SHIPBUILDING & DRYDOCK CO.  
P.O. BOX 2100  
NORFOLK, VA 23501-2100

CONTACT: C.A. CHERRY  
PHONE: 804-494-4388  
R.S.O.: MCCONNELL BAKER

NOVA DATA TESTING LABS, INC.  
204 N. MAIN ST., SUITE 201  
HOPEWELL, VA 23860

CONTACT: JOHN TAYLOR  
PHONE: 804-452-0310  
R.S.O.: JOHN TAYLOR

SCIENTIFIC TECHNICAL, INC.  
804F INDUSTRIAL AVE.  
CHESAPEAKE, VA 23324

CONTACT: BOBBY L. DENNIS  
PHONE: 804-545-2553  
R.S.O.: BOBBY L. DENNIS

PROGRAM  
CODE  
-----

03320

TESTING TECHNOLOGIES, INC.  
14887-0 FARM CREEK DRIVE  
WOODBIDGE, VA 22191CONTACT: GARY KOLBENSTETTER  
PHONE: 703-491-5500  
R.S.O.: GARY KOLBENSTETTER

03510

AMERICAN RED CROSS  
MID ATLANTIC REGIONAL BLOOD SERVICE  
611 WEST BRAMBLETON AVE.  
NORFOLK, VA 23510-1000CONTACT: PAUL REGAL  
PHONE:  
R.S.O.: PAMELA H. WHITLEYAMERICAN RED CROSS  
APPALACHIAN REGIONAL BLOOD SERVICES  
352 CHURCH AVENUE, SW  
ROANOKE, VA 24016CONTACT: YENSHEN HSUEH, MD  
PHONE: 703-985-3587  
R.S.O.: STEPHEN J. SHARKEYCHILDREN'S HOSPITAL OF THE  
KING'S DAUGHTERS  
601 CHILDREN'S LANE  
NORFOLK, VA 23507CONTACT: ROBERT BONAR, ADMINISTRATOR  
PHONE: 804-628-3777  
R.S.O.: M.E. KATZ, MD/C.E. DORY MDPROXTRONICS, INC.  
5795 B BURKE CENTRE PARKWAY  
BURKE, VA 22015CONTACT: JOAN L. DAVIS  
PHONE: 703-425-4211  
R.S.O.: JOHN B. DAVISVIRGINIA BLOOD SERVICES  
2201 WESTWOOD AVE.  
RICHMOND, VA 23230-4009CONTACT: KATHERINE H. TINSLEY, DIR-CA  
PHONE: 800-284-4762  
R.S.O.: DEAN W. BROGA, PH.D.

03520

LOCKHEED/MARTIN FEDERAL SYSTS. INC  
9500 GODWIN DRIVE  
MANASSAS, VA 22110CONTACT: MICHAEL J. HEFFERNAN  
PHONE: 703-367-1357  
R.S.O.: M. HEFFERNAN/T. SCOTT

PROGRAM  
CODE-----  
03521APPLIED RADIANT ENERGY CORP.  
2432 LAKESIDE DRIVE  
LYNCHBURG, VA 24501CONTACT: JAMES J. MYRON, PH.D.  
PHONE: 804-525-5252  
R.S.O.: BARRETT, STOCKS, MYRON, BELLAPPLIED RADIANT ENERGY CORP.  
FOREST COMMERCIAL CENTER  
VENTURE DRIVE, P.O. BOX 289  
FOREST, VA 24551-0289CONTACT: JAMES J.J. MYRON, PH.D.  
PHONE:  
R.S.O.: L.BARRETT/J.MYRON/R.BELL

03610

ARMY, DEPARTMENT OF THE  
BELVOIR RESEARCH, DEVELOPMENT,  
& ENGINEERING CENTER  
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03611

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03620

ARCTECH, INC.  
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03800

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|       |                                                                                                                                  |                                                                                                |
|-------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 11800 | VIRGINIA, UNIVERSITY OF<br>SCHOOL OF ENGINEERING AND<br>APPLIED SCIENCE<br>REACTOR FACILITY<br>CHARLOTTESVILLE, VA 22903-2442    | CONTACT: J. P. FARRAR, REACTOR SUPV<br>PHONE: 804-982-5440<br>R.S.O.: R. C. PICCOLO            |
| 21210 | B&W FUEL CO.<br>COMMERCIAL NUCLEAR FUEL PLANT<br>P.O. BOX 11646<br>LYNCHBURG, VA 24506-1646                                      | CONTACT: KATHRYN S. KNAPP<br>PHONE: 804-832-5034<br>R.S.O.:                                    |
|       | BABCOCK & WILCOX CO.<br>NAVAL NUCLEAR FUEL DIVISION<br>P.O. BOX 785<br>LYNCHBURG, VA 24505-0785                                  | CONTACT: ARNE F. OLSEN<br>PHONE: 804-522-5174<br>R.S.O.:                                       |
| 22111 | INTERIOR, DEPARTMENT OF THE<br>U.S. GEOLOGICAL SURVEY<br>NATIONAL CENTER, MS 954<br>12201 SUNRISE VALLEY DR.<br>RESTON, VA 22092 | CONTACT: GREGORY A. WANDLESS<br>PHONE: 703-648-6391<br>R.S.O.: GREGORY A. WANDLESS             |
| 22120 | JAMES MADISON UNIVERSITY<br>PHYSICS DEPARTMENT<br>HARRISONBURG, VA 22801                                                         | CONTACT: JOHN R. GORDON<br>PHONE: 703-568-6109<br>R.S.O.: JOHN R. GORDON                       |
|       | NORFOLK STATE COLLEGE<br>2401 CORPREW AVENUE<br>NORFOLK, VA 23504                                                                | CONTACT: HARRISON L. RANSOM<br>PHONE: 804-623-8909<br>R.S.O.: H. ALLEN ROWE/HARRISON L. RANSOM |
| 22150 | VIRGINIA STATE UNIVERSITY<br>P.O. BOX 9121<br>PETERSBURG, VA 23806                                                               | CONTACT: WENDI MERSIE<br>PHONE: 804-520-6153<br>R.S.O.: WENDI MERSIE                           |

DATE: 02/21/97

ACTIVE NRC LICENSEES IN VIRGINIA

PAGE: 56

PROGRAM  
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22160

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5801 BREMO ROAD  
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VIRGINIA ELECTRIC & POWER CO.  
SURRY ISFSI  
5000 DOMINION BLVD.  
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R.S.O.: PHILLIP BABB/DAVID MCELWEY

## MATERIAL LICENSE PROGRAM CODES

MARCH 1996

| PROGRAM<br>CODE | TITLE                                                                |
|-----------------|----------------------------------------------------------------------|
| 01100           | ACADEMIC TYPE A BROAD                                                |
| 01110           | ACADEMIC TYPE B BROAD                                                |
| 01120           | ACADEMIC TYPE C BROAD                                                |
| 02110           | MEDICAL INSTITUTION BROAD                                            |
| 02120           | MEDICAL INSTITUTION - QMP REQUIRED                                   |
| 02121           | MEDICAL INSTITUTION - QMP NOT REQUIRED                               |
| 02200           | MEDICAL PRIVATE PRACTICE - QMP REQUIRED                              |
| 02201           | MEDICAL PRIVATE PRACTICE - QMP NOT REQUIRED                          |
| 02210           | EYE APPLICATORS STRONTIUM-90                                         |
| 02220           | MOBILE NUCLEAR MEDICINE SERVICE                                      |
| 02230           | HIGH DOSE RATE REMOTE AFTERLOADER                                    |
| 02231           | MOBILE HIGH DOSE RATE REMOTE AFTERLOADER                             |
| 02240           | MOBILE THERAPY                                                       |
| 02300           | TELE THERAPY                                                         |
| 02400           | VETERINARY NON-HUMAN                                                 |
| 02410           | IN-VITRO TESTING LABORATORIES                                        |
| 02500           | NUCLEAR PHARMACIES                                                   |
| 02511           | MEDICAL PRODUCT DISTRIBUTION - 32.72 - PREPARED RADIOPHARMACEUTICALS |
| 02513           | MEDICAL PRODUCT DISTRIBUTION - 32.74 - SOURCES AND DEVICES           |
| 03110           | WELL LOGGING BYPRODUCT AND/OR SNM TRACER AND SEALED SOURCES          |
| 03111           | WELL LOGGING BYPRODUCT AND/OR SNM SEALED SOURCES ONLY                |
| 03112           | WELL LOGGING BYPRODUCT ONLY-TRACERS ONLY                             |
| 03113           | FIELD FLOODING STUDIES                                               |
| 03120           | MEASURING SYSTEMS FIXED GAUGES                                       |
| 03121           | MEASURING SYSTEMS PORTABLE GAUGES                                    |
| 03122           | MEASURING SYSTEMS ANALYTICAL INSTRUMENTS                             |
| 03123           | MEASURING SYSTEMS GAS CHROMATOGRAPHS                                 |
| 03124           | MEASURING SYSTEMS OTHER                                              |
| 03211           | MANUFACTURING AND DISTRIBUTION TYPE A BROAD                          |
| 03212           | MANUFACTURING AND DISTRIBUTION TYPE B BROAD                          |
| 03213           | MANUFACTURING AND DISTRIBUTION TYPE C BROAD                          |
| 03214           | MANUFACTURING AND DISTRIBUTION OTHER                                 |
| 03218           | NUCLEAR LAUNDRY                                                      |
| 03219           | DECONTAMINATION SERVICES                                             |
| 03220           | LEAK TEST SERVICE ONLY                                               |
| 03221           | INSTRUMENT CALIBRATION SERVICE ONLY - SOURCE LESS THAN 100 CURIES    |
| 03222           | INSTRUMENT CALIBRATION SERVICE ONLY - SOURCE GREATER THAN 100 CURIES |
| 03225           | OTHER SERVICES                                                       |
| 03231           | WASTE DISPOSAL (BURIAL)                                              |
| 03232           | WASTE DISPOSAL SERVICE PREPACKAGED ONLY                              |
| 03233           | WASTE DISPOSAL SERVICE INCINERATION                                  |
| 03234           | WASTE DISPOSAL SERVICE PROCESSING AND/OR REPACKAGING                 |
| 03235           | INCINERATION - NONCOMMERCIAL (SECONDARY CODE)                        |
| 03240           | GENERAL LICENSE DISTRIBUTION - 32.51                                 |
| 03241           | GENERAL LICENSE DISTRIBUTION - 32.53                                 |
| 03242           | GENERAL LICENSE DISTRIBUTION - 32.57                                 |
| 03243           | GENERAL LICENSE DISTRIBUTION - 32.61                                 |
| 03244           | GENERAL LICENSE DISTRIBUTION - 32.71                                 |
| 03250           | EXEMPT DISTRIBUTION - 32.11 - EXEMPT CONCENTRATIONS AND ITEMS        |

## MATERIAL LICENSE PROGRAM CODES

MARCH 1996

| PROGRAM<br>CODE | TITLE                                                             |
|-----------------|-------------------------------------------------------------------|
| 03251           | EXEMPT DISTRIBUTION - 32.14 - CERTAIN ITEMS                       |
| 03252           | EXEMPT DISTRIBUTION - 32.17 - RESINS                              |
| 03253           | EXEMPT DISTRIBUTION - 32.18 - SMALL QUANTITIES                    |
| 03254           | EXEMPT DISTRIBUTION - 32.22 - SELF LUMINOUS PRODUCTS              |
| 03255           | EXEMPT DISTRIBUTION - 32.26 - SMOKE DETECTORS                     |
| 03310           | INDUSTRIAL RADIOGRAPHY FIXED LOCATION                             |
| 03320           | INDUSTRIAL RADIOGRAPHY TEMPORARY JOB SITES                        |
| 03510           | IRRADIATORS SELF SHIELDED LESS THAN 10000 CURIES                  |
| 03511           | IRRADIATORS OTHER LESS THAN 10000 CURIES                          |
| 03520           | IRRADIATORS SELF SHIELDED GREATER THAN 10000 CURIES               |
| 03521           | IRRADIATORS OTHER GREATER THAN 10000 CURIES                       |
| 03610           | RESEARCH AND DEVELOPMENT TYPE A BROAD                             |
| 03611           | RESEARCH AND DEVELOPMENT TYPE B BROAD                             |
| 03612           | RESEARCH AND DEVELOPMENT TYPE C BROAD                             |
| 03613           | R & D BROAD - MULTISITE-MULTIREGIONAL                             |
| 03620           | RESEARCH AND DEVELOPMENT OTHER                                    |
| 03710           | CIVIL DEFENSE                                                     |
| 03800           | BYPRODUCT MATERIAL POSSESSION ONLY                                |
| 03900           | DECOMMISSIONING OF BYPRODUCT MATERIAL FACILITIES                  |
| 06100           | LOW-LEVEL WASTE STORAGE AT REACTOR SITES                          |
| 06101           | LOW-LEVEL WASTE STORAGE - OTHER (SECONDARY CODE)                  |
| 11100           | MILLS                                                             |
| 11200           | SOURCE MATERIAL OTHER LESS THAN 150 KILOGRAMS                     |
| 11210           | SOURCE MATERIAL SHIELDING                                         |
| 11220           | SOURCE MATERIAL MILITARY MUNITION - INDOOR TESTING                |
| 11221           | SOURCE MATERIAL MILITARY MUNITION - OUTDOOR TESTING               |
| 11230           | SOURCE MATERIAL GENERAL LICENSE DISTRIBUTION - 40.34              |
| 11300           | SOURCE MATERIAL OTHER GREATER THAN 150 KILOGRAMS                  |
| 11400           | URANIUM HEXAFLUORIDE (UF6) PRODUCTION PLANTS                      |
| 11500           | SOLUTION MINING (R & D AND COMMERCIAL FACILITIES)                 |
| 11600           | HEAP LEACH, ORE BUYING STATIONS AND BYPRODUCT RECOVERY            |
| 11700           | RARE EARTH EXTRACTION AND PROCESSING                              |
| 11800           | SOURCE MATERIAL POSSESSION ONLY                                   |
| 11900           | DECOMMISSIONING OF SOURCE MATERIAL FACILITIES                     |
| 21130           | HOT CELL OPERATIONS                                               |
| 21135           | DECOMMISSIONING OF ADVANCED FUEL R&D AND PILOT PLANTS             |
| 21200           | URANIUM ENRICHMENT PLANTS                                         |
| 21210           | URANIUM FUEL FABRICATION PLANTS                                   |
| 21215           | DECOMMISSIONING OF URANIUM FUEL FABRICATION PLANTS                |
| 21240           | URANIUM FUEL R&D AND PILOT PLANTS                                 |
| 21310           | CRITICAL MASS MATERIAL - UNIVERSITIES                             |
| 21320           | CRITICAL MASS MATERIAL - OTHER THAN UNIVERSITIES                  |
| 21325           | DECOMMISSIONING OF CRITICAL MASS - OTHER THAN FUEL FABRICATION    |
| 22110           | SNM PLUTONIUM - UNSEALED LESS THAN A CRITICAL MASS                |
| 22111           | SNM U-235 AND/OR U-233 UNSEALED LESS THAN A CRITICAL MASS         |
| 22120           | SNM PLUTONIUM - NEUTRON SOURCES LESS THAN 200 GRAMS               |
| 22130           | POWER SOURCES WITH BYPRODUCT AND/OR SPECIAL NUCLEAR MATERIAL      |
| 22140           | SNM PLUTONIUM - SEALED SOURCES IN DEVICES                         |
| 22150           | SNM PLUTONIUM - SEALED SOURCES LESS THAN A CRITICAL MASS          |
| 22151           | SNM U-235 AND/OR U-233 SEALED SOURCES LESS THAN A CRITICAL MASS   |
| 22160           | PACEMAKER BYPRODUCT AND/OR SNM - MEDICAL INSTITUTION              |
| 22161           | PACEMAKER BYPRODUCT AND/OR SNM - INDIVIDUAL                       |
| 22162           | PACEMAKER BYPRODUCT AND/OR SNM - MANUFACTURING AND DISTRIBUTION   |
| 22170           | SNM GENERAL LICENSE DISTRIBUTION (70.39)                          |
| 22200           | DECOMMISSIONING OF OTHER SNM FACILITIES - LESS THAN CRITICAL MASS |
| 23100           | FRESH FUEL STORAGE AT REACTOR SITES                               |
| 23101           | INTERIM SPENT FUEL STORAGE                                        |
| 25100           | SNM POSSESSION ONLY - OTHER THAN REACTOR FUEL                     |
| 25110           | TRANSPORT-PRIVATE CARRIAGE                                        |



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**STATE OF CONNECTICUT**

**STATE AGREEMENTS PROGRAM MEETING**

**Paul H. Lohaus, Deputy Director**  
**Office of State Programs**

**Craig Gordon**  
**Regional State Agreements Officer**  
**Region I**

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## **ITEMS TO BE COVERED**

- **General Background**
- **General Overview of Process**
- **New Commission Direction**
- **Details on Process**
- **Timeline**
- **Post Agreement Program**
- **Relationship of OSP to Other Program Offices**



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## **GENERAL BACKGROUND**

### **SECTION 274 OF THE ATOMIC ENERGY ACT**

- **Enacted in 1959**
- **Initiative from States to Regulate Atomic Energy**
- **Recognizes Interests of States**
- **Establishes Cooperative Program**
- **Provides a Mechanism for Transfer of Certain NRC Authority**
- **Provides for Coordination in Development of Standards**





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- **Reserves Certain Areas for NRC to Regulate**



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## **GENERAL BACKGROUND**

### **SECTION 274 OF THE ATOMIC ENERGY ACT (CONT)**

- **Modified in 1978 to Direct NRC to Periodically Review Agreement State Programs**
- **DeConcini Amendment in 1980 Authorizes NRC to Suspend All or Part of an Agreement in an Emergency**



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## **GENERAL BACKGROUND**

### **ADVANTAGES OF AGREEMENT STATE STATUS**

- **Fulfills Intent of Section 274**
- **State Radiation Control Agencies Regulate all Radiation Sources**
- **Regulatory Agency is Closer to Licensees and Can Generally Be More Responsive to Licensees**
- **Enhances Core of Knowledgeable Persons at State Level**
- **Single Regulatory Agency for Most Users**



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## **GENERAL BACKGROUND**

### **DISADVANTAGES OF AGREEMENT STATE STATUS**

- **States Must Fund Program Administration**
- **Some Licensees May Still Be Subject to More Than One Regulatory Agency**
- **Requires Coordination Between NRC and States**



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## **GENERAL BACKGROUND**

### **FUNDING AGREEMENT STATE PROGRAMS**

- **NRC, As Matter of Policy, Does Not Provide Seed Money to Establish Agreement State Program**
- **NRC Not Authorized to Provide Operating Funds**
- **Beginning in FY 1997, NRC Training, Travel, and Technical Assistance to Be Provided Under Reimbursable Agreements With States**
- **NRC Assesses License Fees (10 CFR 170 and 171)**



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## **GENERAL BACKGROUND**

### **FUNDING AGREEMENT STATE PROGRAMS (CONT)**

- **Over 90% of Material Licensees in US (NRC & State)  
Are Subject to Fees**
- **Model Legislation Includes Fee Authorization**



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## **GENERAL OVERVIEW OF PROCESS TO BECOME AN AGREEMENT STATE**

- **Letter of Intent From Governor**
- **OSP Project Manager Assigned**
- **State/NRC Negotiations Leading to Development of Draft Request**
- **Governor Requests Agreement and Certifies State has Adequate Program**
- **Request Includes Supporting Legislation, Regulations, and**



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**GENERAL OVERVIEW OF PROCESS TO BECOME AN  
AGREEMENT STATE (CONT)**

- **NRC Staff Evaluation Against 1981 and 1983 Criteria for Agreements**
- **Commission Approval and Publication in the Federal Register for Public Review and Comment**
- **Chairman/Governor Signing Ceremony**
- **Orderly, Phased Assumption of Authority**
- **Continued Post-Agreement Program of Exchange-of-**





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**Information and Assessment of Program Performance**

**NRC CRITERIA FOR STATES ENTERING INTO  
AN AGREEMENT\***

- **Comprehensive Radiation Protection Standards**
  - **Licensing Program**
  - **Inspection and Enforcement Program**
  - **Adequate Number of Trained Personnel**
  - **Provisions for Fair and Impartial Administration**
  - **Arrangement for Discontinuing NRC Jurisdiction**
  - **Additional Criteria for States Regulating Uranium or Thorium Mill Tailings**
  - **Limited Agreement for Low Level Waste**



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\* 1981/1983 Policy Statement: *Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement*



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## **REQUIREMENTS ON NRC FOR ENTERING INTO AN AGREEMENT**

### **NRC:**

- **Must Find the State Program Compatible**
- **Must Find the State Program Adequate to Protect Public Health and Safety**
- **Must Prepare Staff Assessment Based on 1981 and 1983 Policy Statement**
- **Must Publish the Staff's Assessment in the Federal Register for 4 Consecutive Weeks**
- **Must Arrange for Orderly, Phased Discontinuance of**



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**NRC Jurisdiction**

**NEW COMMISSION DIRECTION**

- **Policy Statement-"Statement of Principles and Policy for the Agreement State Program"**
- **Policy Statement-"Adequacy and Compatibility of Agreement State Programs"**
- **Phased Program for New Agreement States**
- **Integrated Materials Performance Evaluation Program (IMPEP)**



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- **Implementing Procedures**



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## **CATEGORIES OF AGREEMENTS**

### **Standard Agreement**

- **Authority to Regulate:**
  - ▶ **Byproduct Materials as Defined in Section 11e(1) of the Atomic Energy Act (Material Yielded in or Made Radioactive Through the Process of Producing or Utilizing Special Nuclear Material),**
  - ▶ **Source Material**
  - ▶ **Special Nuclear Material in Quantities Less Than Critical Mass**
  
- **All Categories of Licensees Except Uranium Mills and Low-Level Waste Facilities**



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- **At State Option, Sealed Source and Device Evaluation Authority May be Retained by NRC**

**CATEGORIES OF AGREEMENTS**

- **Uranium Mill Agreement**
  - **Authority to regulate byproduct Materials as defined in section 11e(2) of the Atomic Energy Act (tailings or wastes produced by the extraction or concentrations of uranium or thorium from ore)**
- **Low Level Waste Agreement**
  - **Authority to regulate land disposal of radioactive waste**



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- **Full Agreement**
  - **Authority to regulate all of the categories above**





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## **AREAS OF AUTHORITY RESERVED TO NRC**

- **10 CFR Part 150 - Implementing Regulations**
- **NRC Retains Authority Over**

**Federal Agencies**

**Production and Utilization Facilities**

**Exports and Imports**

**Disposal in the Ocean**

**High Level Waste Handling and Disposal**

**Transfer of Materials to Persons Exempt From  
Licensing (Consumer Products)**

**Large Quantities of Special Nuclear Material**

**Off-Shore Waters**



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**Certain Aspects of Mill Tailings Management**



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## **PROCESSING AN AGREEMENT ACTIVITIES PRIOR TO THE FORMAL REQUEST**

- **Review of State Radiation Control Statutes**
  - **Provides authority for Governor to enter into Agreement with the NRC**
  - **Designates the Location of the Program (Agency) and Defines Authority**
  - **Does not authorize regulation in areas reserved to Federal Government**
  - **Contains declaration on policy, purpose, technical terms,**



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**organization, responsibilities and administration, etc**



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## **PROCESSING AN AGREEMENT ACTIVITIES PRIOR TO THE FORMAL REQUEST**

- **Review of State Radiation Control Regulations Equivalent to the Following NRC Regulations (State Rules Must be up To-Date and Compatible With NRC Rules in Effect at the Time of Agreement Signing):**
  1. **Part 19, "Notices, Instructions and Reports to Workers; Inspection and Investigations;"**
  2. **Part 20, "Standards for Protection Against Radiation;"**
  3. **Part 30, "Rules of General Applicability to Domestic licensing of byproduct material;"**



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- 4. Part 31, " General Domestic licenses for byproduct material;"**
- 5. Part 32, "Specific Domestic licenses to Manufacture or transfer certain items containing byproduct;"**
- 6. Part 33, "Specific Domestic licenses of broad scope for byproduct material;"**
- 7. Part 34, "Licenses for radiography and radiation safety requirements for radiographic operations;"**
- 8. Part 35, "Medical use of byproduct material;"**
- 9. Part 36, "Licensing and Radiation Safety requirements for Irradiators;"**



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10. Part 39, "Licenses and radiation safety requirements for well logging;"
11. Part 40, "Domestic licensing of source material;"
12. Part 70, "Domestic licensing of special nuclear material;"
13. Part 71, "Packaging and transportation of radioactive material;" and
14. Certain portions of Part 150, "Exemptions and continued authority in Agreement States and in offshore waters under section 274."



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**For LLW Authority:**

- 15. Part 61, "Licensing Requirements for land disposal of radioactive waste," and**

**For Uranium Authority**

- 16. Part 40, "Domestic licensing of source material;"  
Appendix A.**





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**LIMITED AGREEMENT FOR  
LOW-LEVEL WASTE DISPOSAL**

**Regulations Required**

1. **Part 19, "Notices, Instructions and Reports to Workers; Inspection and Investigations;"**
2. **Part 20, "Standards for Protection Against Radiation;"**
3. **Part 61, "Licensing Requirements for land disposal of radioactive waste,"**
4. **Part 71, "Packaging and transportation of radioactive material;"**
5. **Certain portions of Part 150, "Exemptions and continued authority in Agreement States and in offshore waters under section 274."**



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## **LIMITED AGREEMENT FOR URANIUM RECOVERY LICENSING**

### **Regulations Required**

- 1. Part 19, "Notices, Instructions and Reports to Workers; Inspection and Investigations;"**
- 2. Part 20, "Standards for Protection Against Radiation;"**
- 3. Part 40, "Domestic licensing of source material;" Appendix A.**
- 4. Part 71, "Packaging and transportation of radioactive material;"**
- 5. Certain portions of Part 150, "Exemptions and continued authority in Agreement States and in offshore waters under section 274."**



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## **PROCESSING AN AGREEMENT**

### **ACTIVITIES PRIOR TO THE FORMAL REQUEST**

- **Review of State Radiation Control Program Narrative Description**

**Policies, Practices and Procedures for Administration, Licensing, Inspection, Enforcement and Investigative Aspects of Program; Personnel Resources and Qualifications, Organization, Survey and Laboratory Instrumentation, Program History, Forms, Guidance, and Operating Procedures**

- **Policies and Procedures Must be Written. (Reference**



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**Existing NRC or Submit Copies of State Procedures)  
PROCESSING AN AGREEMENT**

**ACTIVITIES PRIOR TO THE FORMAL REQUEST**

- **Submittal of Draft Application Package for Review**
- **NRC Review and Comment on Draft Package**



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## **PROCESSING AN AGREEMENT**

### **FORMAL REQUEST FOR AGREEMENT BY THE GOVERNOR**

- **Letter From Governor**
  - **Specifies Categories Being Requested**
  - **Certifies State is Adequate**
  - **Certifies State has Authority to enter Agreement**
  - **Designates State Agency for Agreement program**



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- Indicates type of Ceremony desired, if any



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**PROCESSING AN AGREEMENT**

**FORMAL REQUEST FOR AGREEMENT BY THE  
GOVERNOR**

- **Enclosures to Letter From Governor**
  - **Proposed Agreement Document**
  - **State Radiation Control Statutes**
  - **Program Description**
  - **Radiation Control Regulations**



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## **PROCESSING AN AGREEMENT**

### **POST SUBMITTAL ACTIVITIES**

- **Acknowledgement Letter to Governor**
- **Office Review/Concurrence on Draft FR Notice containing NRC Assessment of State Program**
- **Send Draft FR Notice to Commission For Approval and Publication for Once a Week for Four Consecutive Weeks**
- **Prepare Commission Action Paper with any Public Comments Considered and with Appropriate Draft Public Notifications**





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- **Agreement Signing**



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## **PROVISIONS OF AGREEMENTS**

- **Effective Date of Transfer**
- **Best Efforts on Compatibility**
- **NRC Retains Authority in Area of Common Defense and Security and Safeguards for SNM**
- **Reciprocal Recognition of Licenses**
- **Termination of the Agreement**
- **Certain Conditions Regarding Mill Tailings for Those States with Mill Authority**



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## **TIMELINE FOR PROCESSING AN AGREEMENT**

- **Pre-Submittal Staff Review** **6 mos - 1 year**  
(Time Estimate Assumes  
Statutes, Regulations, and  
Program Description Have  
Been Drafted by State and  
Are Complete)
  
- **Post-Submittal Staff Review** **5 - 7 mos**
  - **Formal Review,** **(4 - 5 mos)**  
**Preparation of Staff**  
**Assessment, and**  
**Publication for Comment**



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## **TIMELINE FOR PROCESSING AN AGREEMENT (CONT)**

- **Analysis of Public Comments,  
Final Staff Assessment, and (1 - 2 mos)  
Commission Approval**
  
- **Signing Ceremony** **1 month**  
**after Commission Approval**
  
- **Effective Date** **1 month after sign**  
**atur**  
**e**



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## **POST AGREEMENT PROGRAM**

**Exchange of Information**

**Technical Assistance**

**Training**

**On-Site Reviews**



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## **EXCHANGE OF INFORMATION**

- **Licensing Statistics and Other Data**
- **Reports of Unusual Events and Abnormal Occurrences in Agreement States**
- **Copies of Sealed Source and Device Evaluation, GL Licenses and "E" Licenses Exchanged**
- **Annual All Agreement States Meeting**
- **Other Workshops/Meetings**



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**TECHNICAL ASSISTANCE**

- **Management Directive 5.7 "Technical Assistance to Agreement States"**
- **Confirmatory Licensing and Inspection Assistance - Handled by Correspondence or Phone**
  - **Casework (Minor)**
  - **Licensing Policy**
  - **Inspection Practice**
  - **Interpretations**
- **Review of Draft and Final Regulations**



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## **TECHNICAL ASSISTANCE (CONT)**

- **Direct Licensing or Inspection Assistance**
  - **Inspection**
  - **License Application Evaluation**
  - **Special Evaluations and Studies**
  - **Beginning in FY-97, Provided Under Reimbursable Agreements**
  
- **NRC Office Roles - Regions, SP, NMSS, OGC, AEOD, NRR**





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## **TRAINING PROGRAM**

- **Core Courses**

- **Applied Health Physics (5 weeks)**
- **Health Physics Technology (2 weeks)**
- **Inspection Procedures ( 2 weeks in 1997)**
- **Root Cause/Incident Investigation**
- **Licensing Practices and Procedures**
- **Diagnostic and Therapeutic Nuclear Medicine**
- **Teletherapy and Brachtherapy**
- **Industrial Radiography**
- **Transportation of Radioactive Materials**



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## **TRAINING PROGRAM (CONT)**

- **Other Courses**
  - **Safety Aspects of Well Logging**
  - **Irradiator Technology**
  - **Environmental Monitoring**
  - **Health Physics Engineering**



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**REVIEWS OF STATE PROGRAMS  
UNDER SECTION 274j**

- **Integrated Materials Performance Evaluation Program (IMPEP)**
- **Routine On-Site Reviews Normally Conducted Biannually; May be Increased to Four Years Based on Program Performance**
- **Reviews Scaled to the Size of the Agreement State Program**
- **Five Common Performance Indicators**
- **Other Non-Common Performance Indicators**



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**REVIEWS OF STATE PROGRAMS  
UNDER SECTION 274j (Cont.)**

- **Reviews Conducted by Team of NRC Offices (OSP, NMSS, Regional) and Agreement State Staff**
- **Management Review Board (MRB)**



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**OSP AND ITS RELATIONSHIP TO OTHER PROGRAM  
OFFICES**

**NRC ORGANIZATION CHART/RESPONSIBILITIES**

- **Commission/EDO**
  - **OGC**
  - **NMSS**
  - **AEOD**
  - **RES**
  - **OSP/Staff**
  - **Region I**
-

of the Atomic Energy Act of 1954, as amended, with NRC, to regulate, inspect or otherwise exercise control of operations, with respect to source and product material, for disposal of that material at the LLW disposal facility at Richland, Washington.

Prior to the issuance of the proposed renewal, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

The NRC hereby provides notice that this is a proceeding on an application for a license renewal falling within the scope of Subpart L, Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings, of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this Federal Register notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738; or
2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requestor in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);
3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and
4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

In accordance with 10 CFR § 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, American Ecology

Ridge, TN, 37830, ATTN: Mr. Arthur J. Palmer, III, and

2. The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, the application for license renewal is available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland this 19th day of October 1995.

For the U.S. Nuclear Regulatory Commission.

Michael F. Weber,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards

[FR Doc. 95-26418 Filed 10-24-95; 8:45 am]

BILLING CODE 7550-01-0

#### [Docket No. 95-346]

Toledo Edison Company, et al.; Davis-Besse Nuclear Power Station, Unit No. 1; Amendment to Facility Operating License Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of the Toledo Edison Company, Centenor Service Company, and the Cleveland Electric Illuminating Company (the licensees) to withdraw its August 18, 1995, application for proposed amendment to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

The proposed amendment would have revised Technical Specification Section 3/4.7.5.1, "Ultimate Heat Sink" to increase the maximum temperature from less than or equal to 85 °F to less than or equal to 90 °F.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on August 24, 1995 (60 FR 44091). However, by letter dated September 12, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the request for enforcement discretion dated August 17, 1995, the application for amendment dated August 18, 1995, and the licensee's letter dated September 12, 1995, which withdrew the application for license amendment. The above documents are

available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 27th day of September 1995.

For the Nuclear Regulatory Commission.

Linda L. Gundrum,

Project Manager, Project Directorate III-3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95-26419 Filed 10-24-95; 8:45 am]

BILLING CODE 7550-01-0

#### Evaluation of Agreement State Radiation Control Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim implementation of the Integrated Materials Performance Evaluation Program pending final Commission approval of the Statement of Principles and Policy for the Agreement State Program and the Policy Statement on Adequacy and Compatibility of Agreement State Programs.

SUMMARY: The Nuclear Regulatory Commission (NRC) is implementing, on an interim basis, the Integrated Materials Performance Evaluation Program (IMPEP) to be used in the evaluation of Agreement State Programs. To effect this implementation, the NRC will suspend relevant portions of the May 28, 1992 General Statement of Policy "Guidelines for NRC Review of Agreement State Radiation Control Programs, 1992." Management Directive 5.6, Integrated Materials Performance Evaluation Program, will be used as the implementing procedure.

The NRC will implement IMPEP in the evaluation of Agreement State Programs until such time as final implementing procedures for the policy statements: "Statement of Principles and Policy for the Agreement State Program" and "Policy Statement on the Adequacy and Compatibility of Agreement State Programs," and any revisions to these policy statements are approved by the Commission (See 60 FR 39464; August 2, 1995). Conforming revisions to IMPEP in connection with the completion of work on these two policy statements will be done as appropriate. IMPEP will then be implemented on a permanent basis and the 1992 policy statement on "Guidelines for NRC review of



Agreement State Radiation Control Programs" will be rescinded.

**EFFECTIVE DATE:** October 1, 1995.

**ADDRESSES:** Interested persons may obtain a single copy of Management Directive 5.6 by writing Mr. George Deegan, U.S. Nuclear Regulatory Commission, Mail Stop T8-F5, Washington, DC 20555.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathleen N. Schneider, Office of State Programs, U.S. Nuclear Regulatory Commission, Document Control Desk, P1-37, Washington, DC 20555, telephone (301)-415-2320.

**SUPPLEMENTARY INFORMATION:** In 1994, NRC proposed a process to evaluate NRC Regional programs and Agreement State Radiation Control Programs, that regulate the use of radioactive materials, in an integrated manner using common performance indicators. The staff conducted a pilot program in 1994 with three Agreement States and two NRC Regional materials programs using the draft Management Directive 5.6, "Integrated Materials Performance Evaluation Program" (IMPEP). On June 27, 1995, the Commission approved implementation of IMPEP on an interim basis. The draft Management Directive is currently being prepared in final form.

Five common performance indicators, as described in Management Directive 5.6 will be used to determine adequacy of materials programs. Additionally, Compatibility of Regulations and Legal Authority (including enforcement) will be addressed as non-common indicators. Existing procedures for compatibility determinations (Office of State Programs B.7 Procedure) will continue to be utilized in connection with NRC findings on Compatibility of Regulations under IMPEP until the final implementing procedures for the policy statements: "Statement of Principles and Policy for the Agreement State Program" and "Policy Statement on the Adequacy and Compatibility of Agreement State Programs," and any revisions to these policy statements are approved by the Commission. The interim implementation of IMPEP will require the partial suspension of the May 28, 1992 General Statement of Policy "Guidelines for NRC Review of Agreement State Radiation Control Programs, 1992" (57 FR 22495). The NRC will only continue to apply the single program element of the 1992 General Statement of Policy entitled "Legislation and Regulations." NRC will rescind the entire 1992 General Statement of Policy upon final approval and implementation of the "Statement of Principles and Policy for the

Agreement State Program" and "Policy Statement on the Adequacy and Compatibility of Agreement State Programs."

Low-level waste, uranium mill or sealed source and device programs in Agreement States will not be reviewed as common performance indicators since NRC Headquarters conducts these NRC licensing activities. A performance-based evaluation approach, similar to that developed for the common performance indicators, will be utilized in reviews of NRC and Agreement State programs in these areas.

The NRC will review the performance of each Agreement State on a periodic basis. Each Agreement State evaluation will be coordinated with the States. For those Agreement States with program findings that are both adequate and compatible, the staff will consider extending the current review cycle of 2 years to 3-4 years.

Dated at Rockville Maryland this 19th day of October, 1995.

For the Nuclear Regulatory Commission,  
John C. Hoyle,

Secretary of the Commission.

(FR Doc. 95-26415 Filed 10-24-95; 8:45 am)

BILLING CODE 7560-01-0

#### PENSION BENEFIT GUARANTY CORPORATION

**Request for: Collection of Information Under the Paperwork Reduction Act; Customer Satisfaction Focus Groups and Surveys**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation has requested that the Office of Management and Budget ("OMB") approve a new collection of information under the Paperwork Reduction Act. The purpose of this information collection, which will be conducted through three focus group meetings and a small number of surveys, is to help the PBGC evaluate its toll-free telephone service providing basic information about the PBGC insurance program.

**DATES:** The PBGC is requesting that OMB approve this request by November 1, 1995.

**ADDRESSES:** All written comments (at least three copies) should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Pension Benefit Guaranty

Corporation, 725 17th Street, NW., Room 3208, Washington, DC 20503. The request for approval will be available for public inspection at the PBGC Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005, between the hours of 9 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Marc L. Jordan, Attorney, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005, 202-326-4024 (202-326-4179 for TTY and TDD). (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) establishes policies and procedures for controlling the paperwork burdens imposed by Federal agencies on the public. The Act vests the Office of Management and Budget (OMB) with regulatory responsibility over these burdens, and OMB has promulgated rules on the clearance of collections of information by Federal agencies.

The PBGC has established a toll-free telephone service that gives the public general information concerning the PBGC's insurance program. Use of the toll-free service by the general public has been significantly below expectations.

The PBGC plans to conduct a series of three focus groups of 15 participants each, and to distribute survey questionnaires to the focus group participants and to 150 other individuals. (The 45 focus group participants and 150 survey respondents will be selected largely from the 31,000,000 participants and beneficiaries in covered pension plans.) The purpose of the focus groups and survey questionnaires is to evaluate the PBGC's toll-free service and to assist the PBGC in making necessary improvements to that service.

The PBGC estimates that the total annual burden of this collection of information will be 147.5 hours. The PBGC is requesting that OMB approve this collection on an emergency basis so that needed improvements in the toll-free service can be made as soon as possible.

Issued at Washington, D.C., this 23rd day of October, 1995.

Martin Slater,  
Executive Director, Pension Benefit Guaranty Corporation.

(FR Doc. 95-26624 Filed 10-24-95; 8:45 am)

BILLING CODE 7560-01-0

*U.S. NUCLEAR REGULATORY COMMISSION*

***DIRECTIVE TRANSMITTAL***

TN: DT-95-20

**To:** NRC Management Directives Custodians

**Subject:** Transmittal of Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)"

**Purpose:** Directive and Handbook 5.6 are being issued to establish the process by which the Office of Nuclear Material Safety and Safeguards and the Office of State Programs, with assistance from the Agreement States, conduct their periodic assessments of the NRC regions and Agreement States to determine the adequacy of the nuclear material licensing and inspection programs.

**Office of Origin:** Office of Nuclear Material Safety and Safeguards and Office of State Programs

**Contact:** George Deegan, 415-7834

**Date Approved:** September 12, 1995

**Volume:** 5 Governmental Relations and Public Affairs

**Directive:** 5.6 Integrated Materials Performance Evaluation Program (IMPEP)

**Availability:** U.S. Government Printing Office, (202) 512-2409



# ***Integrated Materials Performance Evaluation Program (IMPEP)***

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***Directive  
5.6***

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# U. S. Nuclear Regulatory Commission

Volume: 5 Governmental Relations and Public  
Affairs

NMSS/OSP

## Integrated Materials Performance Evaluation Program (IMPEP) Directive 5.6

### Policy (5.6-01)

It is the policy of the U.S. Nuclear Regulatory Commission to evaluate the regional materials programs and Agreement State radiation control programs in an integrated manner, using common performance indicators, to ensure that the public health and safety is being adequately protected.

### Objectives (5.6-02)

- To establish the process by which the Office of Nuclear Material Safety and Safeguards and the Office of State Programs conduct their periodic assessments to determine the adequacy of the licensing and inspection programs in the NRC regions and Agreement States. (021)
- To provide NRC and Agreement State management with a more systematic and integrated approach to evaluate the strengths and weaknesses of their nuclear material licensing and inspection programs. (022)
- To provide significant input in the regulatory decisionmaking process and indicate areas in which NRC and the Agreement States should dedicate more resources or management attention. (023)

## **Organizational Responsibilities and Delegations of Authority**

(5.6-03)

### **Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support (DEDS)** (031)

- Oversees the integrated materials performance evaluation program (IMPEP). (a)
- Chairs management review boards. (b)
- Signs final reports issued to each region and Agreement State. (c)

### **Director, Office of Nuclear Material Safety and Safeguards (NMSS) and Director, Office of State Programs (OSP)** (032)

- Implement the IMPEP within NMSS and OSP. Provide staffing support and training for review teams. (a)
- Establish a schedule and develop a detailed review regimen for conducting the reviews in each region and Agreement State. (b)
- Monitor the IMPEP process; evaluate and develop IMPEP policy, criteria, and methodology, and assess the uniformity and adequacy of the implementation of the program. (c)
- Issue draft reports and prepare final reports for each region and State for consideration by the management review board and signature by the DEDS. (d)
- Participate on management review boards. (e)
- Coordinate with Agreement States to staff IMPEP reviews and the management review board with appropriate Agreement State representatives. (f)

### **General Counsel** (033)

Participates on management review boards.

**Director, Office for Analysis and  
Evaluation of Operational  
Data (AEOD)**  
(034)

Participates on management review boards.

**Regional Administrators**  
(035)

- Implement the IMPEP within their respective regions. (a)
- Provide staffing support for review teams, as needed. (b)

**Applicability**  
(5.6-04)

The policy and guidance in this directive and handbook apply to all NRC employees who are responsible for and participate in the IMPEP.

**Handbook**  
(5.6-05)

Handbook 5.6 describes the performance indicators that will be used, the performance standards against which these indicators will be evaluated, and the frequency and process sequence to be employed. The "Glossary" in the handbook also defines some of the key terminology.

**References**  
(5.6-06)

- Code of Federal Regulations*, 10 CFR 35.2, "Purpose and Scope."  
NRC Inspection Manual, Chapter 1245, "Inspector Qualifications."  
—, Chapter 1246, "Materials License Reviewer Qualification."  
—, Chapter 2800, "Materials Inspection Program."

# ***Integrated Materials Performance Evaluation Program (IMPEP)***

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## ***Handbook 5.6***

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## Part I

### Evaluation

#### Evaluation Frequency (A)

NRC will review the performance of each region and each Agreement State on a periodic basis. The schedule for conducting each regional or Agreement State visit will be developed by the Office of Nuclear Material Safety and Safeguards (NMSS) and the Office of State Programs (OSP) in coordination with the regions and States. Approximately 10 to 12 reviews will be scheduled in most years. Under normal conditions, this would allow evaluations of NRC regions every 2 years, and Agreement States every 3 years. However, these frequencies can be adjusted upward or downward on the basis of the findings from the last review or in light of significant program changes in a particular State or region. In addition, this schedule provides for review of certain NMSS functions on an as-needed basis.

#### Evaluation Process Sequence (B)

The typical evaluation process for the review team is summarized below:

- Develop review schedule for the year. (1)
- Assemble and train team members. (2)
- Designate team leader and members for each scheduled review. (3)
- Review completed licensing actions on an ongoing basis to help focus reviews. (4)
- Transmit questionnaires to affected regions and States. (5)

## Evaluation Process Sequence (B) (continued)

- Provide copies of questionnaire responses and most current performance data summary to team members. (6)
- Assess a sample of inspections at different types of licensed facilities by accompanying the inspectors. (7)
- Conduct onsite portion of IMPEP, using the criteria specified in this handbook and any performance review procedures in conjunction with any customized review elements. (8)
- Prepare draft IMPEP report, with recommendation for overall performance evaluation, for office director's signature. (9)
- Issue the draft report. (10)
- Review and consider written comments received from the regions or Agreement States. (11)
- Prepare proposed final report for consideration by the management review board (MRB). (12)
- Conduct MRB meeting. (13)
- Issue final reports, include the written responses received and any changes to the report based on consideration of the written responses, and a summary of MRB findings. (14)

## Part II

# Performance Indicators

### General (A)

A description of the performance indicators to be evaluated for each region and each Agreement State is given in (B) of this part. The evaluation criteria (i.e., performance standards) against which these indicators are to be assessed are described in Part III of this handbook. These reviews determine program adequacy and compatibility in the Agreement States and are instrumental in improving State and NRC regional performance, thus ultimately leading to improved licensee performance. (1)

The performance indicators should be used as a starting point of inquiry. This, in turn, should lead program evaluators to a more careful examination of the underlying conditions, or root causes, of potential problem areas. Evaluators may find correlations exists between two or more performance indicators. In this situation, the impact of individual performance symptoms could be compounded when combined with others. Conversely, a regulatory program measured as potentially weak against one particular indicator, nonetheless, could be rated as strong overall if there are sufficient mitigating factors with respect to other indicators. (2)

Certain non-reactor functions that continue to be conducted from NRC headquarters, such as fuel cycle licensing, uranium and thorium milling, sealed source and device reviews, low-level radioactive waste disposal licensing, and safeguards activities are excluded from this set of indicators because they are not common to regional and Agreement State activities. These may be incorporated, as appropriate, as noncommon indicators contributing to a performance-based evaluation of a program. (3)

## **General (A) (continued)**

For Agreement States, the noncommon indicators will be legislative and legal authority, compatibility, uranium and thorium milling, sealed source and device reviews, and low-level radioactive waste disposal licensing. (4)

This exclusion does not prohibit the Office of Nuclear Material Safety and Safeguards (NMSS) and the Office of State Programs (OSP) from using other indicators and/or performance standards to supplement those described in this directive. (5)

## **Programmatic Indicators (B)**

### **Performance Indicator 1—Status of Materials Inspection Program (1)**

Periodic inspections of licensed operations are essential to ensure that activities are being conducted in compliance with regulatory requirements and consistent with good safety practices. The frequency of inspections is specified in the NRC Inspection Manual, Chapter 2800, and is dependent on the amount and the kind of material, the type of operation licensed, and the results of previous inspections. There must be a capability for maintaining and retrieving statistical data on the status of the compliance program. Information regarding the number of overdue inspections is a significant measure of the status of an Agreement State's or NRC region's materials inspection program, although reviews also should examine specific cases where the inspection frequency has been significantly exceeded (i.e., by more than 100 percent). The terms "materials inspection" and "overdue inspection" are defined in the Glossary to this handbook.

### **Performance Indicator 2—Technical Staffing and Training (2)**

The ability to conduct effective licensing and inspection programs is largely dependent on having a sufficient number of experienced, knowledgeable, well-trained technical personnel. Under certain conditions, staff turnover could have an adverse effect on the implementation of these programs; thus it could affect public health and safety. (a)

For this performance indicator, qualitative as well as quantitative measures must be considered. In particular, the reason for apparent trends in staffing must be explored. Is the rate of turnover and the

## Programmatic Indicators (B) (continued)

### Performance Indicator 2—Technical Staffing and Training (2) (continued)

degree of understaffing symptomatic of a chronic problem or is it merely a short-term phenomenon? Why is turnover high? What steps are being taken to address this? What effect is it having on other performance indicators? (b)

Review of staffing also requires a consideration and evaluation of the levels of training and qualification of the technical staff. New hires need to be technically qualified. Professional staff normally should have bachelor's degrees or equivalent training in the physical and/or life sciences. Training requirements for NRC inspectors are specified in the NRC Inspection Manual, Chapter 1245, and for NRC materials licensing reviewers, in the NRC Inspection Manual, Chapter 1246. The requirements include a combination of classroom requirements and practical on-the-job training. Some NRC regions impose additional requirements on certain license reviewers or inspectors, depending on their individual responsibilities and the types of licenses they review and/or inspect. (c)

In addition, the qualification process for NRC materials program inspectors includes demonstration of knowledge of relevant sections of the *Code of Federal Regulations*, completion of a qualifications journal, and appearance before a qualification board. Although Agreement States need not follow the NRC Inspection Manual, Chapters 1245 and 1246, they should have a program for training and qualification of personnel, and it should be adhered to in Agreement State programs. The evaluation standard measures the overall quality of training available to, and taken by, materials program personnel. (d)

### Performance Indicator 3—Technical Quality of Licensing Actions (3)

An acceptable program for licensing radioactive material includes preparation and use of internal licensing guides and policy memoranda to ensure technical quality in the licensing program (when appropriate, NRC guidance may be used); precicensing inspection of complex facilities; and supervisory review, when appropriate. (a)



## Programmatic Indicators (B) (continued)

### Performance Indicator 3—Technical Quality of Licensing Actions (3) (continued)

This performance indicator evaluates the technical quality of the licensing program on the basis of an in-depth onsite review of a representative cross-section of licensing action for various types of licenses. Technical quality includes not only the review of completed actions, but also an examination of any renewals that have been pending for more than a year because the failure to act on such requests may have health and safety implications. To the extent possible, the onsite review also should capture a representative cross-section as completed by each of the reviewers in the region or State. (b)

### Performance Indicator 4—Technical Quality of Inspections (4)

This performance indicator provides the qualitative balance to Performance Indicator 1, which looks at the status of the inspection program on a quantitative basis. Review team members will accompany a sampling of inspectors at different types of licensed facilities to evaluate the knowledge and capabilities of regional and Agreement State inspectors. These accompaniments will usually occur at a time other than the onsite review of the region or Agreement State to afford the review team sufficient time to observe inspectors at different types of licensee facilities. These reviews focus on the scope, completeness, and technical accuracy of completed inspections and related documentation. Review teams will conduct in-depth, onsite reviews of a cross-section of completed inspection reports performed by different inspectors. In addition, review teams will verify that supervisors generally accompany inspectors on an annual basis to provide management quality assurance.

### Performance Indicator 5—Response to Incidents and Allegations (5)

The quality, thoroughness, and timeliness of the NRC or Agreement State response to incidents, alleged incidents, and other allegations of safety concerns can have a direct bearing on public health and safety. A careful assessment of incident response and allegation investigation procedures, actual implementation of these procedures, internal and external coordination, and investigative and followup procedures will be a significant indicator of the overall quality of the program.

## Part III

### Evaluation Criteria

NRC regions and Agreement States will be evaluated in their ability to conduct effective licensing and inspection programs using the performance indicators described in Part II of this handbook. The evaluation criteria for each performance indicator are given below.

#### Indicator 1—Status of Materials Inspection Program (A)

##### Satisfactory (1)

- Core licensees (those with inspection frequencies of 3 years or less) are inspected at regular intervals in accordance with frequencies prescribed in NRC Inspection Manual, Chapter 2800. (a)
- Deviations from these schedules are normally coordinated between working staff and management. Deviations are generally the result of joint decisions that consider the risk of licensee operation, past licensee performance, and the need to temporarily defer the inspection(s) to address more urgent or more critical priorities. (b)
- There is clear evidence of an organized “get-well” plan to reschedule any missed or deferred inspections. (c)
- Inspections of new licensees are generally conducted within 6 months of license approval, or in accordance with NRC Inspection Manual, Chapter 2800, Section 04-03, for those new licensees not possessing licensed material. (d)
- A large majority of the inspection findings are communicated to licensees in a timely manner (30 calendar days as specified in NRC Inspection Manual, Chapter 0610-10). (e)

## Indicator 1—Status of Materials Inspection Program (A) (continued)

### Satisfactory With Recommendations for Improvement (2)

- More than 10 percent of the core licensees are inspected at intervals that exceed the NRC Inspection Manual, Chapter 2800, frequencies by more than 25 percent. (a)
- Inspections of new licensees are frequently not conducted within 6 months of license approval. (b)
- Some of the inspection findings are delayed, or not communicated to licensees with 30 days. (c)

### Unsatisfactory (3)

- More than 25 percent of the core licensees are inspected at intervals that exceed that NRC Inspection Manual, Chapter 2800, frequencies by more than 25 percent. (a)
- Inspections of new licensees are frequently delayed, as are the inspection findings. (b)

### Category N (4)

- Special conditions exist that provide adequate justification for withholding a rating. For example, an unforeseen event or emergency with significant health and safety consequences may have required a temporary diversion of resources from the core inspection program. However, these programmatic adjustments are well thought out and properly coordinated with the Office of Nuclear Material Safety and Safeguards (NMSS) or Agreement State management.

## Indicator 2—Technical Staffing and Training (B)

### Satisfactory (1)

Review indicates implementation of a well-conceived and -balanced staffing strategy throughout the assessment period and demonstrates the qualifications of the technical staff. This is indicated by the presence of most of the following features:



## Indicator 2—Technical Staffing and Training (B) (continued)

### Satisfactory (1) (continued)

- Balance in staffing the licensing and inspection programs (a)
- Few, if any, vacancies, especially at the senior-level positions (b)
- Prompt management attention and review, such as development of a corrective action plan to address problems in high rates of attrition or positions being vacant for extended periods (c)
- Qualification criteria for hiring new technical staff established and followed (Staff would normally be expected to have bachelor's degrees or equivalent training in the physical and/or life sciences. Senior personnel should have additional training and experience in radiation protection commensurate with the types of licenses they issue or inspect.) (d)
- License reviewers and inspectors trained and qualified in a reasonable time period<sup>1</sup> (e)
- Management commitment to training clearly evident (f)

### Satisfactory With Recommendations for Improvement (2)

Review determines the presence of some of the following conditions:

- Some staff turnover that could adversely upset the balance in staffing the licensing and inspection programs (a)
- Some vacant positions not readily filled (b)
- Some evidence of management attention or actions to deal with staffing problems (c)
- Some of the licensing and inspection personnel not making prompt progress in completing all of the training and qualification requirements (d)

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<sup>1</sup> For the regions, this means there has been, and continues to be, a clear effort to adhere to the requirements and conditions specified in NRC Inspection Manual, Chapters 1245 and 1246, and the applicable qualifications journals, or to receive equivalent training elsewhere. For the Agreement States, equivalent requirements should be in place and followed.

## Indicator 2—Technical Staffing and Training (B) (continued)

### Satisfactory With Recommendations for Improvement (2) (continued)

- The training and qualification standards include areas needing improvement (e)
- Some of the new staff hired with little education or experience in physical and/or life sciences, or materials licensing and inspection (f)

### Unsatisfactory (3)

Review determines the presence of chronic or acute problems related to some of the following conditions, which cause concerns about their likely effects on other performance indicators:

- Significant staff turnover relative to the size of the program (a)
- Most vacant positions not filled for extended periods (b)
- Little evidence of management attention or actions dealing with staffing problems (c)
- Most of the licensing and inspection personnel not making prompt progress in completing all of the training and qualification requirements (d)
- New staff members hired without having scientific or technical backgrounds that would equip them to receive health physics training (e)

### Category N (4)

Special conditions exist that provide justification for withholding a rating. For example, there has been a substantial management effort to deal with staffing problems. NMSS or the Office of State Programs (OSP) has been kept informed of the situation and discernable recent progress is evident.

## Indicator 3—Technical Quality of Licensing Actions (C)

### Satisfactory (1)

- Review of completed licenses and a representative sample of licensing files indicates that license reviews are generally thorough, complete, consistent, and of acceptable technical quality. (a)
- Health and safety issues are properly addressed. (b)
- License reviewers usually have the proper signature authority for the cases they review. (c)
- Special license tiedown conditions are usually stated clearly and are inspectable. (d)
- Deficiency letters are well written and used at the proper time. (e)
- Reviews of renewal applications demonstrate thorough analysis of a licensee's inspection and enforcement history. (f)
- Applicable guidance documents are available to reviewers in most cases and are generally followed. (g)
- No potentially significant health and safety issues can be linked to licensing practices. (h)

### Satisfactory With Recommendations for Improvement (2)

Review indicates that some licensing actions do not fully address health and safety concerns or indicates repeated examples of problems with respect to thoroughness, completeness, consistency, clarity, technical quality, and adherence to existing guidance in licensing actions.

### Unsatisfactory (3)

Review indicates that licensing actions frequently fail to address important health and safety concerns or indicates chronic problems with regard to thoroughness, completeness, consistency, clarity, technical quality, and adherence to existing guidance in licensing actions.

### Indicator 3—Technical Quality of Licensing Actions (C) (continued)

Category N (4)

Not applicable.

### Indicator 4—Technical Quality of Inspections (D)

Satisfactory (1)

- Review team members accompanying a sample inspectors combined with an on-site review of a representative cross-section of completed inspection files indicates inspection findings are usually well founded and well documented throughout the assessment. (a)
- A review of inspector field notes or completed reports indicates that most inspections are complete and reviewed promptly by supervisors or management. (b)
- Procedures are in place and normally used to help identify root causes and poor licensee performance. (c)
- In most instances, followup inspections address previously identified open items and/or past violations. (d)
- Inspection findings generally lead to appropriate and prompt regulatory action. (e)
- Supervisors accompany nearly all inspectors on an annual basis. (f)

Satisfactory With Recommendations for Improvement (2)

- Review indicates that some inspections do not address potentially important health and safety concerns or it indicates periodic problems with respect to completeness, adherence to procedures, management review, thoroughness, technical quality, and consistency. (a)
- Review indicates that findings in inspection reports and inspection files are, on occasion, not well founded or well documented. (b)

## **Indicator 4—Technical Quality of Inspections (D) (continued)**

### **Satisfactory With Recommendations for Improvement (2) (continued)**

- Review does not demonstrate an appropriate level of management review. (c)
- Supervisors accompaniment of inspectors are not performed systematically. (d)
- Followup actions to inspection findings are often not timely. (e)

### **Unsatisfactory (3)**

- Review indicates that inspections frequently fail to address potentially important health and safety concerns or it indicates chronic problems exist with respect to completeness, adherence to procedures, management review, thoroughness, technical quality, and consistency. (a)
- Supervisors infrequently accompany inspectors. (b)
- Followup actions to inspection findings are often not timely and appropriate. (c)

### **Category N (4)**

- Not applicable.

## **Indicator 5—Response to Incidents and Allegations (E)**

### **Satisfactory (1)**

- Incident response and allegation procedures are in place and followed in nearly all cases. (a)
- Actions taken are appropriate, well coordinated, and timely in most instances. (b)
- Level of effort is usually commensurate with potential health and safety significance of incident. (c)

## Indicator 5—Response to Incidents and Allegations (E) (continued)

### Satisfactory (1) (continued)

- Investigative procedures are appropriate for incident. (d)
- Corrective (enforcement or other) actions are adequately identified to licensees promptly and appropriate followup measures are taken to ensure prompt compliance. (e)
- Followup inspections are scheduled and completed, if necessary. (f)
- Notification to NMSS, the Office for Analysis and Evaluation of Operational Data, or OSP, and others as may be appropriate, is usually performed in a timely fashion. (g)

### Satisfactory With Recommendations for Improvement (2)

- Incident response and allegation procedures are in place but occasionally not practiced in a detailed fashion. (a)
- Performance is marginal in terms of resolving potential public health and safety issues, but not as well coordinated, complete, or timely as would be required under the "Satisfactory" performance standard. (b)

### Unsatisfactory (3)

Review indicates frequent examples of response to incidents or allegations to be incomplete, inappropriate, poorly coordinated, or not timely. As a result, potential health and safety problems persists.

### Category N (4)

Not applicable.



## Part IV

# Programmatic Assessment

### General (A)

A management review board (MRB) will make the overall assessment of each NRC region's or Agreement State's program on the basis of the proposed final report and recommendations prepared by the team that conducted the review of that region or State, including any unique circumstances as well as noncommon indicators. (1)

The MRB will consist of a group of senior NRC managers, or their designees, to include the: (2)

- Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support (a)
- Director, Office of Nuclear Material Safety and Safeguards (b)
- Director, Office of State Programs (c)
- Director, Office for Analysis and Evaluation of Operational Data (d)
- General Counsel (e)

The Agreement States also will be invited to nominate a representative to participate in MRB meetings, as a nonvoting Agreement State liaison. In this capacity, the State representative would have full authority to receive applicable documentation and engage in all MRB discussions except for any that might involve the Agreement State liaison's own State. The Agreement State liaison would not have voting authority; this function is reserved solely by NRC. (3)

## General (A) (continued)

For an NRC region, the MRB will only assess the adequacy of the program to protect public health and safety. The nature of NRC findings regarding NRC's Agreement State review process is described below. (4)

## Findings for Agreement State Programs (B)

### Finding 1—Adequate to Protect Public Health and Safety and Compatible (1)

- If NRC staff find that a State program has met all the Agreement State program review criteria or that only minor deficiencies exist, the Commission will find that the State's program is adequate to protect the public health and safety. (a)
- If the NRC determines that a State program contains all required NRC program elements for compatibility, or only minor discrepancies exist, the program will be found compatible. (b)

### Finding 2—Adequate to Protect Public Health and Safety and Not Compatible (2)

- If NRC finds that a State program has met all the Agreement State program review criteria or that only minor deficiencies exist, the Commission will find that the State's program is adequate to protect the public health and safety. (a)
- If NRC determines that a State has failed to adopt a necessary item of compatibility within the period of time specified by implementing procedures for NRC's compatibility policy statement (i.e., more than minor compatibility discrepancies), the program would be found not compatible. (b)

### Finding 3—Adequate, But Needs Improvement and/or Not Compatible (3)

- If NRC finds that a State's program protects public health and safety, but is deficient in meeting some of the review criteria, NRC may find that the State's program is adequate, but needs improvement. NRC would consider, in its determination plans,



## Findings for Agreement State Programs (B) (continued)

### Finding 3—Adequate, But Needs Improvement and/or Not Compatible (3) (continued)

which deficiencies noted during the review that the State has to address. (a)

- In cases where less significant State deficiencies previously identified have been uncorrected for a significant period of time, NRC also may find that the program is adequate but in need of improvement. (b)
- If NRC determines that a State has failed to adopt a necessary item of compatibility within the period of time specified by implementing procedures for NRC's compatibility policy statement, the program would be found not compatible. (c)

### Finding 4—Inadequate to Protect Public Health and Safety and/or Not Compatible (4)

- If NRC finds that a State's program is significantly deficient in some or all the review criteria, NRC would find that the State's program is not adequate to protect the public health and safety. (a)
- If NRC determines that a State has failed to adopt a necessary item of compatibility within the period of time specified by implementing procedures for NRC's compatibility policy statement, the program would be found not compatible. (b)

## Findings for NRC Regional Programs (C)

An MRB's findings for regional programs will be the same as those listed above for Agreement States with the exclusion of the findings for compatibility.

## Glossary

It is necessary to note that some Agreement States or NRC regions may not define these terms identically. In such cases, the review team will highlight any differences in its review, but draw its conclusions and make its assessments on the basis of the definitions used by that State or region at the time of the review.

**Allegation.** A declaration, statement, or assertion of impropriety or inadequacy associated with regulated activities, the validity of which has not been established. This term includes all concerns identified by sources such as the media, individuals, or organizations, and technical audit efforts from Federal, State, or local government offices regarding activities at a licensee's site. Excluded from this definition are matters being handled by more formal processes such as 10 CFR 2.206 petitions, hearing boards, appeal boards, and so forth.

**Incident.** An event that may have caused or threatens to cause conditions described in 10 CFR 20.2202 (old 20.403), 10 CFR 30.50, 10 CFR 40.60, 10 CFR 70.50, or the equivalent State regulations.

**Materials Inspection.** The definitions in 10 CFR 170.3, and in NRC Inspection Manual, Chapter 2800, Sections 03.03 and 07.01, should be used to determine what constitutes an inspection. In addition, Agreement State hand-delivery of new licenses may constitute initial inspections. The term includes both routinely scheduled and reactive inspections.

**Materials Licensing Action.** Reviews of applications for new byproduct materials licenses, license amendments, renewals, and license terminations.

**Overdue Inspections.** Currently, NRC defines this term based on guidance in NRC Inspection Manual, Chapter 2800, especially Sections 04.03 (a) and 05.01 through 05.04. Many States use different definitions. For purposes of this directive, a materials license will be considered overdue for inspection in the following cases:

## Glossary (continued)

- A new licensee that possesses licensed material has not been inspected within 6 months of receipt of licensed material, within 6 months of beginning licensed activities, or within 12 months of license issuance, whichever comes first.
- An existing core license is more than 25 percent beyond the interval defined in NRC Inspection Manual, Chapter 2800, Enclosure 1. An existing non-core license is more than 1 year beyond the interval. (An inspection will not be considered overdue if the inspection frequency has been extended in accordance with NRC Inspection Manual, Chapter 2800, Section 05.01, based on good licensee performance.

Determinations of overdue inspections will not be based on any inspection frequencies established by States or regions if those frequencies are more stringent than those contained in NRC Inspection Manual, Chapter 2800. The frequencies provided in NRC Inspection Manual, Chapter 2800, will generally be used as the yardstick for determining if an inspection is overdue.

**AGREEMENT  
BETWEEN  
THE UNITED STATES NUCLEAR REGULATORY COMMISSION  
AND  
THE STATE OF MAINE  
FOR  
DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY  
AND  
RESPONSIBILITY WITHIN THE STATE PURSUANT TO  
SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

WHEREAS, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1) and (2) of the Act, source materials and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, The Governor of the State of Maine is authorized under Maine Revised Statutes Annotated Section 284 to enter into this Agreement with the Commission; and

WHEREAS, The Governor of the State of Maine certified on March 5, 1990, that the State of Maine (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and



*WHEREAS, This Agreement is entered into pursuant to the provisions of the Act, as amended;*  
*NOW THEREFORE, it is hereby agreed between the Commission and the Governor of the*  
*State, acting in behalf of the State, as follows:*

### **ARTICLE I**

*Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:*

- A. Byproduct materials as defined in Section 11c (1) of the Act;*
- B. Source materials; and*
- C. Special nuclear materials in quantities not sufficient to form a critical mass.*

### **ARTICLE II**

*This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:*

- A. The construction and operation of any production or utilization facility;*
- B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;*
- C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;*
- D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by*

regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

- E. The land disposal of source, byproduct and special nuclear material received from other persons; and
- F. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

### ARTICLE III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area(s) specified in Article II, paragraph E or F, whereby the State can exert regulatory control over the materials stated herein.

### ARTICLE IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from license issued by the Commission.

### ARTICLE V

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

### ARTICLE VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for

protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

#### ARTICLE VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

#### ARTICLE VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassess the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of Section 274 of the Act. The Commission may also, pursuant to Section 274j of the Act, temporarily suspend all or part of this Agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with Section 274 of the Act.

#### ARTICLE IX

This Agreement shall become effective on April 1, 1992, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at Maryland, in duplicate, this 16<sup>th</sup> day of March, 1992

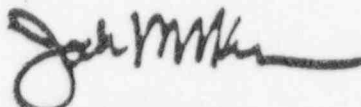
FOR THE UNITED STATES  
NUCLEAR REGULATORY  
COMMISSION



Evan Selin, Chairman

Done at Augusta, Maine, in duplicate, this 26<sup>th</sup> day of March, 1992

FOR THE STATE OF MAINE



John R. McKernan, Jr.  
Governor



Section 274 of the  
Atomic Energy Act, as amended

Cooperation With States

Compromised  
and is not  
an AEC  
act. 2021.

**SEC. 274. COOPERATION WITH STATES.**

"a. It is the purpose of this section—

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

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

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

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

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

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

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

"(1) byproduct materials as defined in section 11e.

"(2) byproduct materials as defined in section 11e.

"(3) source materials;

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

Agreement  
and is not  
an AEC  
act.

Public Law 86-777 (77 Stat. 1000) (1990), sec. 2, added sec. 274.  
Public Law 93-400 (92 Stat. 800) (1978), sec. 202(a), amended (a) (2) (A) by adding  
the phrase "or section 161 of this Act" after the words "chapter 6, 7, and 8" and  
Public Law 93-400 (92 Stat. 800) (1978), sec. 202(a), amended paragraph (2) and  
added paragraph (3) and (4), and added a new paragraph (5).

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

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

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

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

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

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

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

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

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

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

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

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Continued

Continued  
on 7A

<sup>100</sup>Public Law 95-601 (92 Stat. 2620) (1978), sec. 1007, added a new sentence after paragraph (d).  
<sup>101</sup>Public Law 95-601 (92 Stat. 2627) (1978), sec. 1007a, amended sec. 1007 by inserting the word "in accordance with the requirements of subsection c. and in all other respects compatible with the Commission's program for regulation of such materials" before the word "adequate".

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

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

Licensing  
the universal  
consequence

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

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

Public  
Health  
Commission

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

Commission

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

Public Law 85-624 (77 Stat. 3577) (1973), sec. 600(c) amended sec. 701(d)(7) by inserting the words "in cooperation with the departments of education, health, and welfare" before the word "consequently".

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

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

Termination of agreement.

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

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

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

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

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

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

Notice of license.

<sup>210</sup>Public Law 94-301 (94 Stat. 567) (1980), sec. 205 inserted "11" after "j."  
<sup>211</sup>Public Law 94-301 (94 Stat. 567) (1980), sec. 205(d)(1), amended sec. 214 by adding the words "all or part of" after "suspend."  
<sup>212</sup>Public Law 94-301 (94 Stat. 567) (1980), sec. 205(d)(2), amended sec. 214 by inserting "11" after "and the."  
<sup>213</sup>Public Law 94-301 (94 Stat. 567) (1980), sec. 205(d)(3), amended sec. 214 by adding at the end before the period "or (2) the State has not complied with one or more of the requirements of this section. The Commission shall periodically review such agreements and actions taken by the States under the agreements to insure compliance with the provisions of this section."  
<sup>214</sup>Public Law 94-301 (94 Stat. 567) (1980), sec. 205 added new section "j. (2)".

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

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

"n. As used in this section, the term 'State' means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia. As used in this section, the term 'agreement' includes any amendment to any agreement.<sup>313</sup>

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

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

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

"(3) procedures which—

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

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

"(ii) an opportunity for cross examination, and

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

Act 9 3033  
Am 9 3034



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

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

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

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

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

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

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

If any State under such agreement imposes upon any licensee any requirement for the payment of funds to such State for the reclamation or long-term maintenance and monitoring of such material, and if transfer to the United States of such material is required in accordance with section 83 b. of this Act, such agreement shall be amended by the Commission to provide that such State shall transfer to the United States upon termination of the license issued to such licensee the total amount collected by such State from such licensee for such purpose. If such payments are required, they must be sufficient to ensure compliance with the standards established by the Commission pursuant to section 161 a. of this Act. No State shall be required under paragraph (3) to conduct proceedings concerning any license or regulation which would duplicate proceedings conducted by the Commission.<sup>210</sup>

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

42 U.S.C. § 2013

42 U.S.C. § 2011

42 U.S.C. § 2014

<sup>210</sup>Public Law 95-602 (92 Stat. 2637) (1978), sec. 201(a), entitled a new sentence. e.

Commission for the same purpose if, after notice and opportunity for public hearing, the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275. Such alternative State requirements may take into account local or regional conditions, including geology, topography, hydrology and meteorology." 317

49 U.S.C. 3022

201 Pub. L. 95-601 (97 Stat. 2677) (1979), sec. 204 (1), added a new sentence. 2.  
217 Pub. L. 97-113 (100 Stat. 2037) (1986), sec. 19, added this paragraph.



## POLICY STATEMENTS

46 FR 7840

Published 1/23/81

Effective 1/23/81

**Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement**  
**Source: U.S. Nuclear Regulatory Commission**

### Source Statement of Policy.

**SUMMARY:** The Nuclear Regulatory Commission has revised its statement of policy regarding criteria for guidance of States and NRC in discontinuance of NRC regulatory authority and assumption of regulatory authority by States through agreement. This action is necessary to make editorial changes to update the policy statement to allow States to enter into agreements for low-level waste only, and to incorporate the provisions and requirements of the Uranium Mill Tailings Radiation Control Act of 1978. Adoption of this policy will allow interested States to enter into agreements with the NRC and regulate low-level waste sites only. Additionally, those States that meet the criteria for the regulation of uranium mills and tailings may exercise regulatory authority over these sources as provided by the Uranium Mill Tailings Radiation Control Act of 1978, as amended.

The revised statement of policy reflects the following principal changes:

1. Modification of Criterion 27 to allow a State to seek an agreement for the regulation of low-level waste as a separate category.

2. Inclusion of additional criteria for States wishing to continue regulating uranium and thorium processors and mill tailings after November 2, 1981.

3. Editorial and clarifying changes to make the statement current.

**DATE:** This policy statement is effective January 23, 1981.

**FOR FURTHER INFORMATION CONTACT:**  
John F. Kordig, Office of State Programs,  
U.S. Nuclear Regulatory Commission,  
Washington, D.C. 20543, telephone: 301-481-7787.

### DISSENTING STATEMENTS:

2. These criteria were developed to implement a program authorized by Pub. L. 95-373 which was enacted in the form of a new section to the Atomic Energy Act (Section 274) and approved by the President on September 23, 1978.

and amended by Pub. L. 95-601 approved November 2, 1978. These criteria are intended to indicate factors which the Commission intends to consider in approving new or amended agreements. They are not intended to limit Commission discretion in viewing individual agreements or amendments. In accordance with these statutory provisions, when an agreement between a State and the NRC is effected, the Commission will discontinue its regulatory authority within that State over one or more of the following materials: byproduct material as defined in Section 110(1) of the Act (radioisotopes), byproduct material as defined in Section 110(2) of the Act (mill tailings or wastes), source material (uranium and thorium), special nuclear material (uranium 233, uranium 235 and plutonium) in quantities not sufficient to form a critical mass and permanent disposal of low-level waste containing one or more of the materials listed above but not including mill tailings.

2. An agreement may be effected between a State and NRC: (1) upon certification by the Governor that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement and the State desires to assume regulatory responsibility for such materials; and (2) after a finding by the Commission that the State program is in accordance with the requirements of subsection c of section 274 and in all other respects compatible with the Commission's program for the regulation of such materials, and is adequate to protect the public health and safety with respect to the materials covered by the proposed agreement. It is also necessary that the State have enabling legislation authorizing its Governor to enter into such an agreement.

3. The original criteria were published on March 24, 1981 (46 FR 2337) after discussions with various State officials and other State representatives, to provide guidance and assistance to the States and the AEC (now NRC) in developing a regulatory program which would be compatible with that of the NRC. The criteria were circulated among States, Federal agencies, labor and industry, and other interested groups for comment.

4. The criteria require that the State authority consider the total accumulated occupational radiation exposure of individuals. To facilitate such an approach, it is the view of the NRC that an overall radiation protection program is desirable. The maximum scope of

## POLICY STATEMENTS

each State's radiation protection program is not, however, a necessary or appropriate subject for coverage in the criteria. Consequently, the criteria are silent on the question of whether a State should have a total regulatory program covering all sources of radiation, including those not subject to control by the NRC under the Atomic Energy Act, such as x-rays, radium, accelerators, etc.

3. These revised criteria provide for entering into an agreement for a separate category of materials, namely, low-level waste material to permanent disposal facilities. They also provide new criteria for States wishing to continue regulating uranium and thorium processing and the wastes resulting therefrom under the provisions of the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-601) after November 8, 1979. The revised criteria also contain a number of editorial changes such as changing AEC to NRC where appropriate to conform to present practice and law.

4. Inquiries about details of the criteria or other aspects of the NRC Federal-State Relations Program should be addressed to the Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20545.

### Criteria<sup>1</sup>

#### Objectives

1. **Protection.** A State regulatory program shall be designed to protect the health and safety of the people against radiation hazards.

#### Radiation Protection Standards<sup>2</sup>

2. **Standards.** The State regulatory program shall adopt a set of standards for protection against radiation, which shall apply to byproduct source and special nuclear materials in quantities not sufficient to form a critical mass.

3. **Uniformity in Radiation Standards.** It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity on maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by Part 20 of the NRC regulations based on officially approved radiation protection guides.

4. **Total Occupational Radiation Exposure.** The regulatory authority shall consider the total occupational radiation

exposure of individuals, including that from sources which are not regulated by it.

5. **Surveys, Monitoring.** Appropriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.

6. **Labels, Signs, Symbols.** It is desirable to achieve uniformity in labels, signs and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products which are transferred from person to person.

7. **Instruction.** Persons working in or frequenting restricted areas shall be instructed with respect to the health risks associated with exposure to radioactive materials and in precautions to minimize exposure. Workers shall have the right to request regulatory authority inspections as per 10 CFR 19, section 19.16 and to be represented during inspections as specified in section 19.14 of 10 CFR 19.

8. **Storage.** Licensed radioactive material in storage shall be secured against unauthorized removal.

9. **Waste Disposal.** The standards for the disposal of radioactive materials into the air, water, and sewers, and burial in the soil shall be in accordance with Part 20. Holders of radioactive material desiring to release or dispose of quantities in excess of the prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

10. **Regulations Governing Shipment of Radioactive Materials.** The State shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the U.S. Department of Transportation and other agencies of the United States whose jurisdiction over interstate shipment of such materials necessarily continues. State regulations regarding transportation of radioactive materials must be compatible with 10 CFR Part 71.

11. **Records and Reports.** The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation

surveys, and disposal of materials; (b) keep records of the receipt and transfer of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of the employee's exposure to radiation; (e) at request of an employee advise the employee of his or her annual radiation exposure; and (f) inform each employee in writing when the employee has received radiation exposure in excess of the prescribed limits.

12. **Additional Requirements and Exemptions.** Consistent with the overall criteria here enumerated and to accommodate special cases or circumstances, the State regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

#### Prior Evaluation of Uses of Radioactive Materials

13. **Prior Evaluation of Hazards and Uses, Exceptions.** In the present state of knowledge, it is necessary in regulating the possession and use of byproduct source and special nuclear materials that the State regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the State regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating each specific use.

14. **Evaluation Criteria.** In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities

<sup>1</sup>The criteria were first adopted in February 1981 (16 FR 1547, March 31, 1981), and extended in November 1981 (16 FR 18004, December 4, 1981). Minor editorial changes were made in June 1982 to reflect the authority of the U.S. Department of Transportation and Organization changes in NRC.

<sup>2</sup>Suggested State regulations and State legislation will give attention to the criteria enumerated.

<sup>3</sup>"Restricted area" means any area common to which is controlled by the licensee for the purpose of radiation protection of individuals from exposure to radiation and radioactive materials. "Restricted area" shall not include any area used as a residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

## POLICY STATEMENTS

and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. This guidance should be consistent with NRC licensing and regulatory guides for various categories of licensed activities.

**15. Human Use.** The use of radioactive materials and radiation as or to humans shall not be permitted except by properly qualified persons (normally licensed physicians) possessing prescribed minimum experience in the use of radiodiagnoses or radiation.

### Inspection

**16. Purpose, Frequency.** The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests as required by the regulatory authority. Inspection and testing is conducted to determine, and to assist in obtaining, compliance with regulatory requirements.

Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

**17. Inspections Compulsory.** Licensees shall be under obligation by law to provide access to inspections.

**18. Notification of Results of Inspection.** Licensees are obliged to be advised of the results of inspections and to advise as to whether or not they are in compliance.

### Enforcement

**19. Enforcement.** Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials, the obtaining of injunctive relief, and the imposing of civil or criminal penalties.

### Personnel

**20. Qualifications of Regulatory and Inspection Personnel.** The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of

radioactivity in the proposed use to be evaluated and inspected. This requires competency to evaluate various potential radiological hazards associated with the many uses of radioactive material and includes concentrations of radioactive materials in air and water, conditions of shielding, the making of radiation measurements, knowledge of radiation instruments—their selection, use and calibration—laboratory design, contamination control, other general principles and practices of radiation protection, and use of management controls in assuring adherence to safety procedures. In order to evaluate some complex cases, the State regulatory staff may need to be supplemented by consultants or other State agencies with expertise in geology, hydrology, water quality, radiobiology and engineering disciplines.

To perform the functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. For example, the person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection. It is desirable that such a person have a bachelor's degree or equivalent in the physical or life sciences, and specific training—radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These persons should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work

experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, trainees could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirements for academic training of individuals in all of the foregoing categories proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

### Special Nuclear Material, Source Material and Tritium

**21. Conditions Applicable to Special Nuclear Material, Source Material and Tritium.** Nothing in the State's regulatory program shall interfere with the duties imposed on the holder of the materials by the NRC, for example, the duty to report to the NRC on NRC prescribed forms (1) transfers of special nuclear material, source material and tritium, and (2) periodic inventory data.

**22. Special Nuclear Material Defined.** Special nuclear material in quantities not sufficient to form a critical mass, for present purposes means uranium enriched in the isotope U-233 in quantities not exceeding 330 grams of contained U-233, uranium 233 in quantities not exceeding 300 grams; plutonium in quantities not exceeding 300 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of



## POLICY STATEMENTS

such ratios for all of the kinds of special nuclear material in combination should not exceed "3" (i.e., unity). For example,

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{80 \text{ (grams U-233)}}{200} + \frac{80 \text{ (grams Pu)}}{200} = 1$$

(This definition is subject to change by future Commission rule or regulation.)

### *Continuation*

21. State practices for assuring the fair and impartial administration of regulatory law, including provision for public participation where appropriate, should be incorporated in procedures for:

- a. Formulation of rules of general applicability;
- b. Approving or denying applications for licenses or authorization to possess and use radioactive materials; and
- c. Taking disciplinary actions against licensees.

### *Arrangements For Discontinuing NRC Jurisdiction*

24. *State Agency Designation.* The State should indicate which agency or agencies will have authority for carrying on the program and should provide the NRC with a summary of that legal authority. There should be assurances against duplicate regulation and licensing by State and local authorities, and it may be desirable that there be a single or central regulatory authority.

25. *Existing NRC Licenses and Pending Applications.* In effecting the discontinuance of jurisdiction, appropriate arrangements will be made by NRC and the State to ensure that there will be no interference with or interruption of licensed activities or the processing of license applications, by reason of the transfer. For example, one approach might be that the State, in assuming jurisdiction, could recognize and continue in effect for an appropriate period of time under State law, existing NRC licenses, including licenses for which timely applications for renewal have been filed, except where good cause warrants the earlier examination or termination of the license.

26. *Relations With Federal Government and Other States.* There should be an interchange of Federal and State information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

27. *Coverage Amendments.*  
*Reciprocity.* An agreement providing for

the following quantities in combination would not exceed the limitation and are within the formula, as follows:

discontinuance of NRC regulatory authority and the assumption of regulatory authority by the State may relate to any one or more of the following categories of materials within the State, as contemplated by Public Law 86-373 and Public Law 86-604:

- a. Byproduct materials as defined in section 116(1) of the Act;
- b. Byproduct materials as defined in section 116(2) of the Act;
- c. Source materials;
- d. Special nuclear materials in quantities not sufficient to form a critical mass;
- e. Low-level wastes in permanent disposal facilities, as defined by statute or Commission rules or regulations containing one or more of the materials stated in a, b, and d above but not including byproduct material as defined in Section 116(3) of the Act but must relate to the whole of such category or categories and not to a part of any category. If less than the five categories are included in any discontinuance of jurisdiction, discontinuance of NRC regulatory authority and the assumption of regulatory authority by the State of the others may be accomplished subsequently by an amendment or by a later agreement.

The agreement may incorporate by reference provisions of other documents, including these criteria, and the agreement shall be deemed to incorporate without specific reference the provisions of Pub. L. 86-373 and Pub. L. 86-604 and the related provisions of the Atomic Energy Act.

Arrangements should be made for the reciprocal recognition of State licenses and Federal licenses in connection with out-of-the-jurisdiction operations by a State or Federal licensee.

28. *NRC and Department of Energy Contractors.* The State should provide exemptions for NRC and DOE contractors which are substantially equivalent to the following exemptions:

- a. Prime contractors performing work

<sup>14</sup> States which deem not wish to continue regulation of uranium and thorium processors and byproduct material, as defined in Section 116(2) of the Atomic Energy Act as amended, after November 8, 1981 pursuant to Pub. L. 96-461 may obtain authority over all covered material located within the State except for uranium or thorium processors.

for the DOE or U.S. Government-owned or controlled sites:

- b. Prime contractors performing research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components thereof;

- c. Prime contractors using or operating nuclear reactors or other nuclear devices in a U.S. Government-owned vehicle or vessel; and

- d. Any other prime contractor or subcontractor of DOE or NRC when the State and the NRC jointly determine (1) that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety and (2) that the exemption of such contractor or subcontractor is authorized by law.

*Additional Criteria for States Regulating Uranium or Thorium Processors and Wastes Resulting Therefrom After November 8, 1981*

### *Standards*

29. State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements of Public Law 86-604, Uranium Mill Tailings Radiation Control Act (UMTRCA) as follows:

- a. Authority to regulate the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content;

- b. That an adequate surety (under terms established by regulation) will be provided by the licensee to assure the completion of all requirements established by the (site appropriate State agency) for the decontamination, decommissioning, and reclamation of sites, structures, and equipment used in conjunction with the generation or disposal of such byproduct material;

- c. If in the States' licensing and regulation of byproduct material or of any activity which produces byproduct material, the State collects funds from the licensee or its surety for long-term surveillance and maintenance of such material, the total amount of the funds collected by the State shall be transferred to the U.S. if custody of the byproduct material and its disposal site is transferred to the Federal Government upon termination of the State license. (See 10 CFR 160.21.) If no default has occurred and the reclamation or other bonded activity has been performed, funds for the purpose

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are not to be transferred to the Federal Government. The funds collected by the State shall be sufficient to ensure compliance with the regulations the Commission establishes pursuant to Section 161X of the Atomic Energy Act.

d. In the issuance of licenses, an opportunity for written comments, public hearing (with transcript) and cross examination is required.

e. In the issuance of licenses, a written determination of the action to be taken based upon evidence presented during the public comment period and which is subject to judicial review is required.

f. A ban on major construction prior to completion of the aforementioned stipulations.

g. An opportunity shall be provided for public participation through written comments, public hearings and judicial review of rules.

30. In the enactment of any supporting legislation, the State should take into account the reservations of authority to the U.S. in LMTRCA as stated in 30 CFR 130.11a and summarized by the following:

a. The establishment of minimum standards governing reclamation, long-term surveillance or maintenance, and ownership of the byproduct material.

b. The determination that prior to the termination of a license, the licensee has complied with decontamination, decommissioning and reclamation standards, and ownership requirements for sites at which byproduct material is present.

c. The requirement that prior to termination of any license for byproduct material as defined in Section 11e(2), of the Atomic Energy Act or for any activity that results in the production of such material title to such byproduct material and the disposal site be transferred to the Federal Government or State at the option of the State, provided such option is exercised prior to termination of the license.

d. The authority to require such monitoring, maintenance, and emergency measures after the license is terminated as necessary to protect the public health and safety for those materials and property for which the State has assumed custody pursuant to Pub. L. 88-404.

e. The authority to permit use of the surface or subsurface estate, or both of the land transferred to the United States or State pursuant under provision of the Uranium Mill Tailings Control Act.

f. The authority to exempt land ownership transfer requirements of Section 23(b)(1)(A).

31. It is preferable that State statutes contain the provisions of Section 3 of the Model Act, but the following may be accomplished by adoption of either procedures by regulation or technical criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of area processes primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:

- An assessment of the radiological and neurobiological public health impacts.
- An assessment of any impact on any body of water or groundwater.
- Consideration of alternatives to the licensed activities and
- Consideration of long-term impacts of licensed activities (see Item 24b(1)).

### Regulations

32. State regulations should be reviewed for regulatory requirements, and where necessary incorporate regulatory language which is equivalent to the strictest practicable or more stringent than regulations and standards adopted and enforced by the Commission, as required by Section 27c (see 30 CFR 40 and 32 CFR 130.31(b)).

### Organizational Relationships Within the States

33. Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

a. Charts should be developed which show the management organization and lines of authority. This chart should define the specific lines of supervision from program management within the radiation control group and any other department within the State responsible for contributing to the regulation of uranium processing and disposal of tailings. When other State agencies or regional offices are utilized, the lines of communication and administrative control between the agencies and/or regions and the Program Director should be clearly drawn.

b. Those States that will utilize personnel from other State Departments

\* It is strongly recommended that a 30-day period be provided for public review.

or Federal agencies in preparing the environmental assessment should designate a lead agency for supervising and coordinating preparation of this environmental assessment. It is normally expected that the radiation control agency in Agreement States will be the lead agency. The basic premise is that the lead agency is required to prepare the environmental assessment. Utilization of an applicant's environmental report in lieu of a lead agency assessment of the proposed project is not adequate or appropriate. However, the lead agency may prepare an environmental assessment based upon an applicant's environmental report. Other credible information may be utilized by the State as long as such information is verified and documented by the State.

c. When a lead agency is designated, that agency should coordinate preparation of the statement. The other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. Factors relevant to obtaining assistance from other agencies include the applicable statutory authority, the time sequence in which the agencies become involved, the magnitude of their involvement, and relative expertise with respect to the project's environmental effects.

In order to bring an environmental assessment to a satisfactory conclusion, it is highly recommended that an initial scoping document be developed which clearly delineates the area and scope of work to be performed by each agency within a given time constraint.

d. For those areas in the environmental assessment where the State cannot identify a State agency having sufficient expertise to adequately evaluate the proposal or prepare an assessment, the State should have provisions for obtaining outside consulting services. In those instances where non-governmental consultants are utilized, procedures should be established to avoid conflict of interest consistent with State law and administrative procedures.

Medical consultants recognized for their expertise in emergency medical matters, such as the Oak Ridge and Hanford National Laboratories, relating to the intake of uranium and its diagnosis thereof associated with uranium mining and milling should be identified and available to the State for advice and direct assistance.

During the budget preparation, the State should allow for funding costs incurred by the use of consultants. In addition, consultants should be available for any emergencies which

## POLICY STATEMENTS

may occur and for which their expertise would be needed immediately.

### Personnel

24. Personnel needed in the processing of the license application can be identified or grouped according to the following skills: Technical, Administrative, and Support.

a. Administrative personnel are those persons who will provide internal control, policy, memoranda, reviews and a. technical services necessary to assure compliance of the licensing action. Support personnel are those persons who provide secretarial, clerical, support, legal, and laboratory services. Technical personnel are those individuals who have the training and experience in radiation protection necessary to evaluate the engineering and radiological safety aspects of a uranium concentrator. Current indications are that 2 to 2.75 total professional person years' effort is needed to process a new conventional mill license, to renew license, or major renewal, to meet the requirements of LNTCA. This number includes the effort for the environmental assessment and the in-plant safety review. It also includes the use of consultants. Heap leach applications may take less time and is expected to take 1.0 to 1.5 professional staff years' effort, depending on the circumstances encountered. Current indications are that the person years effort for support and legal services should be one secretary for approximately 2 conventional mills and 1.5 staff years for legal services for each conventional mill case. The impact on environmental monitoring laboratory support services is difficult to estimate but should be added into the personnel requirements. In addition, consideration should be given to various miscellaneous post-licensing ongoing activities including the issuance of minor amendments, inspections, and environmental surveillance. It is estimated that these activities may require about 0.5 to 1 person years effort per licensed facility per year, the latter being the case for a major facility. These figures do not include manpower for Title I activities of LNTCA.

b. In evaluating license applications the State shall have access to necessary specialties, e.g., radiological safety, hydrology, geology and dam construction and operation.

In addition to the personnel qualifications listed in the "Guide for Evaluation of State Radiation Control Programs," Revision 2, February 2, 1980, the regulatory staff involved in the regulatory process (Radiation) should

have additional training in Uranium Mill Health Physics and Environmental Assessments.

c. Personnel in agencies other than the lead agency are included in these total person years numbers. If other agencies are counted in these numbers then it shall be demonstrated that these personnel will be available on a routine and continuing basis to a degree claimed as necessary to successfully comply with the requirements of LNTCA and these criteria. The arrangements for making such resources available shall be documented, such as an interagency memorandum of understanding and confirmed by budgetary cost centers.

### Functions To Be Covered

25. The States should develop procedures for licensing, inspection, and preparation of environmental assessments.

#### a. Licensing

(1) Licensing evaluations or assessments should include in-plant radiological safety aspects in occupational or restricted areas and environmental impacts to populations in unrestricted areas from the plant.

(2) It is expected that the State will review, evaluate and provide documentation of these evaluations. Items which should be evaluated are:

- (a) Proposed activities;
- (b) Scope of proposed action;
- (c) Specific activities to be conducted;
- (d) Administrative procedures;
- (e) Facility organization and radiological safety responsibilities, authorities, and personnel qualifications;

(f) Licensee audits and inspections;

(g) Radiation safety training programs for workers;

(h) Radiation safety program, control and monitoring;

(i) Restricted area markings and access control;

(j) At existing mills, review of monitoring data, exposure records, licensee audit and inspection records, and other records applicable to existing mills;

(k) Environmental monitoring;

(l) Emergency procedures, radiological;

(m) Product transportation; and

(n) Site and physical decommissioning procedures, other than tailings.

(o) Employee exposure data and necessary programs.

#### b. Environmental Assessment

(1) The environmental evaluation should consist of a detailed and documented evaluation of the following items:

- (a) Topography;

(b) Geology;

(c) Hydrology and water quality;

(d) Meteorology;

(e) Background radiation;

(f) Tailings retention system;

(g) Interim stabilization, reclamation, and Site Decommissioning Program;

(h) Radiological Dose Assessment;

(i) Source terms;

(j) Exposure pathway;

(k) Dose commitment to individuals;

(l) Dose commitment to populations;

(m) Evaluation of radiological impacts to the public to include a determination of compliance with State and Federal regulations and comparison with background values;

(n) Occupational dose;

(o) Radiological impact to biota other than man;

(p) Radiological monitoring programs, pre-occupational and operational;

(q) Impacts to surface and groundwater, both quality and quantity;

(r) Environmental effects of accidents; and

(s) Evaluation of tailings management alternatives in terms of regulations.

(2) The States are encouraged to examine the need to expand the scope of the assessment into other areas such as:

(a) Ecology;

(b) Environmental effects of site preparation and facility construction on environment and biota;

(c) Environmental effects of use and discharge of chemicals and fuels; and

(d) Economic and social effects.

#### c. Inspections

(1) As a minimum, items which should be inspected or included during the inspection of a uranium mill should adhere to the items evaluated in the in-plant safety review. The principal items recommended for inspection are:

(a) Administration;

(b) Mill circuit, including any additions, deletions, or circuit changes;

(c) Accidents/incidents;

(d) Part 18 or equivalent requirements of the State;

(e) Action taken on previous findings;

(f) A mill tour to determine compliance with regulations and licensee conditions;

(g) Tailings waste management in accordance with regulations and licensee conditions (see NRC Reg Guide 2.1.1.1);

(h) Records;

(i) Respiratory protection in accordance with licensee conditions or 10 CFR Part 20;

(j) Effluent and environmental monitoring;

(k) Training programs;

(l) Transportation and shipping;

(m) Internal review and audit by management.



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(n) Exit interview; and  
(o) Final written report documenting the results of the inspection and findings on each item.

(2) In addition, the inspector should perform the following:

(a) Independent surveys and sampling

(3) Additional guidance is contained in appropriate NRC regulatory and inspection guides. A complete inspection should be performed at least once per year.

### d. Operational Data Review

(1) In addition to the reporting requirements required by the regulations or license conditions, the licensee will submit in writing to the regulatory agency within 60 days after January 1 and July 1 of each year, reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous six months of operation. This data shall be reported in a manner that will permit the regulatory agency to confirm the potential annual radiation dose to the public.

(2) All data from the radiological and non-radiological environmental monitoring program will also be submitted for the same time periods and frequency. The data will be reported in a manner that will allow the regulatory agency to confirm the dose to receptors.

### Instrumentation

36. The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

a. The State will submit its list of instrumentation to the NRC for review. Arrangements should be made for calibrating such equipment.

b. Laboratory-type instrumentation should be available in a State agency or through a commercial service which has the capability for quantitative and qualitative analysis of radionuclides associated with natural uranium and its decay chain, primarily, U-238, Ra-226, Th-230, Pb-210, and Rn-222, in a variety of sample media such as will be encountered from an environmental sampling program.

Analysis and data reduction from laboratory analytical facilities should be available to the licensing and inspection authorities in a timely manner.

Normally, the data should be available within 30 days of submittal. State acceptability of quality assurance (QA) programs should also be established for the analytical laboratories.

c. Arrangements should also be completed so that a large number of

samples in a variety of sample media resulting from a major accident can be analyzed in a time frame that will allow timely decisions to be made regarding public health and safety.

d. Arrangements should be made to participate in the Environmental Protection Agency quality assurance program for laboratory performance.



## POLICY STATEMENTS

46 FR 28400

Published 7/15/81

Criteria for Guidance of States and  
NRC in Discontinuance of NRC  
Regulatory Authority and Assumption  
Thereof by States Through  
Agreement; Statement of Policy

Primary: Nuclear Regulatory  
Commission

Active Revision of Criterion 2B

**SUMMARY:** In a Federal Register document published on January 28, 1981 (46 FR 7440-7444, FR Doc. 81-2435), the NRC published Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement. As published at 46 FR 7444, Col. 1, Criterion 2B, which states "has on major construction prior to completion of the aforementioned stipulations," is incorrect. This document corrects the text of Criterion 2B by revising paragraph 1 to read as follows:

"1. A has on major construction prior to completion of the written environmental analysis stipulated in Criterion 2B."

**FOR FURTHER INFORMATION CONTACT:**  
John F. Keady, Office of State Programs,  
Nuclear Regulatory Commission,  
Washington, D.C. 20555, (301) 421-4801.

Dated at Washington, D.C. this 15th day of July 1981.

For the Nuclear Regulatory Commission,  
Samuel J. Chalk,  
Secretary of the Commission.

## POLICY STATEMENTS

48 FR 23276

Published 7/21/83

**Discontinuance of NRC Authority and Assumption Thereof by States Through Agreement; Criteria for Guidance of States and NRC**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Statement of policy; Revision.

**SUMMARY:** Criterion 9 of the NRC's Policy for Discontinuance of Authority dated January 23, 1981 appearing at 46 FR 7640-7646, deals with waste disposal. It states that the standards for disposal into air, water and sewer, and burial in soil shall be in accordance with 10 CFR Part 20. The Commission's regulation 10 CFR Part 61, which became effective December 27, 1982, provides licensing procedures, performance objectives, technical requirements and financial assurance requirements for the issuance of licenses by NRC for the land disposal of most wastes that are commonly referred to as low-level waste. In addition, the Nuclear Waste Policy Act of 1982 requires that the NRC and the Agreement States provide and approve certain stated financial arrangements prior to issuance of a license for low-level radioactive waste disposal or in the case of licenses in effect prior to termination of such licenses. The financial arrangements are to cover completion of all requirements for the decontamination, decommissioning, site closure and reclamation of sites, structures and equipment used in conjunction with low-level waste disposal.

The Commission believes that States seeking an agreement pursuant to Section 274b of the Atomic Energy Act of 1954, as amended, to regulate land disposal of radioactive waste should establish standards for disposal which are in accord with the applicable technical definitions, performance objectives, technical requirements, and financial assurance requirements of 10 CFR Part 61 and the waste transfer and manifest system prescribed in 10 CFR Part 20. For the waste manifest system to function effectively on a national basis, it is necessary for all licensees, both NRC and Agreement States, to follow the same system. Thus, the Agreement States are expected to adopt and implement this system for their licensees.

Therefore, the NRC is revising Criterion 9 to include reference to the performance objectives, technical requirements and financial assurance requirements contained in Part 61 and the waste transfer and manifest system contained in Part 20. The revision also satisfies the provisions of the Nuclear Waste Policy Act of 1982. Criterion 9 will be used in judging the adequacy and compatibility of that aspect of a State's regulatory program for regulating land disposal of low-level radioactive waste. No additional revisions to the criteria are considered necessary at this time to enter into an agreement with a State which includes authority to regulate low-level radioactive waste disposal.

For Agreement States currently regulating operating burial sites, NRC has been and will continue to work with the States to implement Part 61 provisions on a case-by-case basis, to the extent practicable. The waste transfer and manifest system, 10 CFR 20.711 becomes effective December 27, 1983. On an interim basis, arrangements are being made with the Agreement States regulating the existing burial sites to implement the waste classification system and waste transfer and manifest system through the burial site licensees. For further information contact: Kathleen N. Schneider, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20543, telephone: 202-425-6823.

**SUPPLEMENTARY INFORMATION:** Criterion 9 is revised to read as follows:

### 9. Radioactive Waste Disposal.

(a) Waste disposal by material users. The standards for the disposal of radioactive materials into the air, water and sewer, and burial in the soil shall be in accordance with 10 CFR Part 20. Holders of radioactive material desiring to release or dispose of quantities or concentrations of radioactive materials in excess of prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

Requirements for transfer of waste for the purpose of ultimate disposal at a land disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR 20.

The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is equivalent to that contained in 10 CFR Part 61.

(b) Land disposal of waste received from other persons. The State shall promulgate regulations containing licensing requirements for land disposal.

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of radioactive waste received from other persons which are incompatible with the applicable technical definitions, performance objectives, technical requirements and applicable supporting sections set forth in 30 CFR Part 81. Adequate financial arrangements (under terms established by regulation) shall be required of each waste disposal site licensee to ensure sufficient funds for decontamination, closure and stabilization of a disposal site. In addition, Agreement State financial arrangements for long-term monitoring and maintenance of a specific site must be reviewed and approved by the Commission prior to relieving the site operator of licensed responsibility (section 151(a)(2), Pub. L. 97-423). Commissioner Roberts, in disapproving stated "Given the stakes and the public's interest in all aspects of our waste disposal regulations and guidance, this revision should go out for public comments."



## **POLICY ISSUE**

(Notation Vote)

October 3, 1996

SECY-96-213

For: The Commissioners

From: James M. Taylor *James M. Taylor*  
Executive Director for Operations

Subject: IMPLEMENTING PROCEDURES FOR THE POLICY STATEMENTS:  
"STATEMENT OF PRINCIPLES AND POLICY FOR THE AGREEMENT  
STATE PROGRAM" AND "POLICY STATEMENT ON ADEQUACY AND  
COMPATIBILITY OF AGREEMENT STATE PROGRAMS"

Purpose:

1. To obtain Commission approval of the proposed changes to the Policy Statement on Principles and Policy for the Agreement State Program and proposed implementing procedures for phasing of new agreements.
2. To provide the Commission the Report of the Joint NRC-Agreement State Working Group for Development of Implementing Procedures for the Final Policy Statement on Adequacy and Compatibility of Agreement State Programs (Working Group), which includes proposed implementing procedures and recommended revisions to the Policy Statement on Adequacy and Compatibility of Agreement State Programs.
3. To inform the Commission of the staff's proposed process and schedule to finalize the proposed implementing procedures for the Policy Statement on Adequacy and Compatibility of Agreement State Programs and to finalize proposed revisions to the policy statement.

Background:

By Staff Requirements Memorandum (SRM) dated June 29, 1995 (SECY-95-112; SECY-95-115), the Commission approved two policy statements: the Policy Statement on Adequacy and Compatibility of Agreement State Programs and the Statement of Principles and Policy for the Agreement State Program. The Commission, however, deferred implementation of the policy statements until

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NOTE: TO BE MADE PUBLICLY AVAILABLE WHEN THE  
FINAL SRM IS MADE AVAILABLE

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staff developed supporting implementing procedures. The Commission directed staff to complete such procedures and to provide the procedures to the Commission, along with any changes to the policy statements which may be required to reflect the implementing procedures.

#### Discussion:

##### A. Statement of Principles and Policy for the Agreement State Program and Related Procedures

SECY-95-115, dated May 5, 1995, transmitted for Commission approval the subject policy statement and the "Procedures for Suspension and Termination of an Agreement State Program." The June 29, 1995 SRM provided Commission comments on the policy statement. The SRM also directed staff to develop procedures for placing an Agreement State in probationary status and for implementing the phase-in of a new Agreement State program.

The Statement of Principles and Policy for the Agreement State Program has been modified as directed by the Commission. Further revisions were made to ensure consistency with the revised Policy Statement on Adequacy and Compatibility of Agreement State Programs. Additions and deletions are shown in line-in/line-out text (See pages 34-56 of Attachment A). The appendices for the procedures for emergency suspension, suspension, and termination were completed and the procedures were transmitted to the Commission by memorandum from James M. Taylor dated April 25, 1996. The procedure for placing an Agreement State in probationary status was transmitted to the Commission by memorandum from James M. Taylor dated July 3, 1996. The draft Management Directive 5.8, "Proposed 274b Agreements with States," which contains a standard agreement and a protocol for phased implementation of a new Agreement State program, has received office concurrence and is contained in Attachment B. After Commission approval, the staff will request comments on the draft Management Directive 5.8 from Agreement States. Staff will analyze comments received on the Management Directive, revise the directive as appropriate, and develop a proposed final directive. The proposed final directive will be submitted for Commission approval. A Federal Register Notice to publish, upon Commission approval, the final "Statement of Principles and Policy for the Agreement State Program" is contained in Attachment A.

##### B. Policy Statement on Adequacy and Compatibility of Agreement State Programs

Because of the need to have Agreement State perspectives, and the extent of work required in development of implementing procedures for the "Policy Statement on Adequacy and Compatibility of Agreement State Programs," staff convened a Working Group of NRC and Agreement State staff to develop implementing procedures for this policy statement. The Working Group completed its activities and provided a letter and report to the Director, Office of State Programs, dated August 21, 1996 (Attachment C).



The report describes the makeup of the Working Group, describes the process followed in developing the proposed implementing procedures and provides a set of proposed implementing procedures. Attachments to the report include:

1. The Working Group Charter (Attachment 1);
2. Revisions Recommended to the Policy Statement on Adequacy and Compatibility of Agreement State Programs (Attachment 2); and
3. Proposed implementing procedures. The implementing procedures consist of:
  - a. A new Management Directive 5.9, "Adequacy and Compatibility of Agreement State Programs," and Handbook 5.9, "Adequacy and Compatibility of Agreement State Programs" (Attachments 3 and 4); and
  - b. A revision (Revision 1) to OSP Internal Procedure B.7, "Criteria for Compatibility Determinations," (B.7), which has been retitled "Compatibility and Health and Safety Component Classifications for NRC Regulations and Program Elements" (Attachment 5).

The Working Group also prepared and attached to its August 21, 1996 letter, a second set of the proposed compatibility and health and safety component classification tables set out in the B.7 procedure. This second set of tables compares the classifications assigned by the Working Group under the proposed final Policy Statement on Adequacy and Compatibility of Agreement State Programs to the classifications previously assigned under current procedures. The second set of tables is also contained in Attachment C and follows the Working Group report. The Working Group recommends that the final revision to the B.7 procedure not include the second set of tables. The Working Group report, Section 7.0, also contains a tabulation of the number of regulations required under the proposed final policy statement compared to the number required under current procedures.

Management Directive 5.9 and its associated Handbook 5.9 provide guidance to staff on how to apply the policy statement in making a determination on whether an NRC regulation or program element is required in an Agreement State program for purposes of compatibility or health and safety. The criteria and process described in the Management Directive were developed and applied by the Working Group in making compatibility component determinations for each current NRC requirement in Title 10 of the Code of Federal Regulations (CFR) and major program element that are applicable to the regulation of Agreement materials (byproduct, source and small quantities of special nuclear materials). The same criteria and process would be applied by staff in making determinations for future regulations and program elements. The revision to the B.7 procedure consists of a set of tables which identifies the compatibility or health and safety component classification for each NRC rule,

effective as of July 31, 1996, and each major program element. A separate table has been prepared for each part of 10 CFR that is applicable to agreement materials. The table contains component classifications for each section or paragraph of the part.

As a result of its deliberations, the Working Group did identify some portions of the Policy Statement on Adequacy and Compatibility of Agreement State Programs that need clarification to reflect the implementing procedures. A proposed final policy statement is attached to the report which contains suggested revisions in line-in/line-out text necessary to reflect these clarifications (Attachment 2 to the Working Group report).

Further, in response to the June 29, 1995 SRM, the language of the Policy Statement on Adequacy and Compatibility of Agreement State Programs was modified in those cases where the language stipulated a "requirement" as opposed to "guidance" (e.g. the term "should" was used in place of "must"). The policy statement does not establish requirements, but rather establishes the framework and guidance on the type of requirements and program elements which should be addressed in Agreement State programs for compatibility and health and safety. Whether an Agreement State has adequately adopted regulations and program elements identified as necessary by Management Directive 5.9 and the B.7 procedure will be determined by the NRC staff on an ongoing basis as Agreement States promulgate regulations and program elements. The broader Agreement State program adequacy and compatibility finding will be determined through the Integrated Materials Performance Evaluation Program (IMPEP) review process as documented in Management Directive 5.6. The Working Group also incorporated the clarifying footnote suggested in Commissioner Rogers' vote sheet.

In addition, the Working Group identified three significant issues related to the Policy Statement on Adequacy and Compatibility of Agreement State Programs regarding: (1) the definition of the terms "adequacy" and "compatibility;" (2) whether the Commission should require Agreement States to adopt certain regulations for the purposes of health and safety, in addition to those required for compatibility; and (3) whether Agreement States should adopt certain legally binding requirements by regulation. The Working Group also identified several other less significant issues associated with the implementing procedures, or their use, which are identified and described in the report and proposed Handbook 5.9. Each of the three major issues is discussed below.

1. Clarifying the Distinction Between the Terms "Adequacy" and "Compatibility"

The Working Group recognized that the terms "adequacy" and "compatibility" have distinct meanings and concluded that the terms should be clarified in the final policy statement. The term "adequacy" refers to protection of public health and safety within a particular State. This represents the core goal or purpose of any Agreement State's radiation protection program.



"Compatibility," on the other hand, relates to the effects that an Agreement State's program actions or inactions will have outside of that Agreement State, such as impacts on other States or on the regulation of agreement material on a national basis. Given this approach, all rules required for compatibility have some significant implication outside of an individual Agreement State.

The distinction between the two terms was described explicitly in the draft policy statement (59 FR 37269, July 21, 1994). While the final policy statement does not contain an explicit description of this distinction, it is clearly implied by the policy statement's structure. The Working Group added draft language to the proposed final policy statement to clarify the distinction discussed here.

## 2. Regulations Required for the Purposes of Health and Safety

The Working Group identified certain regulations that have safety significance with respect to regulation of agreement material within a particular State but, at the same time, are not needed for the purposes of compatibility. The policy statement, as written, does not indicate explicitly that specific regulations will be required for reasons of health and safety. In identifying these regulations, the Working Group sought to determine whether the absence of such a requirement would have the potential to result directly in exposure to an individual in excess of the basic radiation protection standards required for compatible regulations under component 1, as described in the proposed final policy statement. These regulations have been identified for the Commission's consideration. If imposed on the Agreement States, such rules would be required for the purposes of health and safety. The Working Group has also suggested changes to the policy statement as a result of its consideration of this issue.

## 3. Legally Binding Requirements

One issue addressed by the Working Group relates to the degree of flexibility afforded an Agreement State in the method followed within that State to implement legally binding requirements. It deals with the question of whether there are certain requirements, such as Part 20, which apply to all licensees and thus, should be adopted by a State as a regulation, as opposed to adoption through another form of legally binding requirement, such as a license condition or order. It also relates to whether a State should be required to adopt legally binding requirements by regulation, as opposed to an alternative method, when the State has more than one (or only a few) licenses that would be subject to that requirement.

The Office of the General Counsel has advised the staff that the Commission does not have statutory authority to require States to adopt legally binding requirements specifically by rule. States must be provided the flexibility to adopt generic requirements by rulemaking or other legally binding mechanisms applicable to groups of licensees. The staff will revise the policy statement and Management Directive 5.9, as drafted by the Working Group, to reflect this legal position.

The Working Group requested peer review of selected draft working group products by limited staff in the Office of Nuclear Material Safety and Safeguards (NMSS) and three Agreement States. Comments resulting from the peer review were considered and reflected in Working Group products. One comment resulting from review by the Agreement States was that the implementing procedures should be made available for review and comment by all Agreement States before final Commission approval and issuance of the final Policy Statement on Adequacy and Compatibility of Agreement State Programs and final implementing procedures. The Working Group agreed with this comment and recommended that the Working Group report be provided to the Agreement States for review and comment. Staff provided copies of the report to the Agreement States for their review and comment by letter dated August 23, 1996. Staff requested comments by November 8, 1996. On August 23, 1996, copies of the report were also provided to key NRC Offices (NMSS, OGC, AEOD and RES) for review and comment. Preliminary review by these offices has identified no significant comments. A number of refinements and revisions to the rule tables set out in draft Internal Procedure B.7, Revision 1, have been suggested. These comments, along with any additional NRC office comments, and Agreement State comments received by November 8, 1996 will be addressed and incorporated into the proposed final implementing procedure, and proposed revisions to the policy statement, as appropriate.

In addition, during September, 1996, the staff provided the Working Group report to other stakeholders, who had been invited to serve as panelists at an November 1994 public workshop, "NRC Workshop: Proposed New Policy Statement on the Adequacy and Compatibility of Agreement State Programs." Staff also published a notice of availability of the Working Group report in the Federal Register on September 19, 1996 (61 FR 49357). Any comments received from other stakeholders will also be addressed and incorporated, as appropriate.

#### Coordination:

The Office of the General Counsel has no legal objection to this paper.

Recommendations:

1. Related to SECY-95-115:
  - a. The staff recommends that the Commission approve the final policy statement "Statement of Principles and Policy for the Agreement State Program."
  - b. The staff recommends that the Commission approve the proposed Management Directive 5.8, "Proposed 274b Agreements with States," for review and comment by Agreement States.

Notes:

1. Related to SECY-95-115:
  - a. Upon Commission approval, staff will prepare for publication in the Federal Register, the final policy statement, "Statement of Principles and Policy for the Agreement State Program."
  - b. Upon Commission approval, staff will issue the proposed Management Directive 5.8 containing the standard agreement and procedures for phasing of new agreements for review and comment by Agreement States. Subsequently, staff will analyze comments received and notify the Commission of revisions to the proposed Management Directive 5.8 before final issuance.
2. Related to SECY 95-112:
  - a. Staff will receive comments on the proposed implementing procedures for the Policy Statement on Adequacy and Compatibility of Agreement State Programs until November 8, 1996.
  - b. Following November 8, 1996, the staff, with continued assistance of the Working Group, will analyze and reflect comments, where appropriate, from the Agreement States, NRC offices, and other stakeholders in the proposed final implementing procedures and proposed revisions to the policy statement. Staff will prepare a proposed final Policy Statement on Adequacy and Compatibility of Agreement State Programs and proposed final implementing procedures for Commission review and approval by January 17, 1997.
3. Related to Management Directive 5.6 "Integrated Materials Performance Evaluation Program"

- a. The Integrated Materials Performance Evaluation Program (IMPEP), used in the evaluation of Agreement State programs and NRC Regional materials programs, was implemented October 1, 1995, on an interim basis. Upon approval by the Commission of the final policy statements, Policy Statement on Adequacy and Compatibility of Agreement State Programs and Statement of Principles and Policy for the Agreement State Program, and associated implementing procedures discussed above, staff will make, as appropriate, revisions to Management Directive 5.6, "Integrated Materials Performance Evaluation Program."
- b. Staff will then implement IMPEP as a final program and will rescind the 1992 policy statement on "Guidelines for NRC Review of Agreement State Radiation Control Programs."

Attachments:

- A. Statement of Principles and Policy for the Agreement State Program - Line-in/Line-out Text of Federal Register Notice
- B. Management Directive 5.8 "Proposed Section 274b Agreements with States"
- C. August 21, 1996 Letter and Report of the Joint NRC-Agreement State Working Group for Development of Implementing Procedures for the Final Policy Statement on Adequacy and Compatibility of Agreement State Programs

cc: SECY  
OCA  
OPA  
OGC

Commissioners' comments or consent should be provided directly to the Office of the Secretary by COB Monday, October 21, 1996.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT October 11, 1996, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

Distribution:  
Commissioners  
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NUCLEAR REGULATORY COMMISSION

Principles and Policy for the Agreement State Program;  
Final Statement of Policy

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final policy statement.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is publishing the final policy statement that establishes Agreement State program principles, and describes the respective roles and responsibilities of the NRC and the States in the administration of this program, which is authorized by Section 274 of the Atomic Energy Act of 1954, as amended. The Policy Statement will provide guidance in delineating the NRC's and the State's respective responsibilities and expectations.

**EFFECTIVE DATE:** (Upon publication in the Federal Register.)

**ADDRESSES:** Documents referenced in this Policy Statement are available for inspection in the Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, DC between 7:45 a.m. and 4:15 p.m.

ATTACHMENT A



FOR FURTHER INFORMATION CONTACT: Ms. ~~Cardelia Maupin, Maria Lopez-Otin,~~  
~~Federal Liaison~~ Office of State Programs, U.S. Nuclear Regulatory Commission,  
Washington, DC 20555, telephone (301) 415-~~2312-2598~~.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On August 25, 1993, the Commission requested the NRC staff to recommend improvements to the NRC's Agreement State Program to assure adequate protection of the public health and safety.

The draft Policy Statement was published in the Federal Register on August 5, 1994 (59 FR 40058). At the Commission's request, the public comment period, scheduled to end on October 4, 1994, was extended to December 19, 1994 (59 FR 52316). In response to the solicitation of public comments, fifteen comment letters were received. The considerations of the comments received are addressed in Section II of this Notice. This Policy Statement responds to the Commission's request regarding, "improvements in guidance and principles of operations for the Agreement State Program." The Policy Statement will provide broad guidance in delineating the NRC's and the State's respective responsibilities and expectations.

The final Policy Statement has been prepared based on the consideration of the public comments as well as other activities and issues before the Commission, e.g. the Policy Statement on Adequacy and Compatibility, issues



discussed at public briefings of the Commission by the Organization of Agreement States (OAS), and the Commission's deliberations on the Integrated Materials Performance Evaluation Program. The summary of public comments addresses the comments by categories which, for the most part, follow the sections in the Policy Statement.

The staff addressed the comments with relatively few modifications to the Policy Statement. A number of comments were more applicable to the Policy Statement on Adequacy and Compatibility of Agreement State Programs and are addressed in the evaluation of public comments on that Policy Statement. Some comments were extraneous to the subject of the Policy Statement. Other comments dealt with issues better addressed in guidance and implementation procedures.

This Policy Statement is intended solely as guidance for the Commission and the Agreement States in the implementation of the Agreement States program. This Policy Statement does not itself impose legally binding requirements on the Agreement States. In addition, nothing in this Policy Statement expands the legal authority of Agreement States beyond that already granted to them by Section 274 of the Atomic Energy Act and other relevant legal authority. Implementation procedures adopted pursuant to this Policy Statement shall be consistent with the legal authorities of the Commission and the Agreement States.

## II. Summary of Public Comments

Fifteen comment letters were received regarding the draft Statement of Principles and Policy for the Agreement State Program (Policy Statement). Four of the letters were from Agreement States, five from members of the licensee community, two from public interest groups, three from associations, and one from a private citizen. In general, most commenters welcomed the development of a Policy Statement establishing Agreement State program principles. One of the underlying themes found in a number of letters was the need for having clear and well defined criteria and procedures for the Agreement State program. Another theme found in some of the letters was the idea that an "overall national program" regarding radiation should include both Atomic Energy Act (AEA) and non-AEA material.

There were a number of letters that addressed issues such as: the perceived expansion of NRC regulation into nuclear medicine; the inequality between the fees charged to licensees by Agreement and non-Agreement States; the need for cooperation between States and Federal agencies; and the need to require States to develop Environmental Assessments (EA) and Environmental Impact Statements (EIS), apparently based on the assumption that the National Environmental Policy Act (NEPA) is applicable to State actions. Comments addressing the role that economics should have in NRC decisions were also made, e.g., that NRC should not impose policies or requirements that could have potential adverse economic impact.

Two comments questioning the approach and timing of the Policy Statement were submitted by a member of the licensee community. The first comment suggested that the Policy Statement goes beyond NRC's statutory authority and should be withdrawn. The second comment suggested that the NRC delay taking any action on the Policy Statement until it can take into consideration the results of the review of the medical program by the National Academy of Sciences (NAS).

Response:

Several changes have been made to the proposed Policy Statement to provide clarification regarding the issues raised by the public comments.

Regarding the perceived expansion into nuclear medicine, the NRC is within its mandate pursuant to the AEA and with the regulations it has issued. This Policy Statement does not add new requirements.

The inequality between the fees charged by Agreement States to their licensees and the fees charged to NRC licensees has been partially addressed by the Commission in its proposal to reduce some materials license fees presented in the FY95 fee rule published for comment (March 20, 1995; 60 FR 14670) and subsequent fee rules.

The Commission agrees that there should be cooperation between the States and Federal agencies. The Commission strives to coordinate its policies and requirements so that duplication of Federal regulations on States

or licensees is minimized or eliminated. In regard to the suggestion that the NRC require States to conduct EAs and EISs, the NRC's environmental protection regulations (10 CFR Part 51) implement the National Environmental Policy Act (NEPA). NEPA's requirements only apply to the actions of Federal agencies. Generally, NEPA does not impose requirements on State agencies. In addition, both the language of Section 274 of the AEA and its legislative history are clear that the scope of Section 274 agreements is to be confined to radiation hazards. [This general rule, however, does not apply to the area of mill tailings, see Section 274o.] Given the structure of NEPA and Section 274 of the AEA, the Commission does not require Agreement States to adopt (1) NEPA's requirements, or (2) other environmental protection measures that are unrelated to radiological protection. However, many State agencies must follow their own environmental protection procedures pursuant to State statutes.

The Commission believes that the Policy Statement is within the scope of NRC's statutory authority because it addresses the manner in which NRC and the Agreement States will implement provisions contained in Section 274 of the AEA. The Policy Statement addresses the general framework and principles of the Agreement State program as opposed to any specific substantive area of regulation, such as that addressed in the NAS study on radiation medicine. ~~Furthermore, the Commission expects that the resolution of the NAS study on nuclear medicine may require changes in regulation or legislation, both of which are beyond the scope of this Policy Statement.~~ The Commission notes that a policy statement cannot change a regulation.

## A. NRC/AGREEMENT STATE RELATIONSHIP

This category discusses the nature of the relationship between the NRC and Agreement States, including the concept of "co-regulators".

### Summary of Comments:

Several Agreement State commenters recommended that the Policy Statement should more clearly address the "special relationship" between the NRC and the Agreement States as "partners" and "co-regulators".

### Response:

Section 274 of the Atomic Energy Act establishes a special Federal-State regulatory framework for the control of radioactive materials. Pursuant to Section 274, NRC has the discretion to discontinue its authority over certain areas of regulation to a State government. The creation of a Section 274 agreement triggers the relinquishment of NRC regulatory authority to the State for these designated areas. Within these areas, the Agreement States have the sole regulatory authority and responsibility, subject to periodic NRC oversight. The Commission acknowledges the Agreement States' role as regulators of radioactive materials, with both the NRC and the Agreement States having a special interest in joint cooperation and consultation.

This special interest can most easily be categorized as one of assuring comprehensive, ongoing, and effective communication between NRC and Agreement

States on matters of mutual regulatory concern. The special interest is exemplified by interactions such as periodic overview meetings, including the ~~Agreement State Managers Meeting and the All Agreement States meetings~~; periodic Commission briefings by the OAS as well as continuing consultation with the OAS on a variety of topics; recognition of the special nature of NRC and Agreement State relationships in the implementation of the Federal Advisory Committee Act; and obtaining early Agreement State consultation on the development of rulemaking plans under new Section 3.9(e) of the NRC Regulations Handbook. In addition, the Commission ~~is considering further involvement of the~~ Agreement States in the Integrated Materials Performance Evaluation Program (IMPEP), specifically participation by Agreement States on the review teams that conduct the IMPEP reviews of NRC regional programs and Agreement State programs and participation by an Agreement State Liaison representative to the Management Review Board in the evaluation of NRC Regional and Agreement State programs as part of the IMPEP process.

The Commission ~~would notes~~ that in recognizing the special interest of Agreement States in joint cooperation and consultation, the Commission also intends to conduct these special consultations in accordance with a policy of openness in terms of public notice and availability of information.

Although the Commission recognizes the importance of Agreement State experience and perspectives in the sphere of co-regulation, the Commission ~~would emphasize~~ that it also has a separate and independent responsibility for the review of individual Agreement State programs to ensure continuing adequacy and compatibility of these programs.



## B. LEGISLATIVE INTENT

This section addresses several comments that raised issues of interpretation regarding the legislative intent of Section 274 of the Atomic Energy Act. For ease of understanding, this discussion has been divided into several sections.

### 1. No Concurrent Regulation

#### Summary of Comments:

Several commenters indicated that one of the principal purposes of Section 274 was to minimize the Federal role in regulation. In particular, one commenter from the licensee community commented that "by using its own regulatory program as the yardstick, the Commission is trying to indirectly impose concurrent jurisdiction which Congress explicitly rejected." In addition, the commenter stated that one of the clear purposes of Section 274 was to minimize Federal regulation. Several other commenters indicated that the NRC has no direct responsibility to review State programs and that NRC and the States should respect each other as regulatory equals.

#### Response:

In passing Section 274, Congress clearly rejected concurrent regulation at the State and Federal level. ("It is not intended to leave any room for the exercise of dual or concurrent jurisdiction by the State to control



radiation hazards by regulating byproduct, source, or special nuclear materials." Senate Report No. 870, Sept. 1, 1959, 86th Cong., 1st Sess.) ~~The Commission believes that c~~ Concurrent or dual regulation generally involves the simultaneous regulation by separate governmental bodies of the same entities for the same purpose. There is no intent behind the Commission's Policy Statement to impose, directly or by implication, a system of dual or concurrent regulation. ~~The fact that Agreement State programs must provide at least the same level of public protection provided by NRC's program~~ **NRC's review of State programs to ensure they provide adequate protection** does not mandate or create a system of concurrent regulation.

~~Similarly, the Commission's statutorily mandated oversight of Agreement State programs does not create a system of dual or concurrent regulation.~~ The fact that Congress rejected dual regulation does not dampen the fact that Congress expressed the clear intent that the NRC assess the Agreement State regulatory programs to ensure that they are adequate and compatible with NRC's program. In 1978, Congress added to Section 274, among other things, the requirement that "(t)he Commission shall periodically review such agreements and actions taken by the States under the agreements to insure compliance with the provisions of this section." This amendment indicates a clear intent on the part of Congress to require NRC oversight of regulation by the Agreement States. While the Commission views the Agreement States as having regulatory authority in the area of AEA materials regulation, it cannot overlook its statutory responsibilities to review Agreement State programs for adequacy and compatibility. In its approach to the Policy Statement, the Commission has sought to balance these two competing considerations.

## 2. Continuing Compatibility

### Summary of Comments:

One Agreement State commenter stated that Section 274 of the Atomic Energy Act does not require that compatibility be maintained after an agreement is effective.

### Response:

The Commission does not agree with this interpretation of the AEA. Both Sections 274d(2) and 274g indicate that the Commission must find a State program to be compatible with that of NRC's in order to enter into a 274b agreement with that State. Although the language is not explicit in stating a requirement that an Agreement State must maintain continuing compatibility, the Commission believes that there is an implicit requirement for continuing compatibility in Section 274.

First, Subsection 274g authorizes and directs the Commission to cooperate with the States in the formulation of radiation protection standards "to assure that the State and Commission programs for the protection against hazards of radiation will be coordinated and compatible." This provision demonstrates Congress' intention that the compatibility between the NRC's and Agreement States programs should be maintained on a continuing basis.

Second, Section 274j(1) requires the Commission to suspend or terminate an Agreement State's program if, among other things, "the State has not complied with one or more of the requirements" of Section 274. The Commission believes that this phrase "one or more of the requirements," encompasses all requirements of Section 274, including the requirement of compatibility.

Third, the lack of a continuing compatibility requirement would lead to some unacceptable results. Under Subsection 274d.(2), the Commission is authorized to enter into an agreement with a State if the Commission makes both requisite findings that the State program is compatible with the NRC's program and adequate to protect the public health and safety. If there were no continuing compatibility requirement, an Agreement State could divert from having a compatible program the day after any agreement is signed with NRC. Given this framework, the Commission does not believe that Congress intended such meaning for the compatibility requirement. This approach would render the requirements of § 274d.(2) meaningless.

### 3. Statutory Basis for a National Program

#### Summary of Comments:

Several commenters questioned NRC's proposal to consider areas of national significance in the development and implementation of the proposed policy statement. In particular, commenters indicated their confusion concerning the meaning of national significance. In addition, one commenter

argued that "areas of national significance" is not a statutorily cognizable term.

Response:

The Commission believes that its leadership role in certain areas is essential to ensuring that there is an orderly national regulatory pattern which provides a clear, common framework for the regulation of AEA materials. At the same time, the Commission believes that the limited nature of its leadership role will allow States, in most cases, to implement their own regulatory program in response to local conditions and needs. The Commission further believes that the language and legislative history of Section 274 of the AEA provides ample support for the NRC's leadership role. In fact, one of the six stated purposes of Section 274 is "to promote an orderly regulatory pattern between the Commission and State governments with respect to nuclear development and use and regulation of byproduct, source, and special nuclear materials." Section 274 a.(3). This stated purpose expresses a clear concern on the part of Congress for the maintenance of a coherent national regulatory pattern. In addition, remarks made during the debate on Section 274 also demonstrate a concern for a consistent, national approach to radiation protection.<sup>1</sup>

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<sup>1</sup> In particular, Representative Price indicated that: "Many of the States are doing far more in this area than we know at the present time. There is a considerable amount of work being done. It is a matter of coordination to be sure that all are going toward the same goal, and they don't have a lot of conflicting regulations that make it a little difficult to operate on a national basis." Federal-State Relationships in the Atomic Energy Field, Hearings Before the JCAE, 86th Congress, 1st Session, May 19, 20, 21, 22, and August 26, 1959, pages 131-132.

4. Intent of Section 274 is to Empower The States

Summary of Comment:

One commenter indicated that the legislative history of Section 274 of the AEA clearly shows that Congress intended to encourage the States to assume responsibility for the regulation of certain radioactive materials by giving the States jurisdiction over the uses of those materials.

Response:

NRC does not dispute that, in passing Section 274, Congress sought to provide a vehicle to allow States to assume responsibility for the regulation of certain radioactive materials by giving States jurisdiction over the uses of those materials. By doing so, Congress clearly intended to empower the States in this area. At the same time, Section 274 clearly requires the Commission to review Agreement State programs to ensure that they are adequate and compatible.

C. EXCELLENCE

This category addresses those management principles that both the NRC and Agreement States should adopt to ensure high standards of performance in assuring public health and safety.

### Summary of Comments:

Comments were received from two Agreement States, two members of the licensee community, and two associations. The Agreement State comments were at opposite ends of the comment spectrum, with one Agreement State generally supportive and one Agreement State unsupportive. The comments from licensees were generally supportive, but with recommendations for clarifications on how the excellence principles should be applied in Agreement State program reviews. One association argued for the use of the excellence principles in the review of Agreement State programs, while the other believed there was no legitimate basis to include excellence in the Policy Statement.

An Agreement State and an association commented that excellence should not be included in the Policy Statement, based on the inappropriateness of its inclusion, the belief that excellence is neither implicitly nor explicitly included in the Atomic Energy Act, and that the excellence concept is too open ended and could lead to uneconomic regulation. An association believed that the provision calling for Agreement State relief from pressure by the regulated community and the concept of a dichotomy between the regulated and unregulated public are unconstitutional. An association and two members of the licensee community believe that the principles should not be treated merely as oratorical statements but should be used in the judgment of Agreement State programs. A member of the licensee community also suggested that the principles of excellence include a directive that Agreement States guard against placing their parochial interests above the national interest in fostering coherent regulation of nuclear materials.



Response:

The Commission believes that it is appropriate to include a Regulatory Program Excellence section in the Policy Statement dealing with regulatory program excellence as a program management principle. Because these are State and Federal government programs, an inherent obligation exists to manage these programs effectively, efficiently, and to measure governmental organization performance against general high standards expected by the public (including licensees). In 1991, the Commission adopted "Principles of Good Regulation" to serve as a guide to both agency decision making and to individual behavior as NRC employees. Adherence to these principles has helped to ensure that NRC's regulatory activities have been of the highest quality, appropriate, and consistent. The "Principles of Good Regulation" recognize that strong, vigilant management and a desire to improve performance are prerequisites for success, for both regulators and the regulated industry. The Commission believes that NRC's implementation of these principles has served the public, the Agreement States, and the regulated community well. The Commission further believes that such principles may be useful as a part of a common culture that NRC and the Agreement States share as co-regulators. Accordingly, the Commission encourages each Agreement State to adopt a similar set of principles for use in its own regulatory program. Nothing in the Atomic Energy Act can be interpreted to mean Congress expected anything less than excellent Atomic Energy Act program administration by the NRC and the Agreement States. In fact, history indicates that the development of the nuclear program in this country was a prestigious technical accomplishment generally viewed at the time as excellent in all its facets. The association



~~of an excellence standard with nuclear regulation implementation continues in the administration of NRC programs and, thus, should be reflected in Agreement State programs in order to assure public confidence in the NRC and Agreement States collective efforts to assure public health and safety. The Commission, has, therefore, believes that the principles of excellence should be retained in modified this section of the Policy Statement, to reflect the principles of good regulation, as opposed to principles of program excellence.~~

The Commission ~~recognizes~~ ~~views the excellence principles in the Policy Statement as being incorporated into all aspects of the management of an Agreement State program. This would be similar to the way in which NRC's Principles of Good Regulation (independent, open, efficient, clear, reliable) are inherent to all of NRC's programs and activities. As such, these principles are not easily assessed in Agreement State program reviews by evaluation of a few specific review criteria, because of their subjective nature and their incorporation into all program activities. The Commission believes that failure to incorporate these excellence principles into an Agreement State program will be evidenced when programs or individual performance indicators are determined to be less than fully satisfactory as a result of program reviews, when the Agreement State program identifies areas for improvement as a result of its self-assessments or audits by State governmental organizations, or when the public (including licensees) calls for improved performance. For these reasons, the Commission continues to believe that specific Agreement State program review criteria to measure excellence are not appropriate.~~

The Commission agrees that the statement about inappropriate "pressure from the regulated community" should be revised. The intent of the statement was not to limit expression of views by any party, but rather to maintain objectivity and fairness in the Agreement State program even when any organization representing a parochial interest is particularly vocal. The Policy Statement has been revised to reflect this change.

The Commission agrees with the comment that Agreement States should foster coherent regulation, but does not think a change to the Policy Statement is necessary. An overall objective of the Policy Statement, as reflected throughout, is to assure coherency in the collective efforts of the NRC and the Agreement States in the administration of regulatory programs. A specific statement to this effect need not be included. The new adequacy and compatibility policy will also address national coherency and consistency in the collective programs of NRC and Agreement State regulation.

#### D. COHERENT NATIONAL PROGRAM

This category addresses the need to assure that disruption of the collective national program does not result from the radiation control programs of individual Agreement States.

#### Summary of Comments:

Five commenters addressed this issue; three were supportive of the Policy Statement addressing national coherency, one offered limited support,

and one was not supportive. Those in support included an Agreement State, an association and a member of the licensee community. Limited support was offered by an association. One Agreement State was unsupportive. The limited support from the industry association was for coherency in basic radiation protection standards alone. In their view, anything beyond this is contrary to law; movement of goods and services are economic matters beyond jurisdiction of the NRC. The Agreement State offering no support questioned the statutory mandate for a coherent national program.

The Agreement State in support indicated that a compatible national program should be established in those areas that affect the national interest. The supportive member of the licensee community and association actually went beyond coherency and endorsed a uniform national approach to all radiation safety matters and to regulation for the manufacture and supply of radioactive materials. They indicated that variations in State regulation, licensing, and inspection practices increases business complexity and leads to increased costs to users of their products. They also suggested that there be one body within government that establishes standards for all radiation and another implement and enforce those regulations.

Response:

The Commission believes national coherency and compatibility as used in Section 274 of the Atomic Energy Act are closely linked. An analysis of Section 274 of the Atomic Energy Act and its legislative history indicates that one of Congress' concerns in the area of compatibility was the

consistency of radiation standards throughout the country. There is no indication, however, that the term compatibility must be limited to radiation standards. Section 274d of the statute provides that the Commission shall enter into agreements only if it finds "that the State program is in accordance with the requirements of Subsection o. and in all other respects compatible with the Commission's program for the regulation of such materials ...(emphasis added)." ~~Given that the drafters of the legislation addressed the narrow issue of compatibility of "standards" at several places in the Committee reports and floor debates, it is reasonable to conclude they intended some other, broader meaning when they addressed compatibility with NRC's program in Section 274d. Accordingly, The~~ Commission believes it is reasonable to interpret "program" in Section 274d to cover a wide variety of elements within NRC's regulatory structure. Therefore, the Commission retains the concept of the need for national coherency of regulatory programs in the Policy Statement.

The Commission does agree that it is reasonable to interpret the Atomic Energy Act as ~~focusing on limiting~~ the need for national coherency to activities related to regulation of radiation safety. The Commission believes, however, that the need for coherency of regulation affecting the movement of goods and services is reasonably called for by the above interpretation of the 274d requirement to have Agreement State programs compatible with NRC's program in all other respects. This issue will be addressed in the NRC new adequacy and compatibility Policy Statement.

The Commission believes that it has a national leadership role in the regulation of AEA materials across the country. In the adequacy and compatibility Policy Statement (Ref. 60 FR 39463), the Commission has indicated its intention to require States to promulgate and maintain identical regulatory requirements for limited areas of materials regulation under the Commission's compatibility review. As discussed in the compatibility response below, these areas will generally be limited to radiation protection standards such as dose limits, release limits and associated definitions, whose uniformity are important in assuring that there are no harmful or disruptive duplications, conflicts, or gaps in regulation from State to State.

The Commission believes that its leadership role in these limited areas is essential to ensuring that there is an orderly national regulatory pattern which provides a clear, common framework for the regulation of AEA materials. At the same time, the Commission believes that the nature of its leadership role will allow States, in most cases, to implement their own regulatory program in response to local conditions and needs. The Commission further believes that the language and legislative history of Section 274 of the AEA provides ample support for the NRC's leadership role as set out in the Policy Statement. In fact, one of the six stated purposes of Section 274 is "to promote an orderly regulatory pattern between the Commission and State governments with respect to nuclear development and use and regulation of byproduct source and special nuclear materials." (Section 274a(3).) This stated purpose expresses a clear concern on the part of Congress for the maintenance of a coherent national regulatory pattern.

The Commission is not aware of any legislation which currently authorizes the establishment of a single body within government to establish standards for all regulation and one body to implement and enforce those regulations, other than the Environmental Protection Agency's responsibility to establish generally applicable environmental standards.

On the issue of the economic impacts of regulations, once adequate health and safety is assured, the Commission ~~may must~~ consider ~~the costs of alternative regulatory approaches.~~ ~~whether the burdens it places on the regulated community are reasonable.~~ This includes considering the need to minimize regulatory burdens and utilize a cost beneficial approach to regulation, where possible.

#### E. COMPATIBILITY

This category addresses the responsibility of NRC and Agreement States to cooperate in the administration of respective radiation control programs that are coordinated and compatible.

#### Summary of Comments:

Eight commenters offered comments on the section titled "Compatible in Areas of National Interest;" three associations, two States, one public interest group, one member of the licensee community and one private citizen. Four commenters, two States, one association, and a public interest group, commented on the issue of uniformity. One of these commenters noted that



there was no need for a common regulatory philosophy but noted that common definitions and standards should be required for certain basic units and limits. A second of these commenters noted that uniformity should be required for basic radiation protection standards stating that the movement of goods and services are economic matters beyond the jurisdiction of the NRC. The third agreed that consistency in basic radiation protection standards, such as dose limits and release limits, was needed. The commenter suggested that the logical first step should be to achieve consistency among Federal agencies and the Agreement States regarding the basic dose limits. Finally, the fourth commenter supported compatibility in areas such as units of measure and transportation.

Four commenters, a member of the public, a public interest group, an association and a member of the licensee community, commented on the issue of allowing States to establish more stringent requirements. One indicated that the regulations of Agreement States must be no less than Federal regulations in all aspects.

Two commenters indicated that States should not be allowed to set more stringent requirements. One of these commenters stated that more stringent dose limits for particular classes of licensees should not be established by Agreement States. One commenter indicated that States should not be allowed to set less restrictive requirements. One commenter also offered a number of comments relating to the practice of medicine and noted there was a general lack of understanding of the role of the accreditation agencies, and cited examples. An association commented about impact on the practice of medicine



due to differing requirements between NRC and the Agreement States. The commenter noted that States implementing changes incompatible with NRC requirements in Part 35 interfere with interstate transfer of qualified physicians, restrict availability of qualified physicians which involves restraint of trade issues, increases health care costs without corresponding benefit and compromises safety of patients. Specific cases in Texas, Georgia, Nebraska and other Agreement States were cited. These comments, since they pertain to the practice of medicine, were not addressed as they deal with an area outside of the Policy Statement.

One association commented that the Policy Statement involves Federal interference with State regulation of the practice of medicine and pharmacy and should be revised to recognize State decisions.

Response:

With respect to comments filed on the uniformity aspect of compatibility, the Commission agrees there is need for uniformity in a limited number of areas. As suggested by several of the commenters, the areas that should be considered for uniformity between NRC and Agreement State regulatory programs should include definitions and terminology for certain basic units and limits and basic radiation protection standards, such as dose limits and release limits.

With respect to comments on the issue of allowing States to establish more stringent requirements, there was no clear discernable position or

rationale set out in the comments which would provide a basis for establishment of a position different ~~from than~~ that set out in the draft policy. The Commission agrees with the comment that, in some cases, Agreement States should not be allowed to establish less restrictive requirements. The Commission also does not believe it is necessary to require that regulations of Agreement States must be no less stringent than Federal regulations in all respects. States need flexibility in many areas to reflect individual State agency and State legislative preferences on how their programs should be administered. As noted above, there was agreement that uniformity should be achieved in certain, although limited areas of NRC and State regulation. The Commission agrees with the comment that States should not be required to adopt regulations where the State has no licensees that would be subject to the regulation and the NRC has recently implemented this approach in reviews of Agreement State regulations.

## **F. FLEXIBILITY**

This category covers comments made in regard to the Flexibility section of the Policy Statement, as well as comments made regarding the concept of allowing Agreement States greater latitude in establishing their requirements.

### Summary of Comments:

Five commenters addressed the issue of flexibility, all of them focusing on whether an Agreement State should have the right to set more stringent requirements than those of the NRC. The two commenters that supported

allowing the Agreement States to set more stringent requirements to account for State, county, or local conditions were a public interest group, and an Agreement State. The three commenters who opposed allowing an Agreement State to set more stringent requirements than those of the NRC were two members of the licensee community and an association.

Response:

The Commission believes that the "Flexibility" section in the Policy Statement strikes the right balance between maintaining the radiation standards that are needed for a coherent national program and allowing Agreement States flexibility to set requirements under certain conditions. It is stated in the section that "...the exercise of such flexibility should not bar or preclude, or effectively preclude, a practice authorized by the Atomic Energy Act, and in the national interest."

G. PERFORMANCE EVALUATION

This category covers comments provided on the Performance Evaluation section of the Policy Statement. The public comments concerned the review process, program consistency among the NRC and Agreement States, who should do the reviews, and the categorization of findings. Comments were received from four Agreement States, one public interest group, one association, one member of the licensee community, and one private citizen. The commenters generally agreed that performance evaluations were necessary, but offered suggestions for improvements.

### Summary of Comments:

Both Agreement States and members of the licensee community agreed that a strong performance evaluation scheme is necessary and that consistency among NRC and the Agreement State radiation control programs is necessary to assure their effectiveness. However, one association believed that the criteria in the Policy Statement is vague and unworkable. Specifically, terms such as "significantly deficient," "substantial period of time," "significant items of compatibility," and "several of the required compatibility items" are too vague. Many commenters offered suggestions regarding the findings of the reviews. Three suggested that the term marginally satisfactory was not appropriate and that "needs improvement" or "needs significant improvement" be used instead. One commenter suggested that if an Agreement State program has any deficiencies, the program should be eliminated.

One Agreement State suggested that the Governor of the Agreement State, having the responsibility for public health and safety, should designate how the program review should be conducted. Options offered were (1) an internal State management review team, (2) a third party such as the Conference of Radiation Control Program Directors, Inc., or (3) the NRC. One commenter suggested that details of the NRC program evaluation should specifically include evaluation of the efficacy of the Agreement State inspection of licensees, i.e. verify that the inspections are uniformly thorough and meet the same standards as those conducted by the NRC.

Response:

~~One commenter suggested that details of the NRC program evaluation should specifically include evaluation of the efficacy of the Agreement State inspection of licensees, i.e. verify that the inspections are uniformly thorough and meet the same standards as those conducted by the NRC.~~ With respect to the comment on the efficacy of Agreement State inspections, the Commission does not believe that these details are appropriate for this Policy Statement. These issues are addressed separately in the SECY-94-011, "Management Directive On Use of Common Performance Indicators in Review of the Agreement State and Regional Materials Programs."

With regard to the use of the "marginally adequate" finding, the Commission agrees that this category was not sufficiently descriptive. The Commission is proposing to use the terminology "adequate, but needs improvement" to characterize a program where deficiencies exist, but where such deficiencies are not significant enough to affect the State's ability to protect public health and safety.

With regard to the comments on the use of vague terms such as "significantly," "substantial," "several," etc., the NRC has used such qualifying terms to allow for professional judgement in the evaluation of complex technical issues. The Commission continues to believe that the NRC must have latitude to apply professional judgement in the application of its technical criteria.

With regard to the comments concerning other parties performing Agreement State program reviews, the commenter indicated that "There is nothing in the Atomic Energy Act that requires the NRC to be directly responsible to review State programs." This statement is not true. Section 274j specifically states in part that, "The Commission shall periodically review such agreements and actions taken by the States under the agreements to insure compliance with the provisions of this section." The Commission believes that the NRC does not have the option of delegating the ultimate decision making responsibility to the States. However, it may be possible to consider in the future the involvement of third parties in the review process.

#### H. PROCEDURES FOR SUSPENSION & TERMINATION

This category covers comments provided on the procedures used by NRC in the reporting of review findings and the conduct of any hearings that may result.

##### Summary of Comments:

One Agreement State stated that prior to an emergency suspension of an agreement, the Governor should be notified and provided an opportunity for an expedited hearing. The commenter also expressed strong objection to the procedures as being inappropriate for co-regulators. Agreement State commenters suggested that the procedures should address the situation where termination is requested by an Agreement State or any other party. One Agreement State believed that probation should lead to suspension or



termination only when the Agreement State program is so inadequate as to have potential for significant impacts on public health and safety. They also suggested that during suspension, the NRC should be encouraged to contract with the Agreement State to provide for ~~an~~ orderly transfer of files and ~~to carry contract-out licensing activities to the suspended Agreement State program.~~

With regard to hearings, two commenters stated that it was inappropriate for an Agreement State to be represented on the hearing board. One suggested that hearings be conducted by the Atomic Safety and Licensing Board Panel (ASLBP). One commenter questioned when a Special Board would conduct a hearing as opposed to the Commission itself. One public interest group opposed non-compatibility as a reason for suspension. Another believed that hearings should be conducted at the time a State applies for Agreement State status.

One member of the licensee community agreed that a mandatory phased implementation of a State's regulatory authority should be advantageous to both the NRC and the Agreement State.

Response:

The Commission ~~will notify the Governor, as required by Section 274, but~~ does not believe that hearings are appropriate prior to emergency suspensions. Such action would only be taken in emergency situations where immediate action is necessary to protect public health and safety. In these cases, delay for a



hearing would not be warranted. Section 274 is clear that the NRC has this authority. With regard to an Agreement State request for termination, it is clear that as in the past, NRC will respond to such requests, and the Commission feels that there is no need for specific criteria to address this situation.

After evaluating the comments, the Commission continues to believe that a Special Board, as contemplated in the proposed Policy Statement, is the most appropriate vehicle for conducting the hearing on the suspension or termination of an Agreement State program. The Commission supports the use of a Special Board to conduct suspension or termination hearings, although it is cognizant that there may be at least an appearance of partiality from inclusion of an OAS member on the Special Board. In this regard, the Commission believes that it is in the interest of the overall Agreement State program, represented by the OAS member, to maintain the highest program standards. Moreover, the perspectives the OAS member would bring to the Special Board are valuable and could be necessary for an informed decision on suspension or termination.

Not only does the composition of the Special Board specifically provide Agreement State perspective and experience, but it also recognizes the special status of Agreement States in the regulatory framework.

The Commission could terminate an agreement on the basis of non-compatibility alone. With regard to a hearing when a State applies for Agreement State status, Section 274 does not require such a hearing and given

the opportunity that already exists for public input into the criteria for qualifying as an Agreement State, there does not appear to be compelling reason for a hearing at this stage. ~~The Commission agrees~~ With regard to the comment that probation should lead to suspension or termination only when the Agreement State program has the potential for significant impacts on public health and safety or is found to be inadequate, ~~I, the Commission would also take such actions as may be needed to assure the integrity of the national program.~~

In response to the comment regarding a request from a member of the public to suspend or terminate an Agreement State program, the Commission will carefully evaluate the merits of such requests. No specific procedural mechanism need be used for these requests. A letter providing a rationale for the requests will suffice. This reflects a change of past practice where in one instance the Commission specified the use of the petition process in 10 CFR 2.206 as the appropriate procedural vehicle for requesting suspension or termination of an Agreement State program. However, since that time, the Commission has completed an extensive evaluation of the 2.206 process, and believes that the 2.206 petition process should be confined to requests for actions against licensees, and not Agreement States.

With regard to contracting with a suspended Agreement State program to operate the program during the suspension, the Commission does not believe that this comment has merit. In circumstances where the Commission feels it is necessary to suspend an agreement, to allow the same program to operate under contract would not be in the interest of public health and safety.

## I. ISSUE CATEGORY: CLARITY

This category covers public comments requesting explanations, definitions or contextual refinement. The category cuts across all sections of the Policy Statement.

### Summary of Comments:

Some of the commenters asked for definitions of terms such as "significant decisions," "provision of services," "substantial period of time," and "national interest." There was also a request to detail when the Commission would conduct hearings in lieu of using the Special Board. In addition, there were a number of comments requesting contextual clarification, or additional information, e.g., the request for clarification of why the internal procedures were made part of the Policy Statement.

### Response:

In most instances where the Commission was asked to define a term, examples which would clarify the term in question have been included in the Policy Statement. For example, the sentence "Significant decisions should be documented with the rationale for such decision explained" which appears in the Regulatory Program Excellence section of the Policy Statement, has been modified to read, "Significant decisions, for example, a change in enforcement policy, should be documented with the rationale for such decisions explained." Regarding detailing when the Commission would conduct a hearing in lieu of the

Special Board, this is a Commission decision made at its discretion on a case-by-case basis. All comments of a clarifying nature, not involving issues of substance, have been accommodated.

### III. Discussion

As stated in the Statement of Principles and Policy for the Agreement State Program, the Commission recognizes that the NRC-Agreement State program is dynamic. The Policy addresses the general framework and principles of the Agreement State program as opposed to any specific substantive area of regulation. The NRC and Agreement States will continue to jointly assess the overall national program to identify specific changes which should be considered based on experience or to further improve overall performance and effectiveness of the national program. ~~Furthermore, the Commission will evaluate the effectiveness of this Policy Statement at the time of the assessment of the new Adequacy and Compatibility Policy Statement.~~

### IV. The Commission Policy

#### STATEMENT OF PRINCIPLES AND POLICY FOR THE AGREEMENT STATE PROGRAM

##### A. PURPOSE

The purpose of this Statement of Principles and Policy for the Agreement State Program is to clearly describe the respective roles and responsibilities of the U.S. Nuclear Regulatory Commission (NRC) and States in the

administration of programs carried out under Section 274 of the Atomic Energy Act of 1954, as amended. Section 274 provides broad authority for the NRC to establish Federal and State cooperation in the administration of regulatory programs for the protection of public health and safety in the industrial, medical, and research uses of nuclear materials.

This Policy Statement addresses the Federal-State interaction under the Atomic Energy Act to: (1) establish and maintain agreements with States under Section 274(b) to provide for discontinuance by the NRC, and the assumption by the State, of responsibility for administration of a regulatory program for the use of byproduct, source, and small quantities of special nuclear material; and (2) ensure that post-agreement interactions among the NRC and Agreement State radiation control programs are coordinated and compatible and that Agreement State programs continue to provide adequate protection of the public health and safety.

This Policy Statement establishes principles, objectives, and goals that the Commission expects will be reflected in the implementing guidance and programs of the NRC and Agreement States to meet their respective program responsibilities and which should be achieved in the administration of these programs.

This Policy Statement is intended solely as guidance for the Commission and the Agreement States in the implementation of the Agreement State program. This Policy Statement does not itself impose legally binding requirements on the Agreement States. In addition, nothing in this Policy Statement expands

the legal authority of Agreement States beyond that already granted to them by Section 274 of the AEA and other relevant legal authority. Implementation procedures adopted pursuant to this Policy Statement shall be consistent with the legal authorities of the Commission and the Agreement States.

B. STATEMENT OF LEGISLATIVE INTENT

The Atomic Energy Act of 1954 did not specify a role for the States in regulating the use of nuclear materials. Many States were concerned as to what their responsibilities in this area might be and expressed interest in seeing that the boundaries of Federal and State authority were clearly defined. This need for clarification was particularly important in view of the fact that although the Federal government retained sole responsibility for protecting the public health and safety from the radiation hazards of byproduct, source, and special nuclear material, the responsibility for protecting the public from the radiation hazards of other sources such as x-ray machines and radium had for many years been borne by the States.

Consequently, in 1959 Congress enacted Section 274 of the Atomic Energy Act to establish a statutory framework under which States could assume certain regulatory jurisdiction over byproduct, source, and special nuclear material in quantities less than a critical mass. The primary purpose of the legislation was to authorize the Commission to discontinue ~~to the States~~ its regulatory authority over the use of these materials and for assumption of this authority by the States. The Commission retained regulatory authority over the licensing of certain facilities and activities such as nuclear



reactors, larger quantities of special nuclear material, and the export and import of nuclear materials.

In considering the legislation, Congress recognized that the Federal government would need to assist the States to ensure that they developed the capability to exercise their regulatory authority in a competent and effective manner. Accordingly, the legislation authorized the Commission to provide training and other services to State officials and employees. However, in rendering this assistance, the Congress did not intend that the Commission would provide any grants to a State for the administration of a State regulatory program. This was fully consistent with the objectives of Section 274 to qualify States to assume independent regulatory authority over certain defined areas of regulatory jurisdiction and to permit the Commission to discontinue its regulatory responsibilities in those areas.

In order to discontinue its authority to a particular State, the Commission must find that the program is compatible with the Commission's program for the regulation of radioactive materials and that the State program is adequate to protect the public health and safety. In addition, the Commission has an obligation, pursuant to Section 274(j) of the Act, to review existing Agreement State programs to ensure continued adequacy and compatibility. Section 274(j) of the Act provides that the NRC may terminate or suspend all or part of its agreement with a State if the Commission finds that such termination is necessary to protect the public health and safety or the State has not complied with the provisions of Section 274(j). In these cases, the Commission must offer the State reasonable notice and opportunity



for a hearing. In addition, the Commission may temporarily suspend all or part of an agreement in the case of an emergency situation.

C. PRINCIPLES OF PROGRAM IMPLEMENTATION

C.1. Regulatory Program Excellence Good Regulation Principles

~~The principles of excellence contained in this section provide a common philosophical basis on which Agreement States and NRC regulatory programs should be formulated and implemented. NRC and the Agreement States should strive for excellence in the administration of their programs and in their collective efforts to establish a credible, coherent, consistent program for the regulation of Atomic Energy Act (AEA) materials throughout the United States. Both the NRC and the Agreement States should continually improve their regulatory program effectiveness and efficiency based on their respective and collective experience. Excellence in radiation safety regulation should include striving to improve assurance of the adequacy of public health and safety. In order to achieve excellence, the highest standards of public accountability, ethical conduct, and professionalism should be applied to individual and organizational performance.~~

In 1991, the Commission adopted "Principles of Good Regulation" to serve as a guide to both agency decision making and to individual behavior as NRC employees. Adherence to these principles has helped to ensure that NRC's regulatory activities have been of the highest quality, appropriate, and consistent. The "Principles of Good Regulation" recognize that strong,

vigilant management and a desire to improve performance are prerequisites for success, for both regulators and the regulated industry. The Commission believes that NRC's implementation of these principles has served the public, the Agreement States, and the regulated community well. The Commission further believes that such principles may be useful as a part of a common culture that NRC and the Agreement States share as co-regulators. Accordingly, the Commission encourages each Agreement State to adopt a similar set of principles for use in its own regulatory program.

Regulatory decisions and actions should be developed and implemented in an open and publicly credible manner and should be able to withstand scrutiny. Such scrutiny should be welcomed by the regulator. The regulator should be, and appear to be, independent and impartial in its actions. Regulations and regulatory decisions should be based on assessments of the best available information from affected and interested individuals and organizations, as well as on the best available knowledge from research and operational experience. Significant decisions, for example, a change in enforcement policy, should be documented with the rationale for such decisions explained. The public should have an opportunity for early involvement in significant regulatory program decisions. Where several effective alternatives are available, the alternative that best assures safety while considering differing views should be adopted, considering the resources needed to implement that alternative. Regulations should be necessary, and appropriate, to assure safety, and should be clear, coherent, logical, and practical. Regulatory actions should be fully consistent with regulations and good public

policy and should lead to stability and predictability in the planning and implementation of radiation control programs.

Failure to adhere to these principles of ~~good regulation excellence~~ in the conduct of operations should be a sufficient reason for a regulatory program to self-initiate program changes that will result in needed improvements. All involved should welcome expressions of concern that indicate a program may not be operating in accordance with these principles ~~of excellence~~ and revise their program to more completely reflect these principles.

It is not intended that these principles of ~~good regulation excellence~~ be established as formal criteria against which NRC and Agreement State programs would be assessed. Rather, the expectation is that these principles will be incorporated into the day-to-day operational fabric of NRC and Agreement State materials programs. These principles should be used in the formulation of policies and programs, implementation of those policies and programs, and assessments of program effectiveness. Application of these principles will ensure that complacency will be minimized, that adequate levels of protection of public health and safety are being provided, and that government employees tasked with the responsibility for these Federal and State regulatory programs serve the public in an effective, efficient, and responsive manner. These principles are primarily for the use of materials program managers and staff in the self assessment of their programs and to use in the establishment of goals and objectives for the continual improvement of their respective programs. Deficiencies identified during the conduct of NRC

Region and Agreement State formal program performance reviews may indicate that the program is not adhering to these principles of good regulation ~~excellence~~. The organization being assessed should factor the need for ~~excellence~~ these principles into its actions to address identified deficiencies.

#### C.2. Coherent National Program

The mission of the NRC is to assure that the civilian uses of nuclear materials in the United States are carried out with adequate protection of public health and safety. NRC acknowledges its responsibility to ensure that there is a coherent national radiation control program for AEA materials and NRC through this program establishes national radiation protection standards. The basic elements of such a program include ability to ensure adequate protection of the public health and safety, compatibility in areas of national interest, sufficient flexibility to accommodate local needs and conditions, ability to assess program performance on a consistent and systematic basis, and ~~excellence~~ principles of good regulation in program administration.

Each of these elements is reflected and addressed in specific sections of this Policy Statement.

#### C.3. Adequate to Protect the Public Health and Safety

NRC and Agreement State radiation control programs have the responsibility to ensure adequate protection of the public health and safety

in the administration of their respective regulatory programs controlling the uses of AEA materials. Accordingly, NRC and Agreement State programs shall possess the requisite supporting legislative authority, implementing organization structure and procedures, and financial and human resources to effectively administer a radiation control program that ensures adequate protection of the public health and safety.

#### C.4. Compatible in Areas of National Interest

NRC and Agreement State radiation control programs have the responsibility to ensure that a consistent and compatible radiation control program is administered. Such a radiation control program should be based on a common regulatory philosophy including the common use of definitions and standards. It should not only be effective, and cooperatively implemented by NRC and the Agreement States, but also should provide uniformity and consistency in program areas having national significance.

Such areas include those affecting interstate commerce, movement of goods and provision of services, and safety reviews for sealed source devices sold nationwide. Also necessary is the ability to communicate using a nationally accepted set of terms with common understanding, the ability to ensure an adequate level of protection of public health and safety that is consistent and stable across the nation, and the ability of NRC and each Agreement State to evaluate the effectiveness of the national radiation control program.

#### C.5. Flexibility

With the exception of national radiation protection standards, to the extent possible, Agreement State radiation control programs for AEA materials should be provided with flexibility in program implementation to accommodate individual State preferences, State legislative direction, and local needs and conditions. However, the exercise of such flexibility should not bar or preclude, or effectively preclude, a practice authorized by the Atomic Energy Act, and in the national interest. That is, a State would have the flexibility to design its own program, including incorporating more stringent, or similar, requirements provided that the requirements for adequacy are still met, and the more stringent requirements do not preclude or effectively preclude a practice within the national interest without an adequate public health and safety or environmental basis related to radiation protection.

#### D. NEW AGREEMENTS

##### D.1. Overall Process of Becoming an Agreement State

Section 274 of the Atomic Energy Act requires that once a decision to seek Agreement State status is made by the State, the Governor of that State must certify to the NRC that the State desires to assume regulatory responsibility and has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement. This certification will be provided in a letter to the NRC which includes a number of documents in



support of the certification. These documents include the State's enabling legislation, the radiation control regulations, a narrative description of the State program's policies, practices and procedures, and a proposed agreement.

The NRC has published criteria describing the necessary content these documents are required to cover. The NRC reviews the request and publishes notice of the proposed agreement in the Federal Register to provide an opportunity for public comment. After consideration of public comments, if the Commission determines that the State program is adequate and compatible, and approves the agreement, a formal agreement document is signed by the Governor and the Chairman of the NRC.

#### D.2. Phased Implementation

The NRC believes that a formal phased implementation process, during which a State initially assumes authority over smaller licenses of less regulatory complexity, would be advantageous to both NRC and an Agreement State. It would provide the NRC an opportunity to provide for an orderly transition of licensed activities to the State. It may also help to identify any areas of the State's program that require additional guidance from NRC before the State assumes full responsibility over all activities covered under the Agreement. From the State perspective, it should provide new Agreement States an opportunity to gain experience with their programs prior to having responsibility for more complex licenses.



Therefore, NRC plans a phased implementation process for future agreements. As with past practice, NRC will make a finding that the State's entire program is adequate and compatible with that of the NRC. The Agreement itself would identify the dates at which the new Agreement State would assume authority over certain categories of licensees (i.e., the implementation dates for the phases). In the initial phase, the State will exercise full regulatory authority over categories of licensees of lesser complexity. During this first phase, the State will perform all regulatory functions for the transferred licenses. The remaining categories will be transferred to the Agreement State's jurisdiction at the date fixed in the Agreement for the implementation of the second phase. To assist in the phased implementation, NRC would conduct a review of the State's program under the Integrated Materials Performance Evaluation Program prior to the date fixed in the Agreement for implementation of the second phase to ensure the State's program continues to be adequate to protect public regulatory program. The NRC believes that a formal phased implementation process, during which a State initially assumes authority over smaller, less complex licenses, would be advantageous to both NRC and an Agreement State. It would provide the NRC an opportunity to obtain important information on the State's program and validate a State's capabilities before turning over a major portion of the program. At the end of the initial phase, the NRC would have greater confidence in the State's ability to protect the public health and safety and to administratively manage the program. From the State perspective, it should provide new Agreement States an opportunity to work out start up problems with their program prior to having responsibility for more complex licenses.

~~Therefore, upon the effective date of a full agreement, NRC plans a phased implementation process. In the initial phase, the State will assume full regulatory authority over categories of licensee programs of lesser complexity. During this phase, the State will perform all regulatory functions for the transferred licenses. At the end of this phase, the NRC will evaluate the State program to determine that the State program continues to be adequate to protect public health and safety and compatible with the Commission's program. If, at the end of the initial implementation phase, the Agreement State program remains adequate and compatible, and the State has demonstrated an ability to assume authority for more complex licensed activities, the remaining categories of licensees will be transferred to the State.~~

E. PROGRAM ASSISTANCE

NRC will offer training and other assistance to States, such as assistance in developing regulations and program descriptions to help individual States prepare for entrance into agreements and to help them during transition periods of assumption of regulatory authority. Following assumption of regulatory authority by a new Agreement State, to the extent permitted by resources, NRC can provide training ~~and travel~~ and other assistance such as review of proposed regulatory changes to help States administer their regulatory responsibilities. NRC would also use its best efforts to provide specialized technical assistance to Agreement States to address unique or complex licensing, inspection, and enforcement issues. In areas where Agreement States have particular expertise or are in the best

position to provide immediate assistance to the NRC, the Agreement States are encouraged to do so. In addition, NRC and Agreement States shall use their best efforts to keep each other informed about relevant aspects of their programs. NRC will provide an opportunity for Agreement States to have early and substantive involvement in rulemaking, policy, and guidance development activities. Agreement States should provide a similar opportunity to the NRC to make it aware of, and to provide the opportunity to review and comment on, proposed changes in regulations and significant changes to Agreement State programs, ~~regulations~~, policies, and regulatory guidance.

If an Agreement State experiences difficulty in program administration, the Commission would use its best efforts to assist the State in maintaining the effectiveness of its radiation control program. Such assistance could address an immediate difficulty or a chronic difficulty affecting the State's ability to discharge its responsibility to continue to ensure adequate protection of the public health and safety.

#### F. PERFORMANCE EVALUATION

Under Section 274 of the Atomic Energy Act of 1954, as amended, the Commission retains authority for ensuring that Agreement State programs continue to provide adequate protection of the public health and safety. In fulfilling this statutory responsibility, NRC will provide oversight of Agreement State radiation control programs to ensure that they are adequate and compatible prior to entrance into a Section 274(b) agreement and that they continue to be adequate and compatible after an agreement is effective. The

Commission, in cooperation with the Agreement States, will establish and implement a performance evaluation program to provide NRC and Agreement State management with systematic, integrated, and reliable evaluations of the strengths and weaknesses of their respective radiation safety control programs and identification of areas needing improvement.

As a part of this performance evaluation process, the Commission will take any necessary actions to help ensure that Agreement State radiation control programs remain adequate and compatible. These actions include: (1) periodic assessments of Agreement State radiation control programs against established review criteria; (2) provision of assistance to help address weaknesses or areas within an Agreement State radiation control program requiring improvement, to the extent permitted by NRC resources; (3) placing a State on a probationary status for serious program deficiencies that require heightened oversight; (4) temporary suspension of an agreement and reassertion of NRC regulatory authority in an emergency if an Agreement State program experiences any immediate program difficulties preventing the State from continuing to ensure adequate protection of the public health and safety; and (5) suspension or termination of an agreement and reassertion of NRC regulatory authority if the Agreement State program experiences difficulties which jeopardize the State's ability to continue to ensure adequate protection of the public health and safety or to continue to maintain a compatible program. The basis for NRC's actions will be based on a well defined and predictable process and a performance evaluation program which will be consistently and fairly applied.

G. LEVELS OF AGREEMENT STATE PROGRAM REVIEW FINDINGS

The following discussion outlines the nature of NRC findings regarding the NRC's Agreement State review process.

FINDING 1 - ADEQUATE TO PROTECT PUBLIC HEALTH AND SAFETY AND/OR NOT COMPATIBLE

If the NRC finds that a State program has met all of the Agreement State program review criteria or that only minor deficiencies exist, the Commission would find that the State's program is adequate to protect the public health and safety. If the NRC determines that a State program contains all required NRC program elements for compatibility, or only minor discrepancies exist, the program would be found compatible. If the NRC determines that a State has a program that disrupts the orderly pattern of regulation among the collective regulatory efforts of the NRC and other Agreement States, i.e., creates conflicts, gaps, or duplication in regulation, the program would be found not compatible.

FINDING 2 - ADEQUATE, BUT NEEDS IMPROVEMENT AND/OR NOT COMPATIBLE

If the NRC finds that a State program protects public health and safety, but is deficient in meeting some of the review criteria, the NRC may find that the State's program is adequate, but needs improvement. The NRC would consider in its determination plans that the State has to address any of the deficiencies noted during the review. In cases where less significant Agreement State deficiencies previously identified have been uncorrected for a



significant period of time, NRC may also find that the program is adequate but in need of improvement. If the NRC determines that a State program contains all required NRC program elements for compatibility, or only minor discrepancies exist, the program would be found compatible. If the NRC determines that a State has a program that disrupts the orderly pattern of regulation among the collective regulatory efforts of the NRC and other Agreement States, i.e., creates conflicts, gaps, or duplication in regulation, ~~failed to adopt a necessary item of compatibility within the period of time specified by implementing procedures for the NRC's compatibility policy statement,~~ the program would be found not compatible.

FINDING 3 - INADEQUATE TO PROTECT PUBLIC HEALTH AND SAFETY AND/OR NOT  
COMPATIBLE

If the NRC finds that a State program is significantly deficient in some or all of the review criteria, the NRC would find that the State's program is not adequate to protect the public health and safety. If the NRC determines that a State program contains all required NRC program elements for compatibility, or only minor discrepancies exist, the program would be found compatible. If the NRC determines that a State has a program that disrupts the orderly pattern of regulation among the collective regulatory efforts of the NRC and other Agreement States, i.e., creates conflicts, gaps, or duplication in regulation, the program would be found not compatible. ~~If the NRC determines that a State has failed to adopt a necessary item of compatibility within the period of time specified by implementing procedures~~

~~for the NRC's compatibility policy statement, the program would be found not compatible.~~

#### H. NRC ACTIONS AS A RESULT OF THESE FINDINGS

The following discussion outlines the options available to the NRC as a result of making any of the above findings. The appropriate action will be determined on a case-by-case basis by NRC management.

#### LETTERS

In all cases, subsequent to an Agreement State program review, the findings would be recounted in a letter to senior level State management. In the event that the NRC finds that a State program is adequate and compatible, no further action would be required, except a response by the State to any suggestions or recommendations. In the case where minor deficiencies are noted or areas for improvement are identified, the State would be requested to describe their proposed corrective action. If the corrective action appears appropriate, no further NRC action is required. If additional clarification of the corrective actions is needed, additional correspondence may be necessary.

#### FOLLOW-UP REVIEWS

In the event that deficiencies are noted during the program review, NRC may increase the frequency of contacts with the State to keep abreast of



developments and conduct onsite follow-up reviews to assure that progress is being made on correcting program deficiencies. If, during follow-up reviews, it is shown that the State has taken corrective actions, a letter finding the State adequate and compatible would be provided.

#### PROBATIONARY STATUS

There are three circumstances which can lead to an adequate but needs improvement or incompatible State program being placed in a probationary status: (1) There are cases in which program deficiencies may be serious enough to require immediate heightened oversight; (2) In other cases, Agreement State program deficiencies previously identified may have been uncorrected for a significant period of time; and (3) If the NRC determines that a State program has been late in adopting required compatibility elements and significant disruption in the collective national efforts to regulate AEA materials has occurred. If the NRC was not confident that the State would address the program deficiencies in an expeditious and effective manner, the Commission would place the State program on probation.

As a result of placing a State program on probation, the NRC would communicate its findings to a higher level of State management. Notice of such probationary status would normally be addressed to the Governor of the State. Notice would also be published in the Federal Register. A copy of the letter to the Governor would be placed in the Public Document Room and a press release would be issued.

Once a State program is placed on probation, the NRC would heighten its oversight of the program. This would include obtaining commitments from the State in the form of a management plan to describe actions to be taken by the State to address the program deficiencies, including specific goals and milestones. The NRC would increase observation of State program activities under the agreement to assure adequate protection of the public health and safety. If requested and in accordance with terms agreed to by the parties, the NRC would consider providing technical support for the maintenance of the regulatory program. The probationary period would last for a specified period of time. This period would not normally be more than one year, but could be extended based on extenuating circumstances. At the end of that time, if the State has not addressed the deficiencies, the NRC would institute suspension or termination proceedings.

#### SUSPENSION

Section 274j of the Atomic Energy Act gives the Commission authority to suspend all or part of its agreement with a State if the suspension is required to protect the public health and safety, or if the State has not complied with one or more of the requirements of Section 274 of the Act. In cases where the Commission finds that program deficiencies related to either adequacy or compatibility are such that the Commission must take action to protect the public health and safety, or if the program has not complied with one or more of the requirements of Section 274 of the Act, the Commission would suspend all or part of its agreement with the State. In cases where a State has failed to respond in an acceptable manner during the probationary

period, suspension would be considered. If the situation is not resolved, termination will be considered.

Before reaching a final decision on suspension, the Commission will notify the State and provide the State an opportunity for a hearing on the proposed suspension. Notice of the proposed suspension will also be published in the Federal Register. Suspension, rather than termination, would be the preferred option in those cases where the State provides evidence that the program deficiencies are temporary and that the State is committed to correcting the deficiencies that led to the suspension.

In addition to the normal suspension authority, Section 274j.(2) of the Act also addresses emergency situations and gives the Commission authority to temporarily suspend all or part of its agreement with a State without notice or hearing if an emergency situation exists requiring immediate action to protect public health and safety, and the State has failed to take necessary action within a reasonable time.

#### TERMINATION

Section 274j of the Atomic Energy Act gives the Commission authority to terminate its agreement with a State if such termination is required to protect the public health and safety, or if the State program has not complied with one or more of the requirements of Section 274 of the Act (e.g., is found to be not compatible with the Commission's program). When the Commission

finds such significant program deficiencies, the Commission would institute proceedings to terminate its agreement with the State.

In cases where a State has failed to respond in an acceptable manner during the probationary period and there is no prospect for improvement, termination will be considered. Before reaching a final decision on termination, the Commission will notify the State and provide the State an opportunity for a hearing on the proposed termination. Also, notice of the proposed termination will be published in the Federal Register. There may be cases where termination will be considered even though the State program has not been placed on probation.

#### I. PROGRAM FUNDING

Currently, Section 274 does not allow federal funding for the administration of Agreement State radiation control programs. Section 274 permits the NRC to offer training and other assistance to a State in anticipation of entering into an Agreement with NRC, however, it is NRC policy not to fund the establishment of new Agreement States program. Regarding training, given the importance in terms of public health and safety of having well trained radiation control program personnel, the NRC offers certain relevant training courses and ~~notifies invites participation from~~ Agreement State personnel ~~of their availability~~.

## J. REGULATORY DEVELOPMENT

NRC and Agreement States will cooperate in the development of new regulations and policy. Agreement States will have early and substantive involvement in the development of new regulations affecting protection of the public health and safety and of new policy affecting administration of the Agreement State program. Likewise, the NRC expects to have the States provide it with early and substantive involvement in the development of new Suggested State Regulations. NRC and Agreement States will keep each other informed about their individual regulatory requirements (i.e., regulations or license conditions) and the effectiveness of those regulatory requirements so that each has the opportunity to make use of proven regulatory approaches to further the effective and efficient use of resources.

## K. PROGRAM EVOLUTION

The NRC-Agreement State program is dynamic and the NRC and Agreement States will continue to jointly assess the collective overall national program for the regulation of AEA materials to identify specific changes which should be considered based on experience or to further improve overall performance and effectiveness. ~~of the national program.~~ The changes considered may include possible legislative changes. The program should also include the formal sharing of information and views such as briefings of the Commission by the Agreement States.

\* \* \* \* \*

This final policy statement does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0029.

Dated at Rockville, Maryland this \_\_\_\_ day of \_\_\_\_\_, 1996.

For the Nuclear Regulatory Commission.

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John C. Hoyle  
Secretary of the Commission.

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PROPOSED 274b AGREEMENTS WITH STATES

DIRECTIVE 5.8

ATTACHMENT B



**Policy.**  
(5.8-01)

- It is the policy of the U.S. Nuclear Regulatory Commission to implement procedures for establishing new agreements with individual States pursuant to Section 274 of the Atomic Energy Act of 1954, as amended.

**Objectives.**  
(5.8-02)

- To establish a system for an orderly transition in the discontinuance of certain regulatory authority by the NRC with assumption thereof by the State through a standard agreement with a phased implementation protocol.

**Organizational Responsibilities and Delegations of Authority**  
(5.8-03)

**The Commission**  
(031)

- Approves requests from a Governor to enter into an agreement under Section 274 of the Atomic Energy Act of 1954, as amended.
- Approves policy matters related to NRC's Agreement States program.

**The Executive Director for Operations (EDO)**  
(032)

- Provides management direction and oversight for the activities described herein.

**The Director, Office of State Programs**  
(033)

- Coordinates the review and action on State requests for 274b agreements or amendments to agreements with cognizant regional administrator and office directors. (a)
- Identifies an NRC contact, prepares correspondence to the State, as appropriate, and provides a schedule for accomplishing staff work on the agreement request. (b)

- Prepares a Commission Paper that analyzes and responds to public comments in coordination with OGC and affected offices for final approval by the Commission. (c)
- Prepares approved agreement for the signature of the Chairman and Governor. Arranges all post signing coordination for the transfer of regulatory authority under the effective agreement. (d)

#### Office Directors and Regional Administrators (034)

- Consult with the Director, OSP, concerning the proposed agreement. (a)
- Appoint principal working-level contacts for review of the proposed agreement. (b)
- Review, comment and concur, if appropriate, on the proposed agreement and final Commission Paper. (c)

#### Regional Administrators (035)

- Coordinate with the State prior to the agreement on the licenses to be transferred when the agreement is effective. (a)
- During the initial phase, provide the opportunity for license reviews from the State seeking an Agreement to review complex licensing casework in progress at the Region.
- Coordinate the transfer of licenses, license files and other appropriate material when agreement is effective, in accordance with the phased agreement protocol. (b)

#### Applicability. (5.8-04)

The policy and guidance in this directive and handbook apply to all NRC employees who process a request for a 274b agreement. (a)

#### Handbook. (5.8-05)

Handbook 5.8 contains an overview of the process, guidelines and a standard agreement with a protocol for phased implementation of a new agreement.

#### References. (5.8-06)

Atomic Energy Act of 1954, as amended (42 USC. 2011 et seq.)

Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States through Agreement (46 FR 7540, January 23, 1981, as amended by policy statements published at 46 FR 36969, July 16, 1981, and 48 FR 33376, July 21, 1983).

Status and Notice of Availability of Two Policy Statements Concerning the Agreement State Program (60 FR 39463, August 2, 1995).

Evaluation of Agreement State Radiation Control Programs (60 FR 54734, October 25, 1995).

Management Directive 5.6, Integrated Materials Performance Evaluation Program, approved September 12, 1995.

Management Directive 5.9, Adequacy and Compatibility of Agreement State Programs, approved \_\_\_\_\_.

PROPOSED 274b AGREEMENTS WITH STATES  
HANDBOOK 5.8

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- 2 Protocol for Phased Implementation of the Section 274b Agreement

## Overview (A)

As authorized under Section 274 of the Atomic Energy Act of 1954, as amended, the policy of the NRC is to enter into agreements with States -- (1)

- Upon certification by the Governor that the State has a program for the control of radiation hazards adequate to protect public health and safety with respect to the materials within the State covered by the proposed agreement and the State desires to assume regulatory responsibility for such material. (a)
- After a finding by the Commission that the State program is in accordance with the requirements of Subsection c of Section 274 and in all other respects compatible with the Commission's program for the regulation of such materials, and is adequate to protect public health and safety with respect to the materials covered by the proposed agreement. (b)

The NRC believes that a formal phased implementation process, during which a State initially assumes authority over smaller licenses of less regulatory complexity, would be advantageous to both NRC and an Agreement State. It would provide the NRC an opportunity to provide for an orderly transition of licensed activities to the State. It may also help to identify any areas of the State's program that require additional guidance from NRC before the State assumes full responsibility over all activities covered under the Agreement. From the State perspective, it should provide new Agreement States an opportunity to gain experience with their programs prior to having responsibility for more complex licenses.

Therefore, NRC plans a phased implementation process for future agreements. As with past practice, NRC will make a finding that the State's entire program is adequate and compatible with that of the NRC. The Agreement itself would identify the dates at which the new Agreement State would assume authority over certain categories of licensees (i.e., the implementation dates for the phases). In the initial phase, the State will exercise full regulatory authority over categories of licensees with programs of lesser complexity. During this first phase, the State will perform all regulatory functions for the transferred licenses. The remaining categories will be transferred to the Agreement State's jurisdiction at the date fixed in the Agreement for the implementation of the second phase. To assist in the phased implementation, NRC would conduct a review of the State's entire program under the Integrated Materials Performance Evaluation Program prior to the date fixed in the agreement for implementation of the second phase to ensure the State's program continues to be adequate to protect public health and safety and compatible with NRC's regulatory program. (See Management Directive 5.6 for more detail about the evaluation of the State's program and Management Directive 5.9 (under development) for more detail about the adequacy and compatibility of Agreement State programs.)

This management directive and handbook supplement the Criteria for Guidance of

States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States through Agreement (46 FR 7540, January 23, 1981, as amended by policy statements published at 46 FR 36969, July 16, 1981, and 48 FR 33376, July 21, 1983).

#### Office of State Programs and Regional Responsibilities (B)

##### The Office of State Programs will - (1)

- Plan, schedule and arrange meetings with the State to discuss issues related to the request for an agreement. (a)
- Coordinate the protocol to be published with the proposed agreement with the State and appropriated headquarters and regional offices on the phased implementation of the agreement. (b)
- Takes the lead in drafting a Commission Paper which includes the staff assessment, proposed agreement with phased implementation protocol and a proposed Federal Register notice publishing this information for public comment for 4 consecutive weeks according to the Atomic Energy Act. (c)

##### The Regional Office in which the State is located will - (2)

- Invite inspectors from the State seeking an agreement to accompany regional staff on inspections conducted in that State prior to the agreement. (a)
- Meet with representatives of the State seeking an agreement to describe and explain licenses and files that will be transferred to the State. (b)
- Assure, to the extent practicable, that licensing and inspection backlogs are as small as possible for licensees in the State seeking an agreement. (c)
- Coordinate the transfer of license files and other appropriate material when agreement is effective. (d)
- Transfer license files for the remaining categories of licensees to the Agreement State if the performance of the program is adequate to protect public health and safety and compatible with the NRC programs, in accordance with the phased agreement protocol. (e)

#### Process Sequence for New Agreements (C)

The typical sequence for NRC in processing a request for an agreement is summarized below:

- Receive a letter of intent from the Governor of the State interested in an agreement with NRC. (1)



- Provide guidance to the State on the necessary elements of an Agreement State program and its phased implementation, including draft legislation, regulations, and program description. (2)
- Receive and review the request for an agreement from the Governor, the program description, and necessary program elements. (3)
- Transmit and resolve any outstanding items with the State regarding the proposed agreement request. (4)
- Prepare Commission Paper on the proposed agreement request, including staff assessment and Federal Register Notice with the proposed agreement and phased implementation protocol for public comment. (5)
- Publish Federal Register Notice with the proposed agreement and protocol for public comment for 4 consecutive weeks according to the Atomic Energy Act. (6)
- Prepare Commission Paper that analyzes and responds to public comments and provides staff recommendations on the agreement for final approval by the Commission. (7)
- Prepare approved agreement for the signature of the Chairman and Governor upon Commission approval and arrange signing ceremony. (8)
- Arrange all post signing coordination for the orderly transfer of regulatory authority under the effective agreement according to the implementing protocol. (9)

#### Standard Agreement and Phased Implementation Protocol (D)

The standard agreement describes the categories of materials to be regulated by the State and the effective date of the agreement. (1)

The protocol to the standard agreement deals with phased implementation of the effective agreement and defines the categories of licenses for each implementation phase. (The Agreement itself would identify the dates at which the new Agreement State would assume authority over certain categories of licensees, i.e., the implementation dates for the phases). In the initial phase, the State will exercise full regulatory authority over categories of licensees of less regulatory complexity. The remaining categories will be transferred to the Agreement State's jurisdiction at the date fixed in the Agreement for the implementation of the second phase. (2)

Exhibit 1

AN AGREEMENT  
BETWEEN  
THE UNITED STATES NUCLEAR REGULATORY COMMISSION  
AND  
THE STATE/COMMONWEALTH OF [insert name of State]  
FOR THE  
DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY  
AND  
RESPONSIBILITY WITHIN THE STATE/COMMONWEALTH PURSUANT TO  
SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

WHEREAS, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State/Commonwealth providing for discontinuance of the regulatory authority of the Commission within the State/Commonwealth under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

WHEREAS, The Governor of the State/Commonwealth of [insert name] is authorized under [cite enabling statute] to enter into this Agreement with the Commission; and,

WHEREAS, The Governor of the State/Commonwealth of [insert name] certified on [date], that the State/Commonwealth of [insert name] (hereinafter referred to as the State/Commonwealth) has a program for the control of radiation hazards adequate to protect public health and safety with respect to the materials within the State/Commonwealth covered by this Agreement, and that the State/Commonwealth desires to assume regulatory responsibility for such materials; and,

WHEREAS, The Commission found on [date] that the program of the State/Commonwealth for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect public health and safety; and,

WHEREAS, The State/Commonwealth and the Commission recognize the desirability and

importance of cooperation between the Commission and the State/Commonwealth in the formulation of standards for protection against hazards of radiation and in assuring that State/Commonwealth and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

WHEREAS, The Commission and the State/Commonwealth recognize the desirability of the reciprocal recognition of licenses, and of the granting of limited exemptions from licensing of those materials subject to this Agreement; and,

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and the Governor of the State/Commonwealth acting in behalf of the State/Commonwealth as follows:

#### ARTICLE I<sup>1</sup>

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, and in accordance with the phased Agreement protocol attached, the regulatory authority of the Commission in the State/Commonwealth under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

- A. Byproduct materials as defined in Section 11e.(1) of the Act;
- B. Byproduct materials as defined in Section 11e.(2) of the Act;
- C. Source materials;
- D. Special nuclear materials in quantities not sufficient to form a critical mass.
- E. The regulation of the land disposal of byproduct, source, or special nuclear waste materials received from other persons;
- F. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission.

#### ARTICLE II

- A. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to:
  - 1. The regulation of the construction and operation of any production or utilization

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<sup>1</sup>If the State/Commonwealth chooses not to regulate all categories of material listed in Article I, those categories where NRC will retain authority should be listed in Article II, A.

facility or any uranium enrichment facility;

2. The regulation of the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
3. The regulation of the disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in the regulations or orders of the Commission;
4. The regulation of the disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission;
5. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission.<sup>2</sup>

B.<sup>3</sup> Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct material as defined in Section 11e.(2) of the Atomic Energy Act:

1. Prior to the termination of a State/Commonwealth license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.
2. The Commission reserves the authority to establish minimum standards governing reclamation, long-term surveillance or maintenance, and ownership of such byproduct material and of land used as a disposal site for such material. Such reserved authority includes:
  - a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;
  - b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the

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<sup>2</sup>Include only if the State is not authorized to conduct sealed source and device reviews for purposes of registration for distribution.

<sup>3</sup>Article II.B. is included in the agreement only if the State is authorized to regulate 11e.(2) byproduct material.

production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State/Commonwealth at the option of the State/Commonwealth (provided such option is exercised prior to termination of the license);

- c. The authority to permit use of the surface or subsurface estates, or both, of the land transferred to the United States or a State/Commonwealth pursuant to paragraph 2.b. in this section in a manner consistent with the provisions of the Uranium Mill Tailings Radiation Control Act of 1978, provided that the Commission determines that such use would not endanger public health, safety, welfare, or the environment;
- d. The authority to require, in the case of a license for any activity that produces such byproduct material (which license was in effect on November 8, 1981), transfer of land and material pursuant to paragraph 2.b. in this section taking into consideration the status of such material and land and interests therein, and the ability of the licensee to transfer title and custody thereof to the United States or a State/Commonwealth;
- e. The authority to require the Secretary of the Department of Energy, other Federal agency, or State/Commonwealth, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect public health and safety, and other actions as the Commission deems necessary; and
- f. The authority to enter into arrangements as may be appropriate to assure Federal long-term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian Tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.

#### ARTICLE III<sup>4</sup>

With the exception of those activities identified in Article II.A.1 through 4, this Agreement may be amended, upon application by the State/Commonwealth and approval by the Commission, to include one or more of the additional activities specified in Article II, paragraphs [those activities not included in the agreement], whereby the State/Commonwealth may then exert regulatory authority and responsibility with respect to those activities.

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<sup>4</sup>Delete this Article and renumber the remaining articles if the State/Commonwealth assumes authority over all categories of materials in Article II.



#### ARTICLE IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

#### ARTICLE V

This Agreement shall not affect the authority of the Commission under Subsection 161b or 161i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

#### ARTICLE VI

The State/Commonwealth agrees to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State/Commonwealth and the Commission for protection against hazards of radiation and to assure that the State/Commonwealth's program will continue to be compatible with the program of the Commission for the regulation of materials covered by this Agreement.

The State/Commonwealth and the Commission agree to keep each other informed of proposed changes in their respective rules and regulations, and to provide each other the opportunity for early and substantive contribution to the proposed changes.

The State/Commonwealth and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest. The State/Commonwealth agrees to report to NRC all immediately reportable, 24-hour reportable, and 30-day reportable events reported to the State by its licensees.

#### ARTICLE VII

The Commission and the State/Commonwealth agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State. Accordingly, the Commission and the State/Commonwealth agree to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

#### ARTICLE VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State/Commonwealth, or upon request of the Governor of the State/Commonwealth, may terminate or suspend all or part of this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect public health and safety, or (2) the State/Commonwealth has not complied with one or more of the requirements of Section 274 of the Act. The Commission may also, pursuant to Section 274j of the Act, temporarily suspend all or part of this agreement if, in the judgment of the Commission, an

emergency situation exists requiring immediate action to protect public health and safety and the State/Commonwealth has failed to take necessary steps. The Commission shall periodically review actions taken by the State/Commonwealth under this Agreement to ensure compliance with Section 274 of the Act which requires a State/Commonwealth program to be adequate to protect public health and safety with respect to the materials covered by this Agreement and to be compatible with the Commission's program.

#### ARTICLE IX<sup>5</sup>

In the licensing and regulation of byproduct material as defined in Section 11e.(2) of the Act, or of any activity which results in production of such material, the State/Commonwealth shall comply with the provisions of Section 274o of the Act. If in such licensing and regulation, the State/Commonwealth requires financial surety arrangements for reclamation or long-term surveillance and maintenance of such material,

- A. The total amount of funds the State/Commonwealth collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State/Commonwealth license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long-term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and
- B. Such surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long-term management of such byproduct material and its disposal site.

#### ARTICLE X

This Agreement shall become effective on [date], and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII. In accordance with the attached protocol, the Commission will transfer the groups of licenses as shown therein as specified in the protocol.

Done at [City, State] this [date] day of [month], [year].

FOR THE UNITED STATES NUCLEAR REGULATORY COMMISSION

\_\_\_\_\_, Chairman

FOR THE STATE/COMMONWEALTH OF \_\_\_\_\_

\_\_\_\_\_, Governor

<sup>5</sup>Use Article IX only if the State is authorized to regulate 11e.(2) byproduct material.



Exhibit 2

ATTACHMENT TO SECTION 274B AGREEMENT  
WITH [State/Commonwealth]  
PROTOCOL FOR PHASED IMPLEMENTATION OF THE AGREEMENT

INTRODUCTION

A formal phased implementation process, during which a [State/Commonwealth] assumes authority over smaller licenses of less regulatory complexity in the initial phase, is advantageous to both NRC and an Agreement State.

It provides NRC an opportunity to carry out an orderly transition of licensed activities to the [State/Commonwealth]. It may also help to identify any areas of the State's program that require additional guidance from NRC before the State assumes full responsibility over all activities covered under the Agreement.

It provides new Agreement States an opportunity to gain experience with their program prior to having responsibility for more complex licenses.

PROCESS

Therefore, upon the effective date of [State/Commonwealth] Agreement, NRC and [State/Commonwealth] will use a phased implementation process for transfer of the licenses.

- In the initial phase, which will consist of [time frame-example: 1 year] the [State] will assume full regulatory authority over priority 3 -7 groups of licensee programs as classified under Inspection Manual Chapter 2800 for the categories of [byproduct, special nuclear material or source material as appropriate]. During this phase, the State/Commonwealth will perform all regulatory functions for the transferred licenses.
- NRC will continue to perform all regulatory functions for the priority 1 and 2 groups of licensee programs (as classified under Inspection Manual Chapter 2800) which have not been transferred. The [State/Commonwealth] will be invited to observe all NRC inspections of priority 1 and 2 licensee programs conducted by NRC during this period for those programs under the Agreement.
- To assist in the phased implementation, NRC will conduct a review of the program (under the Integrated Materials Performance Evaluation Program) prior to the date fixed in the agreement for implementation of the second phase to ensure the [State's/Commonwealth's] program continues to be adequate to protect public health and safety and compatible with NRC's regulatory program.
- On [date], the remaining groups of licensees (i.e. the priority 1 and 2 licensee programs) will be transferred to the [State/Commonwealth].

G:\KXS\MDPHAZE.KNS



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 21, 1996

Mr. Richard L. Bangart, Director  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Bangart:

We have enclosed the report of the Joint NRC - Agreement State Working Group for Development of Implementing Procedures for the Policy Statement on Adequacy and Compatibility of Agreement State Programs (Group). The report outlines the Group's activities on this project since its formation in October 1995 and has appended to it several attachments: the Group's charter, the Group's recommendations for revisions to the Policy Statement, and a draft Management Directive and its accompanying handbook. The appendices to the handbook are the flow chart used to make compatibility and adequacy decisions and tables which present the results of the Group's analyses of 10 CFR parts and program elements which are applicable to the regulation of agreement materials. The Management Directive and handbook contain the implementing procedures for the Policy Statement. The Group proposes that Appendix B to the handbook be maintained by the Office of State Programs as a separate document to facilitate its revision when new rules are adopted without having to revise the Management Directive and handbook.

It is important to note that the report and implementing procedures, as written, reflect NRC's current policy of requiring States to adopt certain compatibility requirements in the form of rules, rather than allowing another form of legally binding requirement. The Office of General Counsel currently is reviewing this issue and, therefore, this approach in the Policy Statement and the implementing procedures may be subject to change.

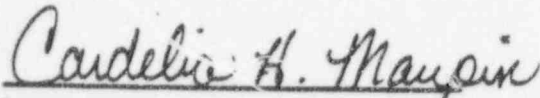
We have also included a second copy of the 10 CFR tables which show the compatibility or adequacy designation assigned by the Group using the Policy Statement as well as the compatibility designation assigned under the B.7 Procedure or determined from Statements of Consideration. The Group believes that this second set of tables will be useful to staff during their review process, as well as for the Commission when they receive the final SECY paper and recommends that it is transmitted to them. The Group will be available to help resolve any comments received during the review process prior to transmittal to the Commission.

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ATTACHMENT C

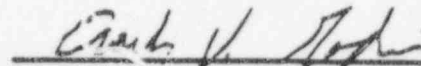
AUG 21 1996

Finally, because of the importance of this Policy Statement to the Agreement States, the Group recommends that the States have the opportunity to provide comments prior to finalization of the Policy Statement and implementing procedures.

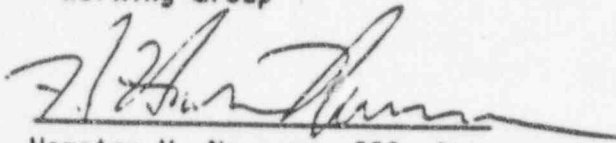
Sincerely,



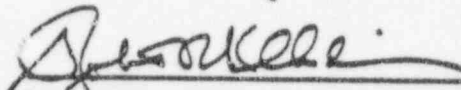
Cardelia H. Maupin, Sr. Project Manager  
Office of State Programs, NRC  
Co-Chair, Adequacy and Compatibility  
Working Group



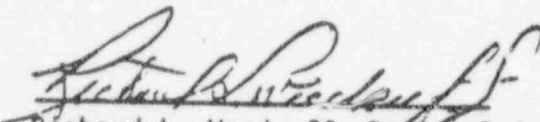
Aubrey V. Godwin, Director  
Arizona Radiation Regulatory Agency  
Co-Chair, Adequacy and Compatibility  
Working Group, effective 7/19/96



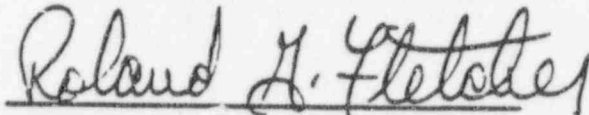
Hampton H. Newsome, III, Attorney  
Office of General Council, NRC  
Member, Adequacy and Compatibility  
Working Group



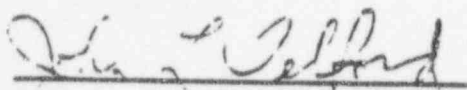
Robert R. Kulikowski, Ph.D., Former  
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Co-Chair, Adequacy and Compatibility  
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Richard L. Woodruff, Regional State  
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Office of Nuclear Regulatory Research,  
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Member, Adequacy and Compatibility  
Working Group



Paul H. Lohaus, Deputy Director,  
Office of State Programs, NRC  
Resource Representative to  
Adequacy and Compatibility  
Working Group

Enclosures:  
As stated

REPORT OF THE  
JOINT NRC-AGREEMENT STATE  
WORKING GROUP  
FOR DEVELOPMENT OF  
IMPLEMENTING PROCEDURES  
FOR  
THE FINAL POLICY STATEMENT ON  
ADEQUACY AND COMPATIBILITY  
OF AGREEMENT STATE PROGRAMS

August 21, 1996

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Attachment 1: Working Group Charter

Attachment 2: Revisions Recommended to the Policy Statement

Attachment 3: Management Directive 5.9, "Adequacy and Compatibility of Agreement State Programs."

Attachment 4: Handbook 5.9, "Adequacy and Compatibility of Agreement State Programs."

Attachment 5: OSP Internal Procedure B.7 (Revision 1), "Compatibility and Health and Safety Component Classifications for NRC Regulations and Program Elements."



## 1.0 EXECUTIVE SUMMARY

This report describes the activities of the Joint NRC-Agreement State Working Group for Development of Implementing Procedures for the Final Policy Statement on Adequacy and Compatibility of Agreement State Programs. The report outlines the purpose of the Working Group and why it was formed, as well as administrative issues such as membership, meetings and interactions with other individuals. The Charter of the Working Group that identifies the scope of work and the milestone schedule is included as Attachment 1 to this report.

In developing implementing procedures for the Policy Statement, the Working Group identified those parts of Title 10 of the Code of Federal Regulations that were applicable to the Agreement States' regulation of agreement material and a list of program elements derived from the set of indicators contained in the NRC general statement of policy on "Guidelines for NRC Review of Agreement State Radiation Control Programs." These regulations and program elements were analyzed and each was classified as outlined in the Policy Statement. These classifications were based on criteria developed by the Working Group to facilitate the classification process and to help ensure consistency in the decision-making process.

During its deliberations, the Working Group concluded that there were certain regulations that would not be required for compatibility pursuant to the Policy Statement but, nonetheless, would have a significant health and safety function within the State. In view of this, the Working Group expanded its classification criteria to identify explicitly those regulations that it considered necessary to maintain protection of public health and safety.

The Working Group drafted implementing procedures for the Policy Statement and these are contained in a new management directive and its associated handbook. The management directive provides guidance to staff on how to apply the policy in making a determination on whether an NRC requirement or program element is required in an Agreement State program for purposes of compatibility or health and safety. Each applicable Part of 10 CFR and each major program element with its compatibility or health and safety component assignment is contained in the Office of State Programs Internal Procedure B.7 (Revision 1), "Compatibility and Health and Safety Component Classifications for NRC Regulations and Program Elements."

In addition to the major issue of whether the Commission should require Agreement States to adopt the essential objectives of certain regulations for the purposes of health and safety, the Working Group identified several other issues associated with the Policy Statement or the implementing procedures and that are described for Commission consideration and approval.

In conclusion, the Working Group recommends that the revisions to the Policy Statement and the implementing procedures be sent to all the Agreement States and other interested parties for comment before final approval by the Commission.

## **2.0 PURPOSE AND FUNCTION OF THE JOINT NRC-AGREEMENT STATE WORKING GROUP FOR DEVELOPMENT OF IMPLEMENTING PROCEDURES FOR THE FINAL POLICY STATEMENT ON ADEQUACY AND COMPATIBILITY OF AGREEMENT STATE PROGRAMS (Working Group)**

### **2.1 Background**

On May 3, 1995, NRC staff submitted the "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs" (Policy Statement) for Commission review and approval. By a Staff Requirements Memorandum dated June 29, 1995 (SRM), the Commission approved the Policy Statement, but disapproved implementation of the Policy Statement until implementing procedures were finalized. In addition, the Commission recognized that some minor changes may result after the development of the implementing procedures and directed the staff to resubmit the Policy Statement, along with the implementing procedures, to the Commission for final approval. The staff was also directed to consider the comments on the Commissioners' vote sheets in carrying out these actions.

### **2.2 Purpose**

A working group consisting of officials from Agreement States and from the Nuclear Regulatory Commission (NRC) was formed in October 1995 to respond to Commission direction in the SRM to develop implementing procedures for the Policy Statement.

The Working Group developed a charter that identified (1) the scope of work it was to perform and (2) a list of tasks to be accomplished, and (3) a milestone schedule. A copy of the charter is appended as Attachment 1.

### **2.3 Working Group Members**

Members of Working Group were: Cardelia H. Maupin (NRC Office of State Programs) and Robert R. Kulikowski, Ph.D. (New York City) as co-chairs representing the NRC and Agreement States, respectively; Roland Fletcher (Maryland); Aubrey Godwin (Arizona); Hampton Newsome (NRC Office of the General Counsel); John Telford (NRC Office of Nuclear Regulatory Research); and Richard Woodruff (NRC Region II). Paul Lohaus (Deputy Director of the NRC Office of State Programs) served as a resource representative. Robert Kulikowski resigned from the New York City radiation control program effective July 19, 1996, before all of the Working Group's tasks had been completed; however, he continued to serve the Working Group as a resource representative. Aubrey Godwin was elected to replace Robert Kulikowski as the co-chair from the Agreement States until the group had completed its work.

### **2.4 Working Group Meetings**

The Working Group convened six "face to face" meetings that were announced in advance on the NRC Public Meeting Notice System. The meetings were open to the public and Working Group products were made publicly available in the NRC Public Document Room. The Working Group met initially on November 1 and 2, 1995 in Chicago, Illinois, in conjunction with the annual NRC All Agreement States Meeting. All subsequent Working Group meetings were held at NRC Headquarters in Rockville, Maryland.

In addition, the Working Group held 15 conference calls to discuss its work. These conference calls also were announced on the NRC Public Meeting Notice System and members of the public were invited to participate. Conference room space at NRC Headquarters and at the Arizona Radiation Regulatory Agency (4814 South 40th Street, Phoenix, Arizona 85040) was reserved for persons wishing to participate by telephone in the Working Group conference calls.

Although all meetings and telephone conference calls were publicly noticed, only the first meeting held in Chicago was attended by anyone outside the Working Group. Only members of the Working Group participated in meetings and calls that followed the first meeting.

## **2.5 Selected Peer Review**

In June 1996, the Working Group essentially had completed its review of regulations in Title 10 of the Code of Federal Regulations (10 CFR) and had prepared draft implementing procedure documents. At that time, the draft documents and reviews of specific regulations were sent to a selected group of NRC and Agreement State personnel for preliminary comment and feedback.

Staff in the NRC Office of Nuclear Materials Safety and Safeguards (NMSS) and in the Agreement States of Illinois, South Carolina, and Texas were asked to comment and provide feedback on the criteria developed and how the criteria were applied by the Working Group to assign compatibility components to a limited number of parts of 10 CFR.

The Working Group held a telephone conference call with NMSS staff to receive comments and each of the three states submitted written comments. The Working Group considered these in further deliberations and, where appropriate, incorporated them into the draft documents.

Because of the importance of the Policy Statement to NRC and Agreement States and because of the level of interest expressed by the States, the Working Group concluded that the implementing procedures (management directive and handbook) should be transmitted to the Agreement States for comment before the Commission gives its final approval to implement the Policy Statement. Working Group members have indicated that they will be available to resolve comments from the Agreement States and other interested parties.

## **3.0 APPROACH AND CLASSIFICATION PROCESS FOLLOWED BY THE WORKING GROUP**

### **3.1 Approach**

In developing the implementing procedures for the Policy Statement, the Working Group's first task was to identify Commission regulations and program elements that were applicable to the Agreement States' regulation of agreement materials. Initially, the Working Group examined all parts of 10 CFR on a part by part basis. Those parts that were applicable to States' regulation of agreement materials were analyzed subsequently on a section by section basis. The Working Group addressed all applicable final rules published in the *Federal Register* through July 31, 1996.

To identify program elements, the Working Group began with the set of indicators contained in the NRC general statement of policy on "Guidelines for NRC Review of Agreement State Radiation Control Programs." Indicators that were not program elements were not used and additional program elements not contained in this set of indicators were added to arrive at the

list of program elements in the chart in OSP Internal Procedure B.7 (Revision 1), "Compatibility and Health and Safety Component Classifications for NRC Regulations and Program Elements."

Using the three-component approach outlined in the Policy Statement, the Working Group analyzed the regulations and program elements and assigned a compatibility component to each. To assist in the process of assigning compatibility components and to help ensure consistency in its decisions, the Working Group developed a set of criteria for each compatibility component and constructed a flow chart to guide the application of the criteria.

During its section by section analysis of 10 CFR parts, the Working Group identified a number of regulations that did not meet the criteria for compatibility requirements, but that it considered to be integral components of a radiation control program because of health and safety significance. After deliberation on how to address this issue, the Working Group decided to include a new category of regulations in its overall analysis of NRC regulations. The Working Group's rationale for its approach is discussed fully in Sections 3.2 (Classification Criteria - Compatibility Components) and 3.3 (Classification Criteria - Health and Safety Component) of this report.

### 3.2 Classification Criteria - Compatibility Components

#### 3.2.1 Background

The Policy Statement defines a compatible Agreement State program as follows:

*An Agreement State radiation control program is compatible with the Commission's regulatory program when its program does not create conflict, duplication, gaps, or other conditions which jeopardize an orderly pattern in the regulation of agreement material on a national basis.*

The Working Group initially developed compatibility classification criteria using this definition and the three component approach to implementing this definition set forth in the Policy Statement. Based on the Policy Statement, the Working Group concluded that the requirements for compatibility focus primarily on the effects of State action or inaction either on the regulation of agreement material on a national basis or on other States. As such, the concept of compatibility does not directly address matters of health and safety within a particular Agreement State. Such matters are addressed under adequacy. In addition, however, the Working Group realized that certain regulations, while important for health and safety reasons within the State (e.g., basic radiation protection standards), should be consistent nationwide primarily for the purpose of compatibility.

#### 3.2.2 Compatibility Component Criteria

Each of the three compatibility components in the Policy Statement are cited below. Following each excerpt from the Policy Statement as listed below, the Working Group has provided examples or, in some cases, a brief explanation of its application of the specific sections of the Policy Statement. (Criteria that are quoted directly from the Policy Statement are indicated by *italics*.) In addition, changes to the Policy Statement that are being recommended by the Working Group are indicated in these quoted excerpts as follows: language to be deleted is



indicated by ~~strikeout~~ and language to be added is indicated by redline. The complete text of the proposed revision of the Policy Statement is appended as Attachment 2.

### 3.2.2.1 Compatibility Component 1

*The Agreement State should adopt basic radiation protection standards, and the ~~dose~~ limits in 10 CFR 61.41, that are essentially identical to those of the Commission, unless Federal statutes provide the State authority to adopt different standards. The term "basic radiation protection standards" means ~~public dose limits and radiation protection related concentration and release~~ limits in 10 CFR Part 20 that are applicable to all licensees.*

*The Agreement State should also adopt, in an essentially identical form, a limited number of definitions, signs, labels, and scientific terms which are necessary for a common understanding of radiation protection principles among licensees, regulatory agencies, and members of the public."*

Examples include, but are not necessarily limited to:

- public dose limits (e.g., 10 CFR 20.1301) plus any regulation that directly relates to these dose limits
- concentration and release limits
- occupational dose limits (e.g., 10 CFR 20.1201) plus any regulation that directly relates to these dose limits
- dose limits in 10 CFR 61.41
- radiation symbol
- caution signs and labels
- scientific terms (e.g., Système Internationale and conventional units, definitions of types of radioactive material)
- definitions needed for common understanding (e.g., restricted area, year, stochastic).

### 3.2.2.2 Compatibility Component 2

*The Agreement State should adopt regulations essentially identical to those of the NRC Commission for those areas of regulation that are related to activities involving significant transboundary implications. It is the Commission's intent to limit this category to a small number of regulations (e.g, transportation requirements) that directly involve such activities.*

Examples include, but are not necessarily limited to:

- transportation requirements (e.g., LLW manifests, packaging requirements, etc.)

- requirements for approval of products that are distributed nationally (e.g., sealed sources and devices)
- definitions of products (e.g., sources and devices) that are routinely transported by licensees in multiple jurisdictions.

### 3.2.2.3 Compatibility Component 3

*For all other regulations and elements, the Commission will apply the following approach:*

- a. *The Agreement State should adopt and implement essential objectives of certain Commission regulations and program elements (e.g., reciprocity procedures) that are important for an Agreement State to have in order to avoid conflict, duplication, gaps, or other conditions which jeopardize an orderly pattern in the regulation of agreement material on a national basis. Such Agreement State regulations or program elements need not be identical to the corresponding Commission regulations or program elements; in a few cases involving specific statutory direction, however, Agreement State regulations must should be at least as stringent as that those of the Commission;*
- b. *The Agreement State should have flexibility to adopt and implement Commission regulations and program elements in addition to those necessary to maintain compatibility, as identified in B.1, B.2, and B.3.a above [NOTE: B.1, B.2 and B.3.a are designated Sections 3.2.2.1, 3.2.2.2 and 3.2.2.3 (paragraph a), respectively, in this report.]; and*
- c. *An Agreement State may adopt and implement other regulations and elements within the State's jurisdiction that are not addressed by NRC.*

*All regulations covered under this third component must should be compatible with those of the Commission (i.e., must should not create conflict, duplication, gaps, or other conditions which jeopardize an orderly pattern in the regulation of agreement material on a national basis).*

*In addition, Agreement State regulations or program elements covered under this third component should not be adopted or implemented in such a manner that the State:*

- ~~e-e~~ *precludes, or effectively precludes, a practice within the national interest without an adequate public health and safety or environmental basis related to radiation protection [for agreement material]; or*
- ~~e-e~~ *precludes, or effectively precludes, the ability of the Commission to evaluate the effectiveness of the NRC and Agreement State programs for agreement material with respect to protection of public health and safety.*

### 3.2.3 Discussion of Component 3 Criteria

#### 3.2.3.1 Background

The criteria used to assign regulations and program elements to either Component 1 or Component 2 are straightforward and, by their nature, are clearly evident from the Policy Statement. However, criteria for the third compatibility component are more subjective and not explicitly defined by the Policy Statement. This section contains a discussion of the considerations used by the Working Group to determine which NRC regulations and program elements were assigned to the third compatibility component.

#### 3.2.3.2 Compatibility Component 3.a

This is the compatibility component assigned to NRC regulations and program elements, the essential objectives of which should be adopted and implemented as legally binding requirements (LBRs) by Agreement States to avoid conflict, duplication or gaps. The Agreement State LBR need not be identical to the corresponding NRC regulation or program element, and indeed may be different, as long as the essential objectives are met.

The Policy Statement uses the phrase "conflict, duplication, gaps." The Working Group developed several definitions and criteria to help it apply this phrase to specific regulations and program elements of NRC.

- *conflict* means the essential objectives of regulations or program elements are different and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement material on a national basis
- *duplication* means identical regulations or program elements apply to the same material at the same time (Note: this definition applies primarily to the review of Agreement State regulations by NRC staff.)
- *gap* means the essential objectives of NRC regulations or program elements are absent from the Agreement State program and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement materials on a national basis

Examples of undesirable consequences referred to under *conflict* and *gap* (above), include, but are not necessarily limited to:

- exposure to an individual in a different jurisdiction in excess of the basic radiation protection standards in Compatibility Component 1, above;
- undue burden on interstate commerce (e.g., additional recordkeeping or training requirements);
- preclusion of an effective review and/or evaluation by the Commission of the NRC and Agreement State programs for agreement material with respect to protection of public health and safety;
- preclusion of a practice in the national interest;



- absence or impairment of effective communication;
- lack of minimum level of safety for agreement material - containing products distributed nationally;
- disruption of regulation of agreement material on a national basis.

#### 3.2.3.3 Compatibility Component 3.a.S

This is the compatibility component assigned to NRC regulations, the essential objectives of which must be adopted and implemented by Agreement States with legally binding requirements (LBRs) that are at least as stringent as NRC.

- A regulation required by statute where Agreement States are permitted to differ from that of NRC only with requirements that are more stringent than those established by NRC (e.g., the federal Clean Air Act, the Uranium Mill Tailings Radiation Control Act)

#### 3.2.3.4 Compatibility Component 3.b

This is the compatibility component assigned to NRC regulations and program elements that do not meet the criteria of Components 1, 2, 3.a or 3.a.S and, therefore, do not need to be adopted and implemented by Agreement States for purposes of compatibility. See, however, Section 3.3, below.

#### 3.2.3.5 Component 3.c

This category identifies those regulations and/or program elements that are adopted and implemented by an Agreement State radiation control program, but that are not addressed by NRC in its regulations or program elements.

All regulations and program elements, covered by components 3.b and 3.c, above, when adopted by an Agreement State should not: (1) create conflict, duplication, gaps as identified above; (2) preclude a practice in the national interest; or (3) preclude the ability of the Commission to evaluate NRC and Agreement State programs for agreement materials with respect to protection of public health and safety.

### 3.3 Classification Criteria - Health and Safety Component

#### 3.3.1 Background

The Working Group initially reviewed NRC regulations and program elements solely to assign each to a compatibility component. For those NRC regulations not required for compatibility pursuant to the general criteria of the Policy Statement, Agreement States would be able to determine whether or not they would be adopted, i.e., no specific regulations would be required other than for the purpose of compatibility. However, during this process, the Working Group concluded that there were certain regulations that are not required for compatibility pursuant to the Policy Statement but, nonetheless, have a significant health and safety function within the State. The Working Group noted that the Policy Statement indicates that Agreement States

should have legally binding requirements in order to ensure adequate protection of public health and safety. The following language is quoted from the Policy Statement section on adequacy:

*In addition, the State should have existing legally enforceable measures such as generally applicable rules, license provisions, or other appropriate measures, necessary to allow the State to ensure adequate protection of the public health and safety in the regulation of agreement materials in the State.*

The Draft Policy Statement for Agreement State Adequacy and Compatibility (see SECY-93-349, December 21, 1993) notes that the specific regulations that should be required for adequacy were to be determined from a comprehensive analysis of the Commission's regulations. However, the final Policy Statement did not appear to address the applicability of adequacy to regulations in a specific way.

The Working Group expanded its classification criteria to identify explicitly those regulations and program elements that it concluded were needed to maintain public health and safety. These have been identified in the tables in OSP Internal Procedure B.7 (Revision 1) by the designation "3.b" signifying that they are not required for purposes of compatibility (indicated by the 3.b), but that they are of health and safety significance for the regulation of agreement materials within a State and, therefore, should be addressed by the Agreement State (indicated by the asterisk). Because of the health and safety implications of this category of requirements the Working Group believes that the State should adopt the essential objectives of the NRC requirement through an LBR. Additionally, the Working Group also believes in this case that the State should have flexibility to adopt a regulation or program element that is more, but not less, stringent than NRC.

The Working Group also concluded that the Policy Statement should be revised to include this category of regulations although it is not strictly a compatibility issue. The Working Group further concluded that the absence of one or more of such regulations would not necessarily result in a finding that a State is not adequate to protect public health and safety; the overall finding of adequacy and compatibility is to be determined by the Integrated Materials Performance Evaluation Program (IMPEP) process (see also Sections 4.1 and 4.2, below).

### 3.3.2 *Health and Safety Component Criteria*

In making the determination of which regulations should be included in this component, the Working Group assigned a regulation to this component if (1) it failed to meet all of the compatibility criteria and, therefore, would be categorized 3.b on this basis and (2) its absence in an Agreement State program could directly result (i.e., two or fewer failures<sup>1</sup>) in exposure to an individual in excess of the basic radiation protection standards identified in compatibility component 1.

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<sup>1</sup> The concept embodied by "two or fewer failures" is that if the essential objectives of the regulation were not adopted and implemented in a legally binding manner, then an event could occur that would not have taken place were the essential objectives adopted. This alone, or in conjunction with at most one other event, could result in exposure of an individual in excess of limits set by basic radiation protection standards.

### 3.4 Classification Process

The Working Group developed an classification process using a flow chart (Appendix A to Handbook 5.9) and the classification criteria discussed in Sections 3.2 and 3.3, above. The basis of the flow chart was a series of questions that are listed below. Each program element and regulation was tested by asking these questions in the order given. The answers to these questions determined the compatibility or adequacy component assigned to each regulation and program element.

1. Do the essential objectives of the regulation or program element address a regulatory area reserved solely to the authority of the NRC? If the response to the question is 'yes', the compatibility component is "NRC." If the response to the question is 'no,' then proceed to Question 2.
2. Do the essential objectives of the regulation or program element address or define a basic radiation protection standard as defined by the Policy Statement or is it a definition, term, sign or symbol necessary for a common understanding of radiation protection principles? If the response to this question is 'yes', the compatibility component is "1." If the response to the question is 'no', then proceed to Question 3.
3. Do the essential objectives of the regulation or program element address or define an issue that has a significant, direct transboundary implication? If the response to this question is 'yes', the compatibility component is "2." If the response to the question is 'no', then proceed to Question 4.
4. Do the essential objectives of the regulation or program element address or define an issue related to UMTRCA, the federal Clean Air Act, or other statute that requires states to adopt regulations that are at least as stringent as NRC? If the response to this question is 'yes', the compatibility component is "3.a.S." If the response to the question is 'no', then proceed to Question 5.
5. Would the absence of the essential objectives of the regulation or program element from an Agreement State program create a conflict or gap? If the response to this question is 'yes', the compatibility component is "3.a." If the response to the question is 'no', then proceed to Question 6.
6. Would the absence of the essential objectives of the regulation or program element from an Agreement State program create a situation that could directly result in exposure to an individual in excess of the basic radiation protection standards found in compatibility component 1? If the response to this question is 'no', then the compatibility component is "3.b." If the response to this question is 'yes', the health and safety component is "3.b\*."

### 4.0 POLICY STATEMENT ISSUES REQUIRING CLARIFICATION

As directed by the Commission, the Working Group concluded that several portions of the Policy Statement should be clarified to reflect the implementing procedures. Some portions of the Policy Statement also were revised based upon guidance provided in the Commissioners' vote sheets accompanying the SRM. Other changes were editorial in nature. The details of the Working Group's substantive changes are discussed below.

#### 4.1. Clarifying the Distinction Between the Terms "Adequacy" and "Compatibility"

After review and discussion of the final and draft Policy Statements, the Working Group concluded that the distinction between the terms "adequacy" and "compatibility" should be clarified and emphasized in the Policy Statement. The term "adequacy" refers to an Agreement State's protection of public health and safety within a particular state. This represents the core goal or purpose of an Agreement State's radiation protection program. "Compatibility," on the other hand, relates to the effects that an Agreement State program's actions or inactions have on the regulation of agreement materials on a national basis or in another state.

The distinction between the two terms was described in the draft Policy Statement (59 *Federal Register* 37269, July 21, 1994). Although the final Policy Statement does not contain an explicit description of this distinction, such a distinction is implied by the Policy Statement's structure. Without this explicit description in the final Policy Statement, the Working Group encountered difficulties in applying the terms "adequacy" and "compatibility." The Working Group recommends that additional language, in the form of another paragraph in the Background section, be added to the final Policy Statement to clarify the distinction discussed here.

The Working Group believes that this clarification is necessary in order to help ensure consistent application of the policy in the future. The distinction between the two concepts creates a clear means to view NRC's approach to Agreement State reviews. For instance, NRC probably would not require an Agreement State to adopt identical requirements for the purposes of adequacy. In other words, Agreement States could be more stringent than NRC under adequacy. In considering compatibility, however, NRC can choose to require Agreement States to adopt identical regulatory provisions in those cases in which consistency is needed as indicated in the Policy Statement, notwithstanding the health and safety function of the regulation.

The Working Group also believes that this approach is consistent with the draft Policy Statement, the final Policy Statement, and the legislative history of Section 274 of the AEA. As discussed in more detail in the *Federal Register* notice prepared for the final Policy Statement (see SECY 95-112), the legislative history suggests that the purpose of compatibility is the avoidance of conflict, duplication, and gaps caused by an Agreement State program and the facilitation of uniform basic radiation standards across the country. Both of these considerations suggested by the legislative history involve an Agreement State's relationship to other states and to NRC (i.e., the external or national impacts of an Agreement State program). Accordingly, the concept of compatibility clearly involves issues related to the impact that an Agreement State program has on the regulation of agreement material on a national basis or in another State.

The Working Group believes that this approach to compatibility, which focuses on the national impacts of an Agreement State program, has a sound policy basis consistent with statutory guidance. The primary purpose of an Agreement State program is the protection of public health and safety within that particular state. These public protection concerns reflect the core goal of any regulatory agency concerned with safety. Given their legal and functional responsibilities, Agreement State regulatory agencies have a clear incentive and duty to protect the citizens of that State. NRC reviews Agreement State actions in this regard under adequacy.

The impact that an Agreement State program has on a national basis, however, may not always occupy that same position of importance as does the more immediate concern of public health



and safety within the State. For example, Agreement States generally would not focus the emphasis of their efforts on such issues as (1) the need for consistent transportation requirements, (2) the need for clear communication of radiation protection principles across the country, (3) the goal of avoiding unreasonable burdens on firms operating in multiple states, and (4) NRC's need to conduct effective and efficient reviews of Agreement State programs. Clearly, Agreement States do consider the impact of their programs on other states or on the nation as a whole. However, the same incentives and pressures that drive the regulation of public health and safety within the state do not exist in relation to the effects of the Agreement State's program on a national basis. Accordingly, the type of NRC oversight in the area of compatibility as reflected in the new Policy is justified in order to ensure that Agreement State programs reflect these national concerns.

The Working Group concluded that it is important to emphasize and explain the distinction between the concepts of adequacy and compatibility in order to make it easier to implement the Policy in the future. The Working Group further noted that there is some overlap between the coverage of these two concepts. Regulations that are required for purposes of compatibility according to the Policy Statement are, nonetheless, important to have for ensuring the protection of public health and safety. Because the process that the Working Group used to categorize regulations and program elements addressed compatibility issues before health and safety issues, regulations that have important health and safety bases and that meet the compatibility criteria are required for compatibility purposes. While not dismissing the health and safety significance of such regulations, the Working Group interpreted the Policy Statement to mean that there were compelling reasons to have certain regulations consistent throughout NRC and Agreement State jurisdictions, e.g., those designated as compatibility component 1.

#### 4.2 Regulations Required for Purposes of Health and Safety

As discussed in Section 3.3, above, the Working Group concluded that certain regulations in 10 CFR were of health and safety significance for the regulation of agreement material within a State and that the essential objectives established by those regulations should be required of Agreement States. To reflect this in the Policy Statement, the Working Group proposes additional language to be added to the last paragraph in the section on legislative and legal authority.

Although no changes to the Policy Statement appear to be needed to address this topic other than those discussed above, IMPEP procedures may need to be modified to incorporate the health and safety regulations into the IMPEP review process if this approach is approved by the Commission. Specifically, the Working Group viewed that adoption and implementation of regulations and program elements in this health and safety component by an Agreement State should be addressed in a manner similar to that used for other performance indicators in IMPEP. For example, the non-common performance indicator "Legislation and Regulations" could be modified to include how the State has addressed adoption of regulations and program elements in this component and this finding would be factored into the overall adequacy determination made for the State. This approach would be consistent with that used for performance indicators such as licensing or inspections, where there is some judgment exercised in assessing the covered activities to support a finding of "satisfactory."

#### **4.3 Regulations Outside of Agreement State Jurisdiction**

The Working Group also identified NRC regulations that involve matters outside of the jurisdiction of the Agreement States. The Policy Statement does not specifically address this issue. As indicated in the attached criteria and procedures, the Working Group assigned the designation "NRC" to such regulations. Although the Working Group does not recommend any changes in the Policy Statement to address this particular issue because jurisdictional limitations are clear from NRC's statutory authority, this issue will be addressed in the specific implementing procedures found in Handbook 5.9 to Management Directive 5.9.

#### **4.4 Use of the Term "Public Dose Limits"**

In discussing Component 1 of the compatibility section, the Policy Statement indicates that the term "basic radiation protection standards" means public dose limits and radiation protection related concentration and release limits in 10 CFR Part 20 that are applicable to all licensees. To avoid confusion regarding the applicability of occupational dose limits, the working group recommends that the word "public" be eliminated from this description so that the meaning of "basic radiation protection standards" applies to all dose limits, both public and occupational.

#### **4.5 Clarification for Regulations That Must be at Least as Stringent as Those of NRC**

A clarifying phrase was added to paragraph a. of the third compatibility component. During Working Group meetings, the reason for indicating that a limited number of Agreement State regulations had to be at least as stringent as NRC was identified as being based in the federal Clean Air Act (40 CFR Part 61, Subpart I rescission issues). Therefore, the Working Group designated as component 3.a.5 those regulations required by statute (e.g., the federal Clean Air Act, the Uranium Mill Tailings Radiation Control Act) and proposes this clarifying change to the Policy Statement.

#### **4.6 Effect of Compatibility**

The Working Group proposes to add one sentence at the end of the description of the third compatibility component to clarify that although a State's program is compatible, the State still has an explicit obligation to maintain an adequate program.

#### **4.7 Formatting Changes for the Compatibility Components**

Finally, the working group recommends some minor formatting changes to the Policy Statement. These changes are: (1) replacing "NRC" with the word "Commission" in the description of the second compatibility component; and (2) designating items "d." and "e." with bullets to reflect that they are not part of the series of items encompassed by "a." through "c." in the description of the third compatibility component.

#### **4.8 Additional Recommended Changes**

As noted in Commissioner Rogers' vote sheet, the Working Group recommends adding his suggested footnote for Compatibility Component 1 to ensure consistency with the Commission's decision in the low level waste area to allow Agreement States flexibility to establish pre-closure operational release limit objectives, ALARA goals or design objectives at levels the State deems



necessary or appropriate as long as the level of protection is equivalent to that provided by the Commission.

## **5.0 IMPLEMENTATION ISSUES AND CONCERNS**

### **5.1 Use of Management Directive 5.9 and Handbook 5.9**

Management Directive 5.9, "Adequacy and Compatibility of Agreement State Programs," and its associated handbook describe the criteria and approach that is to be used to assign compatibility and health and safety components to NRC regulations and program elements. The results of such classifications are tabulated in OSP Internal Procedure B.7 (Revision 1). Agreement State regulations and program elements that are required for purposes of compatibility or health and safety are reviewed by NRC staff in accordance with OSP Internal Procedure D.7, "Procedure for Reviewing State Regulations." The results of such reviews for a particular state are provided to the Agreement State at the time the staff review is completed and are used by the IMPEP team at the time of the State's next program review and this information is factored into the overall adequacy and compatibility finding for the State in accordance with Management Directive 5.6, "Integrated Materials Performance Evaluation Program."

### **5.2 Time Frame for Adopting Commission Regulations and Program Elements**

The Working Group considered the appropriate time frame for the adoption of NRC regulations by Agreement States. Under current policy, this time frame is 3 years; however, this is not based in any statutory requirement, but rather on experience of the time necessary for a State to promulgate and adopt a rule under its rulemaking process. With respect to this three (3) year time frame, the Working Group concluded that there is no significant reason to change it. It should be clarified, however, that the effective date of the State regulation should be within three years of the effective date of the NRC regulation. The Working Group identified that certain circumstances (e.g., adoption of a basic radiation protection standard or other rule that will have significant impact on the regulation of agreement material on a national basis, such as the low-level radioactive waste manifest) may warrant that the effective date of the rule for both NRC licensees and Agreement State licensees be the same.

In addition, the Working Group concluded that Commission regulations that have been identified as being required for purposes of health and safety should also be adopted by the Agreement States with an effective date not later than three years after the effective date of NRC's final rule. With sufficient justification, health and safety considerations may warrant adoption by the States in less than the three (3) year time frame in which case concurrent adoption by NRC and the States, as discussed in the preceding paragraph, may be the desirable course of action.

The Working Group also concluded that program elements that have been designated as necessary for maintenance of an adequate and compatible program should be adopted and implemented by the Agreement States within six (6) months of such designation by NRC. If, due to other factors, an Agreement State cannot adopt and implement such a program element within the six (6) month time frame, then the State and the Commission will agree upon a mutually acceptable timetable for adoption and implementation.

### 5.3 Number of Licensees Warranting Development of Regulations

The Working Group considered the issue of requiring certain provisions to be adopted in the form of regulations. The Working Group believed that, in general, if an Agreement State does not have any licensees that would be subject to a particular NRC regulation determined to be required for purposes of compatibility or health and safety, the State should not be required to adopt or address that NRC regulation. However, if a State were to acquire such a licensee, then the provisions of the Policy Statement would be invoked and would have to be implemented as described in the handbook to Management Directive 5.9. Similarly, if a State has not assumed authority under its agreement to regulate in a given area (e.g., uranium mills) there would be no requirement to adopt or address NRC regulations or program elements in that area for purposes of compatibility.

In addition, the Working Group concluded that, for the reasons provided below, rules designated as required for compatibility should be addressed by Agreement States as regulations rather than as an alternative legally binding requirement in the following circumstances:

- the requirement is generally applicable to all licensees;
- the requirement is applicable to UMTRCA and LLRW disposal facilities, regardless of the number of licensees regulated by the State; or
- there are four or more materials licenses in the State that would be subject to the regulation.

The reasons for using regulations in these cases include:

- to assure consistency in the state's regulatory program over time;
- to assure public (including licensee) participation in the development of requirements applied to multiple licensees;
- to assure adequate ability to enforce requirements;
- reciprocity;
- to facilitate NRC review of programs; and
- to ensure national equivalency in distribution of products containing agreement material.

Otherwise, the Agreement State may adopt the essential objectives of the NRC rule in any manner that is legally binding and enforceable on the licensee.

### 5.4 Essential Objectives

The Working Group noted that the essential objectives of each NRC regulation or program element required for compatibility or health and safety should be addressed by the Agreement State. The *essential objective* of a regulation or program element means the action that is meant to be accomplished by implementing and following the regulation or program element. In some instances, an essential objective may be a numerical value (e.g., restriction of exposures to a maximum value) or it may be a more general goal (e.g., access control to a restricted area). If the essential objectives are not readily apparent or discernible from a source such as the Statements of Consideration, the Working Group believes that the NRC and the States should determine the essential objectives cooperatively. The Working Group recommends that during development of a rule pursuant to Management Directive 6.3, "The Rulemaking Process," the essential objectives of each section of the rule should be identified.

## **5.5 Future NRC Regulations and Program Elements**

The Working Group believes that the development and assignment of the compatibility and health and safety component of any future NRC regulations or program elements applicable to the regulation of agreement materials should be coordinated with the Agreement States. To implement the assignment of compatibility or health and safety components of future NRC regulations, the Working Group recommends that Management Directive 6.3 should be revised to require staff to classify proposed regulations in accordance with proposed Management Directive 5.9. Part of this classification should be the identification of the essential objectives of each section of the regulation.

In order to facilitate early and substantive input on draft rulemaking and in accordance with Management Directive 6.3, the staff should use Handbook 5.9 to assign a proposed compatibility or health and safety component for each draft rulemaking plan when it is provided to Agreement States for comment. Also, as appropriate (i.e., for components 3.a, 3.a.S and 3.b\*), the essential objectives should be identified at this time. The staff should evaluate comments, incorporate them as appropriate, and describe the disposition of those comments when presenting the rulemaking plan to the Commission for approval.

## **6.0 PRODUCTS GENERATED BY THE WORKING GROUP**

### **6.1 Management Directive 5.9**

The Working Group developed a draft Management Directive that outlines the procedures to implement the Policy Statement in accordance with NRC's Management Directive system. The management directive and its handbook incorporate the recommendations of the Working Group, as prescribed in this report. The Management Directive is appended as Attachment 3.

### **6.2 Handbook 5.9**

The handbook to Management Directive 5.9 describes the criteria and the process that will be used to identify which Commission regulations and program elements should be needed for an adequate and compatible Agreement State Program. The complete handbook is appended as Attachment 4.

### **6.3 Classification of Program Elements and Regulations**

The results of the Work Group's analyses of NRC regulations and program elements using the classification criteria and process described in Parts II and III of Handbook 5.9 are documented in a revision to OSP Internal Procedure B.7, "Criteria for Compatibility Determinations." The revised version will be designated "Revision 1" and will be re-titled "Compatibility and Health and Safety Component Classifications for NRC Regulations and Program Elements." B.7 (Revision 1) should be maintained by OSP and updated at the time a new regulation or program element is adopted. Internal Procedure B.7 (Revision 1) is appended as Attachment 5.

## **7.0 NUMBER OF REGULATIONS REQUIRED UNDER THE POLICY STATEMENT COMPARED TO NUMBER REQUIRED UNDER PAST PROCEDURES**

An analysis was performed to determine the change in number of regulations required for compatibility under the new Policy Statement compared to the number of regulations required

for compatibility under past procedures. Overall, there is a decrease in the number of requirements for the Agreement States from 656 to 447 out of 1180. This represents a decrease from 56% of regulations required solely for compatibility to 38% of regulations required either for compatibility or health and safety purposes. This is a net decrease of approximately one-third.

No comparison can be made for program elements since these were not required for compatibility in the past.

The following table provides further details of these comparisons.

| Total | NEW CLASSIFICATION<br>Number of Regulations by Component |     |      |       |      |     |     | OLD CLASSIFICATION<br>Number of Regulations by Division |     |     |     |
|-------|----------------------------------------------------------|-----|------|-------|------|-----|-----|---------------------------------------------------------|-----|-----|-----|
|       | 1                                                        | 2   | 3.a. | 3.a.S | 3.b* | 3.b | NRC | 1                                                       | 2   | 3   | 4   |
| 1180  | 88                                                       | 105 | 138  | 5     | 111  | 600 | 133 | 298                                                     | 358 | 406 | 118 |

## 8.0 WORKING GROUP RECOMMENDATIONS

The Working Group recommends that its report, which includes:

- proposed revisions to the Policy Statement
- draft implementing procedures contained in draft Management Directive 5.9 and its associated handbook and OSP Internal Procedure B.7 (Revision 1)

be provided to the Agreement States and other interested parties for review and comment before the Policy Statement and implementing procedures are issued in final form.

## 9.0 ATTACHMENTS

Attachment 1



# Joint NRC-Agreement State Working Group for the Development of Implementation Procedures for the Adequacy and Compatibility Policy Statement

## CHARTER

### PURPOSE

A working group consisting of representatives from Agreement States and from the Nuclear Regulatory Commission (NRC) has been formed to respond to Commission direction in Staff Requirement Memorandum (SRM) dated June 29, 1995, which instructed staff to develop implementing procedures for the Policy Statement on Adequacy and Compatibility of Agreement State Programs (Policy Statement).

### BACKGROUND

On May 3, 1995, the staff submitted the "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," for Commission review and approval. In SRM dated June 29, 1995, the Commission disapproved implementing the Policy Statement until implementing procedures are finalized. In addition, the Commission recognized that some minor changes may result after the development of the implementing procedures and directed the staff to resubmit the Policy Statement, along with the implementing procedures, to the Commission for final approval. The staff was also directed to consider the comments on the Commissioners' vote sheets in carrying out these actions.

The Policy Statement establishes a basis for adequacy and compatibility determinations for Agreement State Programs. The Policy Statement indicates that the phrase, "adequate to protect the public health and safety," in Section 274, is synonymous with the phrase, "provides reasonable assurance of protection," for purposes of NRC's adequacy determination. An Agreement State radiation control program is adequate if administration of the program provides reasonable assurance of protection of the public health and safety. The level of protection provided by the elements of NRC's program is presumed to be that which is necessary to provide reasonable assurance of protection of the public health and safety.

The elements of an adequate program have been developed to reflect those which are essential to ensuring protection of the public health and safety, and are consistent with the elements which will be evaluated as common and non-common performance indicators under the Integrated Materials Performance Evaluation Program (IMPEP). The need for consistency with IMPEP was first identified by the Commission in SRM dated April 20, 1994, which was issued in response to "SECY-93-349 - Draft Policy Statement for Agreement State Adequacy and Compatibility." The SRM provided the following:

"At the conclusion of the pilot program on the use of common performance indicators (as identified in SECY-94-011) and following considerations of the public comments on the draft Policy Statement and, assuming that the idea of using common performance indicators is valid, the staff must reconcile the proposed elements of an adequate program with the common performance indicators."

In addition, SRM dated June 27, 1995, in response to "SECY-95-047 - Staff Analysis and Recommendations on the Integrated Materials Performance Evaluation Program," provided,

"The staff should assure, to the extent practicable, that the five performance indicators in SECY-95-047 are the same as those set forth in SECY-95-112 (proposed Policy Statement on Agreement State Adequacy and Compatibility) with the exception of the first element in the Policy Statement - Legislative and Legal Authority - which can be treated separately."

The Policy Statement identifies five essential elements which an Agreement State Program will be requested to implement for an adequacy finding:

1. Legislation and Legal Authority;
2. Licensing;
3. Inspection and Enforcement;
4. Personnel; and
5. Response to Events and Allegations.

The Policy Statement establishes that the level of protection provided by these elements in an Agreement State Program should be equivalent to, or more stringent than, the level of protection provided by the NRC regulatory program for a finding of adequacy. If the element is implemented in a manner different from the corresponding NRC element, the NRC would determine whether the overall level of protection of the public health and safety provided by the State program is equivalent to, or greater than, the level of protection provided by the NRC program.

The Policy Statement also modifies the approach for interpretation of the term "compatible" so that it is more consistent with the framework and intent of Section 274. The Policy Statement no longer treats the term "compatible" as being solely synonymous with the term "identical." Instead, the Policy Statement has a three component approach to the interpretation of the term "compatible" predicated on the basic assumption that the term "compatible" means consistent or harmonious. The Policy Statement indicates that an Agreement State radiation control program is compatible when its program does not create conflicts, duplication, or gaps and otherwise does not jeopardize an orderly pattern in the regulation of agreement materials on a national basis.

The Policy Statement recognizes that there are a limited number of requirements and elements of nuclear materials regulation that require a high degree of uniformity from State to State. The Policy Statement also reflects the position that, in most other cases, States would have flexibility to fashion their own programs and to adopt different requirements and elements, or to administer requirements and elements in a manner different from the NRC, to meet individual State needs or preferences. The Policy Statement identifies three basic components for determining Agreement State compatibility:

1. The Agreement State should adopt basic radiation protection standards, and the dose limits in 10 CFR 61.41, that are essentially identical to those of the Commission, unless federal statutes provide the State authority to adopt different standards. The term "basic radiation protection standards" means public dose

limits and radiation protection related concentration and release limits in 10 CFR Part 20 that are applicable to all licensees.

The State should also adopt, in an essentially identical form, a limited number of definitions, signs, labels, and scientific terms which are necessary for a common understanding of radiation protection principles among licensees, regulatory agencies, and members of the public.

2. The Agreement State should adopt regulations essentially identical to those of the NRC for those areas of regulation that are related to activities involving significant transboundary implications. It is the Commission's intent to limit this category to a small number of regulations (e.g., transportation requirements) that directly involve such activities.
3. For all other regulations and elements, the Commission will apply the following approach:
  - a. The Agreement State should adopt and implement essential objectives of certain Commission regulations and program elements (e.g., reciprocity procedures) that are important for an Agreement State to have in order to avoid conflicts, duplications, gaps, or other conditions which jeopardize an orderly pattern in the regulation of agreement material on a national basis. Such Agreement State regulations or program elements need not be identical to the corresponding Commission regulations or program elements; in a few cases, however, Agreement State regulations must be at least as stringent as that of the Commission.
  - b. The Agreement State should have flexibility to adopt and implement Commission regulations and program elements, in addition to those necessary to maintain compatibility, as identified in 1, 2, and 3.a. above; and
  - c. An Agreement State may adopt and implement other regulations and elements within the State's jurisdiction that are not addressed by NRC.

All regulations and elements covered under this third component must be compatible with those of the Commission (i.e., must not create conflict, duplication, gaps, or other conditions which jeopardize an orderly pattern in the regulation of agreement material on a national basis). In addition, regulations covered under this third component should not be adopted or implemented in such a manner that the State:

- d. precludes, or effectively precludes, a practice within the national interest without an adequate public health and safety or environmental basis related to radiation protection; or
- e. precludes, or effectively precludes, the ability of the Commission to evaluate the effectiveness of the NRC and Agreement State Programs for agreement material with respect to protection of public health and safety.

Finally, to foster and enhance a coherent and consistent national program for the regulation of agreement material, the Commission encourages Agreement States to adopt and implement similar regulations and program elements which are patterned

after those adopted and implemented by the Commission.

## SCOPE OF WORK

The common and non-common performance indicators of the Integrated Materials Performance Evaluation Program (IMPEP) are tied to the adequacy component under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs." The efforts of the Working Group will also reflect experience obtained through the interim implementation of IMPEP to ensure ease of application for the Policy Statement implementing procedures when used to conduct Agreement State program reviews. In developing implementing procedures for the Policy Statement, the Working Group will analyze Commission program elements and regulations and determine which program elements and regulations should be identical and which program elements and regulations an Agreement State should incorporate into its program, but may incorporate in a manner different from the NRC, i.e., assign each to a compatibility component, as necessary.

## TASKS

In development of the implementing procedures for the "Policy Statement on Adequacy and Compatibility of Agreement State Programs," the Working Group will be performing the following tasks:

1. Identification of program elements (excludes regulations) which should be considered as being necessary for compatibility.
2.
  - A. Analyze each NRC regulation applicable to the regulation of certain Atomic Energy Act (AEA) materials (those covered by an AEA 274b Agreement) and determine the compatibility component to be assigned to each, as necessary.
  - B. Analyze each program element identified in 1 above, and determine the compatibility component to be assigned to each, as necessary.
3. Develop draft implementing procedures for the Policy Statement which address the following:
  - A. Regulations necessary for compatibility by Agreement States which should be adopted by the States with an effective date as soon as possible after adoption by NRC, but in no case later than three (3) years following the effective date of the NRC final rule.
  - B. Program elements (other than regulations) that are needed for compatibility by Agreement States within six months of notification by NRC. However, if adoption of such an element requires public notice and comment pursuant to an Agreement State's Administrative Procedures Act, the NRC and the State will establish a mutually acceptable adoption date.
  - C. Regulations and program elements that are reserved solely to NRC and may not be adopted by the States.
  - D.
    - i. Development of Commission-approved guidance for when an Agreement State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. The guidance will provide that in such cases the State would need to commit to adopt the regulation to



impose the regulation through license conditions or through other legally binding measures, if an application for that type of license were to be received by the State.

- ii. Development of Commission-approved guidance for when an Agreement State may adopt and implement regulatory requirements for specific classes of licensees, through imposition of the requirement as a license condition or through other legally binding requirements (e.g. orders), instead of formal regulations. The guidance will provide that basic radiation protection standards in 10 CFR Part 20 and other regulations applicable to all licensees that are necessary for compatibility should be adopted by regulation.

- E. Recommend modifications, including any additional areas that should be covered under IMPEP, as necessary, based upon completed implementing procedures.

#### MAJOR MILESTONES

| Date               | Milestone                                                                  |
|--------------------|----------------------------------------------------------------------------|
| December 1, 1995   | Task 1 complete                                                            |
| January 5, 1996    | Task 2 complete                                                            |
| February 21, 1996  | Brief OAS Executive Committee in preparation for briefing of Commissioners |
| March 15, 1996     | Tasks 3A, B, and C complete                                                |
| April 1996         | WG Meeting                                                                 |
| May 1, 1996        | First draft of WG report                                                   |
| July 1, 1996       | Tasks 3D and 3E complete                                                   |
| August 1, 1996     | Finalize WG report and WG meeting                                          |
| August 10, 1996    | WG report to OSP                                                           |
| September 30, 1996 | Transmittal of SECY to Commission                                          |

## COMMITTEE ORGANIZATION AND OPERATIONS

Cardelia H. Maupin, NRC, OSP, and Robert R. Kulikowski, New York City have been selected as co-chairs by the NRC and Agreement States, respectively. Other members are Aubrey Godwin, Arizona; Roland Fletcher, Maryland; Hampton Newsome, NRC, Office of General Counsel (OGC); John Telford, NRC, Office of Nuclear Regulatory Research (RES); Richard Woodruff, NRC, Region II; and Paul Lohaus, NRC, OSP will serve as a resource person.

The Working Group collectively will be responsible for developing a work plan, monitoring progress, preparing drafts and developing the implementing procedures. Logistical and travel support for Working Group meetings, including travel and per diem expenses for Agreement State members, will be provided by the NRC.

## COMMITTEE MEETINGS

Working Group meetings will be announced in advance through the NRC Public Meeting Notice System. Maximum use will be made of other appropriate media for facilitating interaction with the Working Group, e.g., conference calls, facsimiles, and electronic mail. Working Group meetings will be open to the public and will be held in the Washington, DC area, or other locations as agreed upon by the Working Group members. Persons attending Working Group meetings will be welcome to provide comments to the Working Group for its consideration in either written form or orally at times specified by the Working Group co-chairs.



Attachment 2

Revisions Recommended to the

Final Policy Statement  
on  
Adequacy and Compatibility of Agreement State Programs

by

The Joint NRC-Agreement State Working Group  
for  
Development of Implementing Procedures

August 21, 1996

Key:

Text to be deleted is indicated by ~~strikeout~~.

Text to be inserted is indicated by redline.

## POLICY STATEMENT ON ADEQUACY AND COMPATIBILITY OF AGREEMENT STATE PROGRAMS

### PURPOSE

This Policy Statement presents the Nuclear Regulatory Commission's policy for the determination of the adequacy and compatibility of Agreement State programs established pursuant to Section 274 of the Atomic Energy Act (AEA) of 1954, as amended. This Policy Statement is intended to clarify the meaning and use of the terms "adequate to protect the public health and safety" and "compatible with the Commission's regulatory program" as applied to the Agreement State program. The Policy Statement also describes the general framework that the Commission will use in determining those NRC elements<sup>1</sup> that Agreement State programs should implement to be adequate to protect the public health and safety and to be compatible with the Commission's program. Finally, the Policy Statement reflects principles discussed in the Commission's Statement of Principles and Policy for the Agreement State Program which should be considered in conjunction with this Policy Statement.

This Policy Statement is intended solely as guidance for the Commission and the Agreement States in the implementation of the Agreement State program. This Policy Statement does not itself impose legally binding requirements on the Agreement States. In addition, nothing in this Policy Statement expands the legal authority of Agreement States beyond that already granted to them by Section 274 of the Atomic Energy Act and other relevant legal authority. Implementation procedures adopted pursuant to this Policy Statement shall be consistent with the legal authorities of the Commission and the Agreement States.

### BACKGROUND

The terms "adequate" and "compatible" constitute core concepts in the Agreement State program authorized in 1959 by Section 274 of the Atomic Energy Act of 1954, as amended (AEA). Subsection 274d. states that the Commission shall enter into an Agreement under subsection b., discontinuing NRC's regulatory authority over certain materials in a State, provided that the State's program is adequate to protect the public health and safety and compatible, in all other respects, with the Commission's regulatory program. Subsection 274g. authorizes and directs the Commission to cooperate with States in the formulation of standards to assure that State and Commission standards will be coordinated and compatible. Subsection 274j.(1) requires the Commission to review periodically the Agreements and actions taken by States under the Agreements to ensure compliance with provisions of Section 274. In other words, the Commission must review the actions taken by States under the Agreements to ensure that the programs continue to be adequate to protect public health and safety and compatible with the Commission's program.

Section 274 of the AEA requires that Agreement State programs be both "adequate to protect the public health and safety" and "compatible with the Commission's program." These separate findings should be based on consideration of two different objectives. First, an

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<sup>1</sup> For the purposes of this Policy Statement, "program element" or "element" means any component or function of a radiation control regulatory program that contributes to implementation of that program including regulations adopted and promulgated.

Agreement State program should provide for an acceptable level of protection for public health and safety in an Agreement State (the "adequacy" component). Secondly, the Agreement State program should also ensure that its program serves an overall national interest in radiation protection (the "compatibility" component). As discussed in more detail below, an "adequate" program should consist of those regulations and program elements deemed necessary to maintain an acceptable level of protection of the public health and safety within an Agreement State. A "compatible" program should consist of those regulations and program elements deemed necessary by the Commission to meet a larger national interest in radiation protection. The requirements for adequacy focus on the protection of public health and safety within a particular State, whereas the requirements for compatibility focus on the effects of State action or inaction either on the regulation of agreement materials on a national basis or on other States.

#### A. ADEQUACY

An Agreement State's radiation control program is adequate to protect the public health and safety if administration of the program provides reasonable assurance of protection of the public health and safety in regulating the use of source, byproduct, and small quantities of special nuclear material (hereinafter "agreement material") as identified by Section 274b. of the AEA. A State radiation control program for agreement material should contain five essential elements necessary to provide reasonable assurance of protection of the public health and safety. The overall level of protection of public health and safety provided by the elements of a State program should be equivalent to, or more stringent than, the level of protection provided by the NRC program. The level of protection provided by the elements of NRC's program is presumed to be that which is necessary to provide reasonable assurance of protection of the public health and safety.

The Commission will use the five elements, identified below, to define the scope of its reviews of Agreement State programs. The Commission will also consider, when appropriate, other aspects of an Agreement State program, such as elements or regulations, which appear to affect the program's ability to provide reasonable assurance of public health and safety protection. Such consideration will occur only if concerns arise.

#### 1. LEGISLATION AND LEGAL AUTHORITY

State statutes should:

- a. authorize the State to establish a program for the regulation of agreement material and provide authority for the assumption of regulatory responsibility under an Agreement with the NRC;
- b. authorize the State to promulgate regulatory requirements necessary to provide reasonable assurance of protection of the public health and safety;
- c. authorize the State to license, inspect, and enforce legally binding requirements such as regulations and licenses; and

- d. be otherwise consistent with Federal statutes, as appropriate, such as Public Law 95-604, The Uranium Mill Tailings Radiation Control Act (UMTRCA).

In addition, the State should have existing legally enforceable measures such as generally applicable rules, license provisions, or other appropriate measures, necessary to allow the State to ensure adequate protection of the public health and safety in the regulation of agreement materials in the State. Specifically, Agreement States should adopt a limited number of Commission regulations because of the particular health and safety significance of these rules. In adopting these regulations, Agreement States should impose requirements that are at least as stringent as those of the Commission.

## 2. LICENSING

The State should conduct appropriate evaluations of proposed uses of agreement material, before issuing a license, to assure that the proposed licensee's operations can be conducted safely. Licenses should provide for a reasonable assurance of public health and safety protection in relation to the licensed activities.

## 3. INSPECTION AND ENFORCEMENT

The State should periodically conduct inspections of licensed activities involving agreement material to provide reasonable assurance of safe licensee operations and to determine compliance with its regulatory requirements. When necessary, the State should take timely enforcement action against licensees through legal sanctions authorized by State statutes and regulations.

## 4. PERSONNEL

The State should be staffed with a sufficient number of qualified personnel to implement its regulatory program for the control of agreement material.

## 5. RESPONSE TO EVENTS AND ALLEGATIONS

The State should respond to, and conduct timely inspections or investigations of incidents, reported events, and allegations involving agreement material to ensure continuing reasonable assurance of protection of the public health and safety.

## B. COMPATIBILITY

An Agreement State radiation control program is compatible with the Commission's regulatory program when its program does not create conflict, duplication, gaps, or other conditions which jeopardize an orderly pattern in the regulation of agreement material on a national basis. In implementing this approach to compatibility, the Commission will use the following three component approach:



1. The Agreement State should adopt basic radiation protection standards, and the dose limits in 10 CFR 61.41<sup>2</sup>, that are essentially identical to those of the Commission, unless Federal statutes provide the State authority to adopt different standards. The term "basic radiation protection standards" means public dose limits and radiation protection related concentration and release limits in 10 CFR Part 20 that are applicable to all licensees.

The Agreement State should also adopt, in an essentially identical form, a limited number of definitions, signs, labels and scientific terms which are necessary for a common understanding of radiation protection principles among licensees, regulatory agencies, and members of the public.

2. The Agreement State should adopt regulations essentially identical to those of the NRC Commission for those areas of regulation that are related to activities involving significant transboundary implications. It is the Commission's intent to limit this category to a small number of regulations (e.g., transportation requirements) that directly involve such activities.

3. For all other regulations and elements, the Commission will apply the following approach:

- a. The Agreement State should adopt and implement essential objectives of certain Commission regulations and program elements (e.g., reciprocity procedures) that are important for an Agreement State to have in order to avoid conflicts, duplications, gaps, or other conditions which jeopardize an orderly pattern in the regulation of agreement material on a national basis. Such Agreement State regulations or program elements need not be identical to the corresponding Commission regulations or program elements; in a few cases involving specific statutory direction, however, Agreement State regulations must should be at least as stringent as that those of the Commission;
- b. The Agreement State should have flexibility to adopt and implement Commission regulations and program elements in addition to those necessary to maintain compatibility, as identified in B.1, B.2, and B.3.a above; and
- c. An Agreement State may adopt and implement other regulations and elements within the State's jurisdiction that are not addressed by NRC.

All regulations and elements covered under this third component must should be compatible with those of the Commission (i.e., must should not create conflict,

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<sup>2</sup> The Commission intends to implement this component consistent with its earlier decision in the LLW area to allow Agreement States flexibility to establish pre-closure operational release limit objectives, ALARA goals or design objectives at such levels as the State may deem necessary or appropriate, so long as the level of protection of public health and safety is equivalent to that afforded by the Commission.

duplication, gaps, or other conditions which jeopardize an orderly pattern in the regulation of agreement material on a national basis).

In addition, Agreement State regulations or program elements covered under this third component should not be adopted or implemented in such a manner that the State:

- ~~1d.~~ precludes, or effectively precludes, a practice<sup>3</sup> within the national interest without an adequate public health and safety or environmental basis related to radiation protection; or
- ~~1e.~~ precludes, or effectively precludes, the ability of the Commission to evaluate the effectiveness of the NRC and Agreement State programs for agreement material with respect to protection of public health and safety.

~~Finally,~~ To foster and enhance a coherent and consistent national program for the regulation of agreement material, the Commission encourages Agreement States to adopt and implement similar regulations and program elements which are patterned after those adopted and implemented by the Commission. ~~Finally,~~ the fact that an Agreement State's program is compatible with that of the Commission does not affect that State's obligation to maintain an adequate program as described in this Policy Statement.

By adopting the criteria for adequacy and compatibility as discussed in this Policy Statement the Commission intends to provide Agreement States with a broad range of flexibility in the administration of an individual program. In doing so, the Commission seeks to allow Agreement States to fashion their programs so as to reflect specific State needs and preferences. The Commission intends to minimize the number of NRC regulatory requirements that the Agreement States will be requested to adopt in an identical manner as a result of the compatibility components. At the same time, these compatibility components will allow the Commission to ensure that an orderly regulatory pattern for the regulation of agreement material exists across the country. The Commission believes that this approach achieves a proper balance between the desire for Agreement State flexibility and the need for coherent regulation of agreement material across the country.

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<sup>3</sup> "Practice" means a use, procedure, or activity associated with the application, possession, use, storage, or disposal of agreement material. The term "practice" is used in a broad and encompassing manner in this Policy Statement. The term encompasses both general activities involving use of radioactive materials such as industrial and medical uses and specific activities within a practice such as industrial radiography and brachytherapy.

Attachment 3

**Adequacy and Compatibility  
of  
Agreement State Programs**

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**Directive  
5.9**

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**Volume 5, Governmental Relations and Public Affairs  
Adequacy and Compatibility of  
Agreement State Programs  
Directive 5.9**

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## **Adequacy and Compatibility of Agreement State Programs Directive 5.9**

### **Policy** (5.9-01)

It is the policy of the U.S. Nuclear Regulatory Commission to evaluate Agreement State Programs established pursuant to Section 274 of the Atomic Energy Act (AEA) of 1954, as amended, for adequacy to protect public health and safety and compatibility with NRC's regulatory program.

### **Objectives** (5.9-02)

- To establish the process NRC staff will follow to determine when a proposed or final Commission regulation or program element should be adopted as a legally binding requirement by an Agreement State program and whether adoption is required for the purposes of compatibility or health and safety as set out in the Policy Statement on Adequacy and Compatibility of Agreement State Programs. (1)
- To identify Commission regulations and program elements that must be implemented as legally binding requirements by an Agreement State to maintain a program that is adequate to protect public health and safety and compatible with NRC's regulatory program. (2)
- To describe how NRC staff should apply provisions of the policy statement to current and future Agreement State regulations and program elements. (3)



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**Organizational Responsibilities and**  
**Delegation of Authority**  
(5.9-03)

**Executive Director for Operations (EDO)**  
(031)

Oversees the program to evaluate adequacy and compatibility of Agreement State programs.

**Director, Office of State Programs (OSP)**  
(032)

- Reviews the adequacy and compatibility of Agreement State programs through the Integrated Materials Performance Evaluation Program (Management Directive 5.6). (a)
- Reviews, evaluates and determines, in coordination with other NRC offices, program elements that are needed in Agreement State programs for compatibility or adequacy. (b)
- Assists in the review, evaluation, and determination of NRC regulations needed by Agreement States for compatibility or health and safety. (c)
- Coordinates, with other NRC offices, the review of Agreement State regulations and program elements. (d)

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### OSP

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#### Office of the General Counsel (033)

- Assists in the review, evaluation, and determination of NRC program elements and regulations needed for compatibility or health and safety. (a)
- Advises staff on findings regarding the adequacy and compatibility of Agreement State regulations and program elements. (b)

#### Director, Office of Nuclear Regulatory Research (RES) (034)

- Provides review, evaluation, and determination of NRC regulations needed by Agreement States for compatibility or health and safety. (a)
- Assists in the review, evaluation, and determination of program elements needed by Agreement States for compatibility or health and safety. (b)

#### Director, Office of Nuclear Material Safety and Safeguards (NMSS) (035)

Assists in the review, evaluation, and determination of NRC program elements and regulations needed for compatibility or health and safety.

#### Director, Office for Analysis and Evaluation of Operational Data (AEOD) (036)

Assists in the review, evaluation, and determination of NRC program elements and regulations needed for compatibility or health and safety.

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**Regional Administrators**  
(037)

Assists in the review, evaluation, and determination of NRC program elements and regulations needed for compatibility or health and safety.

**Applicability**  
(5.9-04)

The policy and guidance in this directive and handbook apply to all NRC employees who are responsible for and participate in the review and evaluation of Agreement State regulatory programs or are involved in development and promulgation of NRC regulations or program elements for byproduct, source, and special nuclear materials.

**Handbook**  
(5.9-05)

Handbook 5.9 describes the criteria and the process that will be used to determine the compatibility and health and safety components for Commission regulations and program elements needed for an adequate and compatible Agreement State program.

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**References**

(5.9-06)

*Title 10 of the Code of Federal Regulations*

Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)."

"Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," dated [insert effective date].

"Final 'Statement of Principles and Policy for the Agreement State Program' and 'Procedures for Suspension and Termination of an Agreement State Program,' " dated [insert effective date].

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Attachment 4

**Adequacy and Compatibility  
of  
Agreement State Programs**

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**Handbook  
5.9**

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Volume 5, Governmental Relations and Public Affairs  
Adequacy and Compatibility of Agreement State Programs  
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## APPENDIX

Appendix A                      Flow Chart

## **Part I**

### **Introduction**

#### **Overview (A)**

The Policy Statement on Adequacy and Compatibility of Agreement State Programs (Policy Statement) 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 ensure adequate protection of public health and safety. This handbook describes the criteria and process to determine those NRC regulations and program elements that should be adopted and implemented by an Agreement State for purposes of compatibility, as well as for purposes of health and safety. It further describes how NRC staff is to apply the provisions of the Policy Statement to current and future Agreement State regulations and program elements.

#### **Policy Statement on Adequacy and Compatibility of Agreement State Programs (B)**

An Agreement State radiation control program is compatible with the Commission's regulatory program when the State program does not create conflict, duplication, gaps, or other conditions that jeopardize an orderly pattern in the regulation of agreement material on a national basis. As a general matter, compatibility focuses primarily on the potential effects of State action or inaction either on the regulation of agreement material on a national basis or on other States. The concept of compatibility does not, however, directly address matters of health and safety within a particular Agreement State; such matters are addressed directly under adequacy. Further, basic radiation protection standards and regulations with transboundary implications, although important for health and safety within the State, should be uniform nationwide for compatibility purposes. (1)

An Agreement State radiation control program is adequate to protect public health and safety if administration of the program provides reasonable assurance of protection of public health and safety in regulating the use of source, byproduct, and small quantities of special nuclear material as identified by Section 274b. of the AEA. A subset of one of the five elements identified to help provide such reasonable assurance is legally binding requirements addressing protection of public health and safety within the State. (2)

Based on the Policy Statement, NRC regulations and program elements can be categorized into four components, three of which address compatibility and one of which addresses health and safety. These are summarized below. (3)

### **Compatibility Component 1 (a)**

NRC regulations and program elements classified as Component 1 are those that deal with basic radiation protection standards and with scientific terms and definitions that are necessary to understand these concepts. The language of such regulations and program elements adopted by an Agreement State should be essentially identical to provide uniformity in the regulation of agreement material on a national basis.

### **Compatibility Component 2 (b)**

NRC regulations and program elements classified as component 2 are those that apply to activities that have direct and significant transboundary implications. An Agreement State should adopt regulations that have language that is essentially identical to that of NRC.

### **Compatibility Component 3 (c)**

NRC regulations and program elements that are classified as Component 3 are those, the essential objectives of which an Agreement State should adopt to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a national basis. Such Agreement State regulations or program elements need not be identical to the corresponding Commission regulations or program elements (Component 3.a); in a few cases, however, Agreement State regulations must be at least as stringent as those of the Commission (Component 3.a.S). All other NRC regulations and program elements that are not classified as Component 1, 2, 3.a, or 3.a.S are not required for compatibility purposes (Component 3.b).

### **Health and Safety Component 3.b\* (d)**

NRC regulations and program elements classified as Component 3.b\* are those that are not required for compatibility by the criteria of the Policy Statement, but that have a health and safety role in the regulation of agreement material within the State. Because of health and safety considerations, the State should adopt regulations and program elements in this component that are at least as stringent as those of NRC.

## Part II

### Criteria for Component Classification

Several criteria and definitions are necessary to determine the compatibility or health and safety component of NRC regulations and program elements. These are established in this part and are to be used in conjunction with the series of questions in Part III and the flow chart in Appendix A.

#### Definition (A)

The *essential objective* of a regulation or program element means the action that is to be accomplished by implementing and following the regulation or program element. In some instances, the essential objective may be a numerical value (e.g., restriction of exposures to a maximum value) or it may be a more general goal (e.g., access control to a restricted area).

#### Criteria (B)

##### Compatibility Component 1 (1)

To be classified as Component 1, an NRC regulation is to be applicable to all licensees and is to be a dose limit or a related concentration or release limit (basic radiation protection standard), a scientific term, definition, sign, or label that is necessary to understand basic radiation protection principles. (a)

Examples include, but are not necessarily limited to: (b)

- public dose limits (e.g., 10 CFR 20.1301) plus any regulation that directly relates to these dose limits (i)
- concentration and release limits (ii)
- occupational dose limits (e.g., 10 CFR 20.1201) plus any regulation that directly relates to these dose limits (iii)
- dose limits in 10 CFR 61.41 (iv)
- radiation symbol (v)
- caution signs and labels (vi)
- scientific terms (e.g., conventional and Systeme Internationale units, definitions of types of radioactive material) (vii)
- definitions needed for common understanding (e.g., restricted area, year, stochastic) (viii)

### Compatibility Component 2 (2)

To be classified as Component 2, an NRC regulation or program element is to be one that applies to activities that have significant effects in multiple jurisdictions. (a)

Examples include, but are not necessarily limited to: (b)

- transportation requirements (e.g., low level radioactive waste manifests, packaging requirements) (i)
- requirements for approval of products that are distributed nationally (e.g., sealed sources and devices) (ii)
- definitions of products (e.g., sources and devices) that licensees routinely transport in multiple jurisdictions. (iii)

### Compatibility Component 3.a (3)

To be classified as Component 3.a, an NRC regulation or program element is to be one, the essential objective of which an Agreement State should adopt to avoid conflict, duplication, or gaps in the regulation of agreement material on a national basis and that, if not adopted, would result in an undesirable consequence. (a)

The following definitions of conflict, duplication and gap and the examples of undesirable consequences provide additional guidance for classifying regulations or program elements as Compatibility Component 3.a. (b)

- *Conflict* means the essential objectives of regulations or program elements are different and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement material on a national basis. (i)
- *Duplication* means identical regulations or program elements apply to the same material at the same time. Note: this definition applies primarily to review of Agreement State regulations. (ii)
- *Gap* means the essential objectives of NRC regulations or program elements are absent from the Agreement State program and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement materials on a national basis. (iii)

Examples of undesirable consequences include, but are not necessarily limited to: (c)

- exposure to an individual in a different jurisdiction in excess of the basic radiation protection standards established for compatibility under Component 1, above; (i)

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- undue burden on interstate commerce (e.g., additional recordkeeping or training requirements); (ii)
- preclusion of an effective review or evaluation by the Commission of the NRC and Agreement State programs for agreement material with respect to protection of public health and safety; (iii)
- preclusion of a practice in the national interest; (iv)
- absence or impairment of effective communication; (v)
- lack of minimum level of safety for agreement material - containing products distributed nationally; (vi)
- disruption of the regulation of agreement materials on a national basis. (vii)

Examples of regulations in this component include, but are not necessarily limited to: (d)

- reports of lost or stolen agreement material or misadministrations (i)
- radiation surveys for industrial radiographers and well-loggers (ii)
- documents and records required at temporary job sites. (iii)

#### Compatibility Component 3.a.S (4)

To be classified in Component 3.a.S, the NRC regulation or program element is to be one that is promulgated pursuant to a statute where the Agreement State must establish requirements that are at least as restrictive as those of the NRC. (a)

Examples include, but are not necessarily limited to, NRC regulations adopted pursuant to: (b)

- the federal Clean Air Act (i)
- the Uranium Mill Tailings Radiation Control Act. (ii)

#### Compatibility Component 3.b (5)

To be classified as Component 3.b, an NRC regulation or program element is to be one that does not meet any of the criteria of Components 1, 2, 3.a, or 3.a.S, above. (a)

#### Health and Safety Component 3.b\* (6)

To be classified as Component 3.b\*, the NRC regulation or program element is to be one that is not required for compatibility and could result directly (i.e., 2 or fewer failures<sup>1</sup>) in an exposure

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<sup>1</sup> The concept embodied by "2 or fewer failures" is that if the essential objectives of the regulation were not adopted and implemented in a legally binding manner, then an event could occur that would not have taken place were the essential objectives adopted. This alone, or in conjunction with at most one other event, could result in exposure of an individual in excess of limits set by basic radiation protection standards.

to an individual in excess of the basic radiation protection standards identified in Component 1 if its essential objectives were not adopted by an Agreement State as an LBR. (a)

Examples of such regulations include, but are not necessarily limited to: (b)

- requirement for irradiator interlocks (i)
- safety checks for medical teletherapy facilities (ii)
- package opening procedures. (iii)

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### Part III

## Component Classification Process for NRC Regulations and Program Elements

The protocol to be used to assign the compatibility or health and safety component to NRC regulations and program elements is diagramed in the flow chart in Appendix A. The basis of the flow chart is a series of questions that are listed below. Each program element and regulation is to be tested by asking the series of questions below in the order given. The answers to these questions determine the compatibility or health and safety component for each NRC regulation or program element. (A)

- Question (1) Do the essential objectives of the regulation or program element address a regulatory area reserved solely to the authority of the NRC? If the response to the question is 'yes', the compatibility component is "NRC." If the response to the question is 'no', then proceed to Question (2). (1)
- Question (2) Do the essential objectives of the regulation or program element address or define a basic radiation protection standard as defined by the Policy Statement or is it a definition, term, sign, or symbol needed for a common understanding of radiation protection principles? If the response to this question is 'yes', the compatibility component is "1." If the response to the question is 'no', then proceed to Question (3). (2)
- Question (3) Do the essential objectives of the regulation or program element address or define an issue that has a significant, direct transboundary implication? If the response to this question is 'yes', the compatibility component is "2." If the response to the question is 'no', then proceed to Question (4). (3)
- Question (4) Do the essential objectives of the regulation or program element address or define an issue related to UMTRCA, the federal Clean Air Act, or other statute that requires states to adopt regulations that are at least as stringent as NRC? If the response to this question is 'yes', the compatibility component is "3.a.S." If the response to the question is 'no', then proceed to Question (5). (4)
- Question (5) Would the absence of the essential objectives of the regulation or program element from an Agreement State program create a conflict or gap? If the response to this question is 'yes', the compatibility component is "3.a.". If the response to the question is 'no', then proceed to Question (6). (5)

Question (6) Would the absence of the essential objectives of the regulation or program element from an agreement state program create a situation that could directly result in exposure to an individual in excess of the basic radiation protection standards found in compatibility component 1? If the response to the question is 'no', then the compatibility component is "3.b." If the response to this question is 'yes', the health and safety component is "3.b\*." (t)

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Approved: (Date)

## **Part IV**

### **Applicability to NRC Regulations and Program Elements**

#### **Current NRC Regulations and Program Elements (A)**

The compatibility and health and safety components assigned to current Commission regulations and program elements that are applicable to the regulation of agreement materials are found in OSP Internal Procedure B.7 (Revision 1), "Compatibility and Health and Safety Component Classifications for NRC Regulations and Program Elements." B.7 will be updated periodically as final rules are published.

#### **Future NRC Regulations and Program Elements (B)**

The compatibility or health and safety classification of a proposed rule is to be suggested at the time the rulemaking plan is formulated and is to be coordinated with the Agreement States in accordance with Commission approved guidance in Management Directive 6.3, "The Rulemaking Process." Staff is to use Management Directive 5.9 to assign a proposed compatibility or health and safety component to each draft rulemaking plan. OSP Internal Procedure B.7 (Revision 1) will be revised to incorporate the results of these determinations after the final rule or program element is adopted. (1)

## **PART V**

### **Applicability to Agreement State Regulations and Program Elements**

#### **Current Agreement State Regulations and Program Elements (A)**

NRC regulations that had not been required for compatibility according to OSP Internal Procedure B.7, "Criteria for Compatibility Determinations," but are required under the new Policy Statement should be adopted by the States with an effective date within three years of the effective date of the Policy Statement and implementing procedures. (1)

NRC regulations that had been required for compatibility according to B.7, but will not be required under the Policy Statement do not require any action by the States. (2)

In addition to the foregoing, if an Agreement State's regulations had been evaluated using OSP Internal Procedure B.7, and NRC's program review procedures prior to the effective date of the Policy Statement and found: (3)

- to be compatible, then no further action is required by the State; (a)
- to be not compatible, then the incompatible regulation should be changed to conform to the Policy as expeditiously as possible, but not later than three years after the Policy's effective date; (b)
- not to have adopted a regulation still required by the Policy, then the regulation should be adopted as expeditiously as possible, but not later than three years after the Policy's effective date or other date set by the Commission. (c)

Program elements had not been required previously. Those program elements required under the new Policy Statement should be adopted and implemented by the States within six months of the effective date of the Policy Statement and implementing procedures. If, due to other factors, an Agreement State cannot adopt and implement such a program element within the six month time frame, then the State and the Commission will agree upon a mutually acceptable timetable for adoption and implementation. (4)

#### **Future Agreement State Regulations and Program Elements (B)**

##### **General (1)**

Any changes to Agreement State regulations after the effective date of the Policy Statement are to conform to the Policy Statement and implementing procedures set out in this handbook.



### **Future Regulations (2)**

Proposed and final Agreement State regulations for agreement materials that will be submitted to the NRC will be reviewed in accordance with guidance provided in OSP Internal Procedures, D.7, "Reviewing State Regulations" and B.7 (Revision 1), "Compatibility and Health and Safety Component Assignments for NRC Regulations and Program Elements." Results of the evaluation will be transmitted to the State in accordance with OSP internal procedures. *Note:* The overall determination of the adequacy and compatibility of individual Agreement State programs will be made in accordance with Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)."

### **Future New or Changed Program Elements (3)**

NRC staff will review the adoption and implementation of any new or revised program element by an Agreement State in accordance with the Integrated Materials Performance Evaluation Program review procedures set out in Management Directive 5.6 at the time of the next regularly scheduled review.

### **Evaluation of Applications for Agreement State Status (C)**

NRC staff will apply the compatibility and health and safety classification criteria in this handbook when reviewing the regulations and program elements contained in applications for Agreement State status submitted after the effective date of the Policy Statement.

## **PART VI**

### **Additional Implementing Issues**

#### **Use of Management Directive 5.9 and Handbook 5.9 (A)**

For IMPEP reviews of States in accordance with Management Directive 5.6, NRC staff will use Management Directive 5.9 to assess the status of the State's regulations and program elements with respect to those that should be adopted for compatibility and for health and safety reasons. Specific Agreement State regulations will be assessed as they are submitted by the State and a summary report will be provided to the IMPEP team at the time of the State's next program review. However, the overall determination of adequacy and compatibility of individual Agreement State programs will be made in accordance with Management Directive 5.6, "Integrated Materials Performance Evaluation Program."

#### **Essential Objectives (B)**

The essential objective of each NRC regulation or program element required for compatibility or for health and safety reasons should be addressed by the Agreement State. If the essential objective is not readily apparent or discernible from a source such as the Statements of Consideration or rulemaking plan, NRC and the States should determine the essential objective cooperatively.

#### **Essentially Identical Language (C)**

Certain regulations required for compatibility should be adopted by Agreement States in identical or essentially identical language. If language is used by an Agreement State that differs in any significant respect from that used in NRC regulations, the State should justify the equivalency of the language. An example of such language substitution that would not be considered significant would be use of the term "deterministic" in place of the term "non-stochastic." In this case, the former term is one commonly accepted in the international radiation protection community. Further, the adoption by States of more recent technical information (e.g., with respect to reference man) is to be viewed as being essentially identical. Finally, changes to reflect increased scope of State authority (e.g., use of the term "radioactive material" in place of the term "byproduct material") or wording needed to conform to State administrative procedures (e.g., use of State agency name in place of "Commission") also would not be considered significantly different.

#### **Number of Licensees Warranting Development of Regulations (D)**

There are general situations where an Agreement State would not be expected to address one or more required regulations or program elements: (1) the State does not have legal authority to

regulate the activity or (2) the State has the legal authority to regulate, but has no licensees or applicants that engage, or propose to engage, in the regulated activity. (1)

In general, if an Agreement State does not have any licensees that would be subject to a particular NRC regulation determined to be required for purposes of compatibility or health and safety, the State is not required to adopt or address NRC's regulation. However, if a State were to acquire such a licensee, then the provisions of the Policy Statement would be invoked and would have to be implemented as described in this handbook. Similarly, if the State does not have the authority to regulate in a given area there would be no requirement to adopt or address NRC regulations or program elements in that area for purposes of compatibility or health and safety. (2)

Rules designated as required for compatibility or health and safety should be addressed by Agreement States as regulations rather than as an alternative LBR in the following circumstances: (3)

- the requirement is generally applicable to all licensees; (a)
- the requirement is applicable to UMTRCA and LLRW disposal facilities, regardless of the number of licensees regulated by the State; or (b)
- there are four or more materials licenses in the State that would be subject to the regulation. (c)

Otherwise, the Agreement State may address the essential objective of the NRC rule in any manner that is legally binding and enforceable on the licensee. (4)

### Time Frames for Adoption (E)

Commission regulations that should be adopted by an Agreement State for purposes of compatibility or health and safety should be adopted by the State in a timeframe such that the effective date of the State regulation is not later than three years after the effective date of NRC's final rule. Certain circumstances (e.g., adoption of a basic radiation protection standard or other rule that will have significant impact on the regulation of agreement material on a national basis, such as the low-level radioactive waste manifest) may warrant that the effective date for both NRC licensees and Agreement State licensees be the same. In some cases, with sufficient justification, health and safety considerations may warrant adoption by the States in less than the recommended three year time frame. (1)

Program elements that have been designated as necessary for maintenance of an adequate and compatible program should be adopted and implemented by the Agreement States within six months of such designation by NRC. If, due to other factors, an Agreement State cannot adopt and implement such a program element within the six month time frame, then the State and the Commission will agree upon a mutually acceptable timetable for adoption and implementation. (2)

## **Areas Reserved Solely to NRC (F)**

Certain regulatory areas cannot be relinquished to the States under 274.b agreements and remain the sole jurisdiction of the federal government. NRC rules promulgated to regulate these areas are reserved solely to the NRC. However, States may adopt regulations in, or otherwise address, these areas for the purpose of clarity and ease of communication. States may not adopt regulations, other LBRs or program elements that would cause the State to regulate such activities.

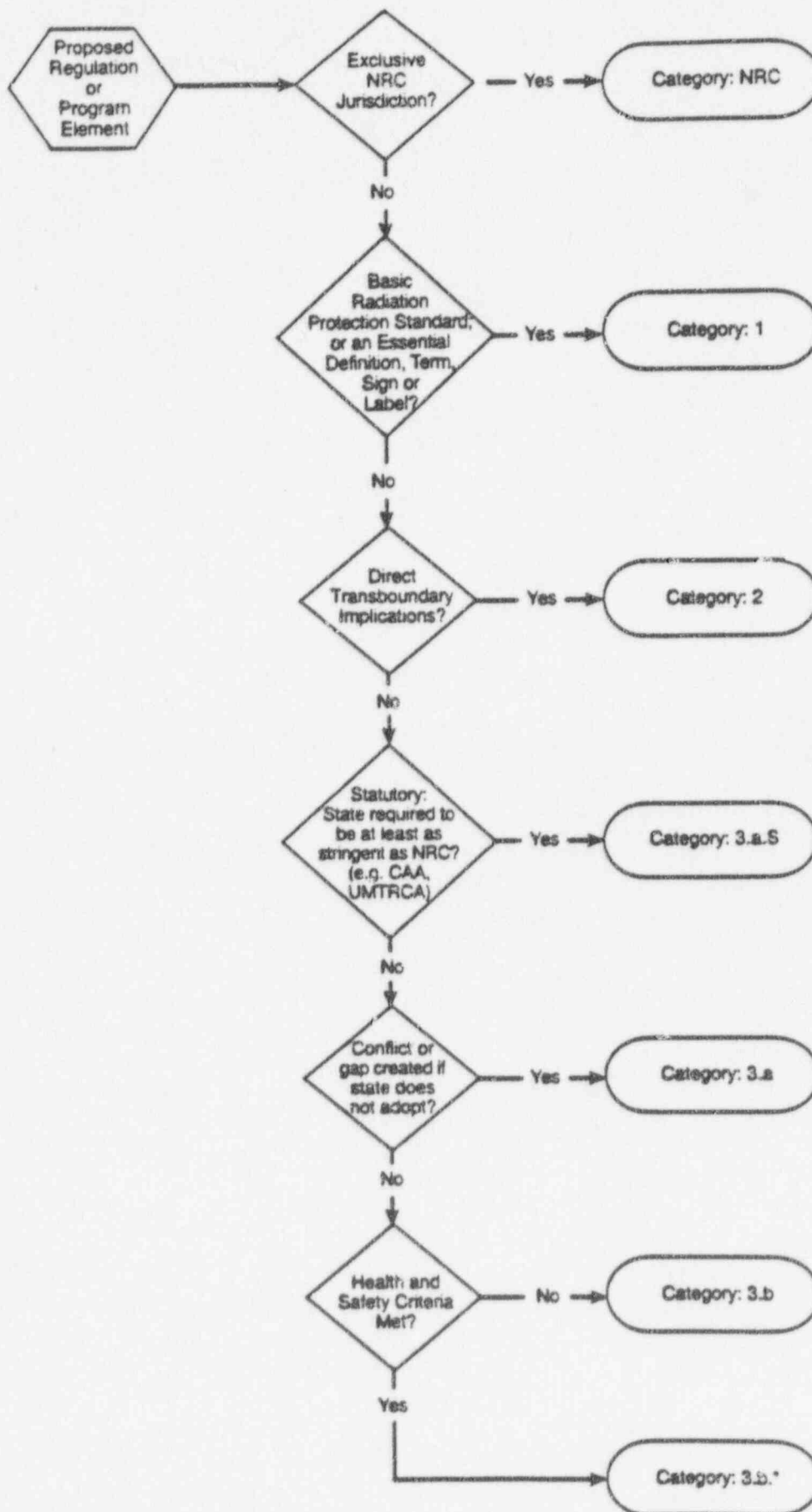
## **Alternative Legally Binding Requirements (G)**

Except as specified otherwise in this handbook, Agreement States may adopt the essential objectives of NRC regulations designated as compatibility and adequacy requirements by a method other than a regulation. Such means should be legally binding on the licensee(s) and enforceable as law. Examples of such legally binding requirements may include license conditions (including licensee commitments referenced in "tie-down" conditions), orders or other mechanisms determined by the State to be legally binding and enforceable. The State will have the responsibility of demonstrating that requirements adopted other than by regulation are legally binding.

## **APPENDIX A**

### **Flow Chart**

# Flow Chart





**Attachment 5**

# OFFICE OF STATE PROGRAMS

## Pre-and Post-Agreement Activities

## B.7 (Revision 1): Compatibility and Health and Safety Component Classifications for NRC Regulations and Program Elements

### 1 Introduction

#### 1.1 Purpose

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

#### 1.2 Background

1.2.1 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.

1.2.2 Management Directive 5.9, "Adequacy and Compatibility of Agreement State Programs," describes the criteria and process NRC staff 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 Management Directive 5.9, each regulation and program element is analyzed and classified in a specific compatibility or health and safety component.

1.2.3 OSP Internal Procedure B.7 (Revision 1) has been developed and is maintained by the Office of State Programs 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 Management Directive 5.9. The component classifications are set out in individual tables as described further below. In addition, Management Directive 5.9 provides that OSP Internal Procedure B.7 (Revision 1) should be updated at the time a new rule or program element is adopted.

### 2 Compatibility & Health and Safety Component Classifications

The tables set out in Section 3, below, contain a section-by-section analysis of regulations in Title 10 of the Code of Federal Regulations (10 CFR) and program elements which are applicable to the regulation of agreement materials. The analysis is based on the classification criteria and process set out in Management Directive 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 which do not have a corresponding table have been determined to address areas in which Agreement States either do not have regulatory authority or are applicable specifically to NRC's regulatory program and need not be addressed by an Agreement State. For the purpose of completeness, those Parts which totally address areas of exclusive NRC authority are listed in Table 1. Those Parts which 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 contained in Section 3.

Table 1

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

Table 2

| Specific Parts of Title 10 of the Code of Federal Regulations<br>Which 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>1</sup> , 170, and 171.                                                                      |

### 3 Regulation and Program Element Tables

In using the following tables, staff should be aware of the following points:

- The following sections are found in multiple Parts: *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.
- A number of terms are defined in more than one Part in 10 CFR. For purposes of consistency, the tables show the compatibility determination for the definition in the most appropriate Part and refer to that Part at all other

<sup>1</sup> The provisions in Part 21 derive from statutory authority in the Energy Reorganization Act, not the AEA, which 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.

occurrences of the term. See, for example, the definition of "restricted area" in the table for Part 19, Section 19.3.

- Unless otherwise indicated in the tables, the compatibility or health and safety designation 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.

|                         |         |                                                                                                                                                                                                                                                                                                        |
|-------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Key to classifications: | 1 =     | Basic radiation protection standard or other regulation which the State should adopt with (essentially) identical language.                                                                                                                                                                            |
|                         | 2 =     | Regulation/program element with significant transboundary implications which the State should adopt with essentially identical language.                                                                                                                                                               |
|                         | 3.a =   | Regulation/program element, the essential objectives of which should be adopted by the State, to avoid conflict, duplication or gaps. The manner in which the essential objectives are addressed need not be the same as NRC provided the essential objectives are met.                                |
|                         | 3.a.S = | Regulation/program element involving specific statutory direction, the essential objectives of which should be adopted by the State in a manner at least as stringent as NRC.                                                                                                                          |
|                         | 3.b =   | Not required for purposes of compatibility; however, if adopted by the State, must be compatible with NRC.                                                                                                                                                                                             |
|                         | NRC =   | Not required for purposes of compatibility; the regulatory area is reserved to NRC. However, a State may adopt these provisions for purposes of clarity and communication, as long as the State does not adopt regulations or program elements which would cause the State to regulate in these areas. |
|                         | 3.b* =  | Not required for purposes of compatibility; however, required for purposes of health and safety. The State should adopt the essential objectives in a manner at least as stringent as the NRC.                                                                                                         |



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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b> | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>COMMENTS</b>                                                                                                                                                                          |
|-------------------------------|----------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §19.1                         | Purpose              | 3.b.                               |                                                                                                                                                                                          |
| §19.2                         | Scope                | 3.b.                               |                                                                                                                                                                                          |
| §19.3                         | Definitions          |                                    |                                                                                                                                                                                          |
|                               | Act                  | 3.b.                               |                                                                                                                                                                                          |
|                               | Commission           | 3.b.                               |                                                                                                                                                                                          |
|                               | Exclusion            | 3.b.                               |                                                                                                                                                                                          |
|                               | License              | See 10 CFR §20.1003                |                                                                                                                                                                                          |
|                               | Restricted area      | See 10 CFR §20.1003                |                                                                                                                                                                                          |
|                               | Sequestration        | 3.b.                               |                                                                                                                                                                                          |
|                               | Worker               | 3.a.                               | This definition is needed for a common understanding of the term, "worker," as used in the regulation of radioactive materials because of persons working in more than one jurisdiction. |



| REGULATION<br>SECTION | SECTION TITLE                                          | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §19.4                 | Interpretations                                        | 3.b.                       |                                                                                                                                                                                                                                                   |
| §19.5                 | Communications                                         | 3.b.                       |                                                                                                                                                                                                                                                   |
| §19.8                 | Information collection<br>requirement: OMB<br>approval | 3.b.                       |                                                                                                                                                                                                                                                   |
| §19.11                | Posting of notices to<br>workers                       | 3.a.                       | These requirements are needed to provide a minimal level of information to workers. In addition, these requirements assure that this information is consistent from one jurisdiction to another since workers may work in multiple jurisdictions. |
| §19.12                | Instructions to workers                                | 3.a.                       | This provision should be adopted by States to assure a minimum level of required worker training between jurisdictions since workers many work in multiple jurisdictions.                                                                         |

| REGULATION<br>SECTION | SECTION TITLE                                                           | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                                                                                                                                          |
|-----------------------|-------------------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       |                                                                         |                            | These requirements are needed to provide a minimal level of information to workers. In addition, these requirements 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 | 3.b.                       |                                                                                                                                                                                                                                                   |
| §19.15                | Consultation with workers during inspections                            | 3.b.                       |                                                                                                                                                                                                                                                   |
| §19.16                | Requests by workers for inspections                                     | 3.b.                       |                                                                                                                                                                                                                                                   |
| §19.17                | Inspection not warranted; informal review                               | 3.b.                       |                                                                                                                                                                                                                                                   |

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                                                                       | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>COMMENTS</b> |
|-------------------------------|--------------------------------------------------------------------------------------------|------------------------------------|-----------------|
| §19.18                        | Sequestration of witnesses and exclusion of counsel in interviews conducted under subpoena | 3.b.                               |                 |
| §19.20                        | Employee protection                                                                        | 3.b.                               |                 |
| §19.30                        | Violations                                                                                 | 3.b.                               |                 |
| §19.31                        | Application for exemptions                                                                 | 3.b.                               |                 |
| §19.32                        | Discrimination prohibited                                                                  | 3.b.                               |                 |
| §19.40                        | Criminal penalties                                                                         | 3.b.                               |                 |

Part 20 - STANDARDS FOR PROTECTION AGAINST RADIATION

| REGULATION<br>SECTION | SECTION TITLE                 | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|-------------------------------|----------------------------|----------|
| §20.1001              | Purpose                       | 3.b.                       |          |
| §20.1002              | Scope                         | 3.b.                       |          |
| §20.1003              | Definitions                   |                            |          |
|                       | Absorbed Dose                 | 1                          |          |
|                       | Act                           | 3.b.                       |          |
|                       | Activity                      | 1                          |          |
|                       | Adult                         | 1                          |          |
|                       | Airborne radioactive material | 1                          |          |
|                       | Airborne Radioactivity area   | 1                          |          |
|                       | ALARA                         | 1                          |          |
|                       | Annual limit on intake (ALI)  | 1                          |          |
|                       | Background Radiation          | 1                          |          |
|                       | Bioassay (radio bioassay)     | 1                          |          |
|                       | Byproduct material            | See 10 CFR<br>§150.3(c)    |          |

| REGULATION<br>SECTION | SECTION TITLE                                | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                |
|-----------------------|----------------------------------------------|----------------------------|---------------------------------------------------------|
|                       | Class                                        | 1                          | Also referred to as "Lung Class or<br>Inhalation Class" |
|                       | Collective Dose                              | 1                          |                                                         |
|                       | Commission                                   | 3.b.                       |                                                         |
|                       | Committed dose equivalent                    | 1                          |                                                         |
|                       | Committed effective dose equivalent          | 1                          |                                                         |
|                       | Controlled Area                              | 3.b.                       |                                                         |
|                       | Declared Pregnant Woman                      | 1                          |                                                         |
|                       | Deep-dose equivalent                         | 1                          |                                                         |
|                       | Department                                   | 3.b.                       |                                                         |
|                       | Derived air concentration (DAC)              | 1                          |                                                         |
|                       | Derived air concentration-hour<br>(DAC-hour) | 1                          |                                                         |

| REGULATION<br>SECTION | SECTION TITLE             | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                                                                  |
|-----------------------|---------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Dose or radiation dose    | 3.b.                       | This definition is not required for compatibility. No definition presented. Rather, several terms are referenced, which are later defined.                                |
|                       | Dose equivalent           | 1                          |                                                                                                                                                                           |
|                       | Dosimetry processor       | 3.b.                       |                                                                                                                                                                           |
|                       | Effective dose equivalent | 1                          |                                                                                                                                                                           |
|                       | Embryo/fetus              | 1                          |                                                                                                                                                                           |
|                       | Entrance or access point  | 3.a.                       | This definition is needed for a common understanding because differing definitions may jeopardize an orderly regulatory pattern in the regulation of agreement materials. |
|                       | Exposure                  | 1                          |                                                                                                                                                                           |
|                       | External dose             | 1                          |                                                                                                                                                                           |
|                       | Extremity                 | 1                          |                                                                                                                                                                           |



| REGULATION SECTION | SECTION TITLE                                          | CLASSIFICATION ASSIGNED                                                                                                                                                    | COMMENTS                                                                                                                                                                                                                                      |
|--------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                    | Eye dose equivalent                                    | 1                                                                                                                                                                          | The term, "Lens Dose Equivalent," if defined essentially identically to "Eye Dose Equivalent" is an acceptable substitute for this term.                                                                                                      |
|                    | Generally applicable environmental radiation standards | 1 for States with authority to regulate uranium mill activities (11.e.2 byproduct material)<br>or<br>3.b. for States without authority to regulate uranium mill activities | 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                                      | 3.b.                                                                                                                                                                       |                                                                                                                                                                                                                                               |
|                    | Gray                                                   | See 10 CFR §20.1004                                                                                                                                                        |                                                                                                                                                                                                                                               |
|                    | High radiation area                                    | 1                                                                                                                                                                          |                                                                                                                                                                                                                                               |
|                    | Individual                                             | 1                                                                                                                                                                          |                                                                                                                                                                                                                                               |

| REGULATION<br>SECTION | SECTION TITLE                     | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                                                                   |
|-----------------------|-----------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Individual monitoring             | 1                          |                                                                                                                                                                            |
|                       | Individual monitoring devices     | 3.a.                       | This definition is needed for a common understanding because differing definitions may jeopardize an orderly regulatory pattern for the regulation of agreement materials. |
|                       | Internal dose                     | 1                          |                                                                                                                                                                            |
|                       | License                           | 3.b.                       |                                                                                                                                                                            |
|                       | Licensed material                 | 3.b.                       |                                                                                                                                                                            |
|                       | Licensee                          | 3.b.                       |                                                                                                                                                                            |
|                       | Limits                            | 1                          |                                                                                                                                                                            |
|                       | Lost or missing licensed material | 2                          | This term and definition are needed for a common understanding in collecting and reporting information on regulation of agreement materials on a national basis.           |

| REGULATION<br>SECTION | SECTION TITLE            | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                                                            |
|-----------------------|--------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Member of the public     | 1                          |                                                                                                                                                                     |
|                       | Minor                    | 1                          |                                                                                                                                                                     |
|                       | Monitoring               | 1                          |                                                                                                                                                                     |
|                       | Nonstochastic effect     | 1                          | The term, "deterministic," if defined essentially identically to "nonstochastic" is an acceptable substitute.                                                       |
|                       | NRC                      | 3.b                        |                                                                                                                                                                     |
|                       | Occupational Dose        | 1                          |                                                                                                                                                                     |
|                       | Person                   | 3.a.                       | The term, "person," is needed for compatibility in order to avoid conflicts in implementing the regulation of agreement materials from one jurisdiction to another. |
|                       | Planned special exposure | 3.b.                       |                                                                                                                                                                     |
|                       | Public dose              | 1                          |                                                                                                                                                                     |
|                       | Quality Factor           | 1                          |                                                                                                                                                                     |
|                       | Quarter                  | 3.b.                       |                                                                                                                                                                     |

| REGULATION<br>SECTION | SECTION TITLE                 | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                          |
|-----------------------|-------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
|                       | Rad                           | See 10 CFR<br>§20.1004     | This term is not defined in this section. Refer to the referenced section for the definition and the compatibility determination. |
|                       | Radiation                     | 1                          |                                                                                                                                   |
|                       | Radiation area                | 1                          |                                                                                                                                   |
|                       | Reference man                 | 1                          |                                                                                                                                   |
|                       | Rem                           | See 10 CFR<br>§20.1004     | This term is not defined in this section. Refer to the referenced section for the definition and the compatibility determination. |
|                       | Respiratory protective device | 3.a.                       |                                                                                                                                   |
|                       | Restricted area               | 1                          |                                                                                                                                   |
|                       | Sanitary sewerage             | 1                          |                                                                                                                                   |
|                       | Shallow-dose equivalent       | 1                          |                                                                                                                                   |
|                       | Sievert                       | 1                          |                                                                                                                                   |
|                       | Site boundary                 | 3.b.                       |                                                                                                                                   |

| REGULATION<br>SECTION | SECTION TITLE                             | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                            |
|-----------------------|-------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------|
|                       | Source Material                           | See 10 CFR<br>§150.3(i)    |                                                                                                                     |
|                       | Special Nuclear Material                  | See 10 CFR<br>§150.3(j)    |                                                                                                                     |
|                       | Stochastic effects                        | 1                          |                                                                                                                     |
|                       | Survey                                    | 1                          |                                                                                                                     |
|                       | Total Effective Dose Equivalent<br>(TEDE) | 1                          |                                                                                                                     |
|                       | Unrestricted Area                         | 1                          |                                                                                                                     |
|                       | Uranium Fuel Cycle                        | 3.b.                       | However, if a state chooses to<br>adopt a definition of uranium fuel<br>cycle, it must be essentially<br>identical. |
|                       | Very High Radiation Area                  | 1                          |                                                                                                                     |
|                       | Week                                      | 3.b.                       |                                                                                                                     |
|                       | Weighting factor                          | 1                          |                                                                                                                     |
|                       | Whole body                                | 1                          |                                                                                                                     |

| REGULATION<br>SECTION | SECTION TITLE                                                                   | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------|----------------------------|----------|
|                       | Working level (WL)                                                              | 1                          |          |
|                       | Working level month<br>(WLM)                                                    | 1                          |          |
|                       | Year                                                                            | 1                          |          |
| §20.1004              | Units of radiation dose                                                         | 1                          |          |
| §20.1005              | Units of radioactivity                                                          | 1                          |          |
| §20.1006              | Interpretations                                                                 | 3.b.                       |          |
| §20.1007              | Communications                                                                  | 3.b.                       |          |
| §20.1008              | Implementation                                                                  | 3.b.                       |          |
| §20.1009              | Information collection requirements:<br>OMB approval                            | 3.b.                       |          |
| §20.1101              | Radiation protection programs                                                   | 3.b.*                      |          |
| §20.1201              | Occupational dose limits for adults                                             | 1                          |          |
| §20.1202              | Compliance with requirements for<br>summation of external and internal<br>doses | 1                          |          |



| REGULATION SECTION | SECTION TITLE                                                                         | CLASSIFICATION ASSIGNED                          | COMMENTS                                                                                                                     |
|--------------------|---------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| §20.1203           | Determination of external dose from airborne radioactive material                     | 1                                                |                                                                                                                              |
| §20.1204           | Determination of internal exposure                                                    | 1                                                |                                                                                                                              |
| §20.1205           | Reserved                                                                              |                                                  |                                                                                                                              |
| §20.1206           | Planned special exposures                                                             | 3.b.                                             |                                                                                                                              |
| §20.1207           | Occupation dose limits for minors                                                     | 1                                                |                                                                                                                              |
| §20.1208           | Dose to an Embryo/fetus                                                               | 1                                                |                                                                                                                              |
| §20.1301           | Dose limits for individual members of the public                                      | 1 for all sections, except (d) which is 3.b.     | This provision, except paragraph (d), contains radiation protection standards.                                               |
| §20.1302           | Compliance with dose limits for individual members of the public                      | 3.b.* for all sections except, (c) which is 3.b. | This provision, except paragraph (c), contains requirements that are needed because of their health and safety significance. |
| §20.1501           | Reserved.<br>Surveys and Monitoring - General                                         | 3.b.*                                            |                                                                                                                              |
| §20.1502           | Conditions requiring individual monitoring of external and internal occupational dose | 3.b. *                                           |                                                                                                                              |

| REGULATION SECTION | SECTION TITLE                                                       | CLASSIFICATION ASSIGNED | COMMENTS                                                                                      |
|--------------------|---------------------------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------|
| §20.1601           | Control of access to high radiation areas                           | 3.b. *                  |                                                                                               |
| §20.1602           | Control of access to very high radiation areas                      | 3.b. *                  |                                                                                               |
| §20.1701           | Use of process or other engineering controls                        | 3.b. *                  |                                                                                               |
| §20.1702           | Use of other controls                                               | 3.b. *                  |                                                                                               |
| §20.1703           | Use of individual respiratory protection equipment                  | 3.b. *                  |                                                                                               |
| §20.1704           | Further restrictions on the use of respiratory protection equipment | 3.b.                    |                                                                                               |
| §20.1801           | Security of stored material                                         | 3.b. *                  |                                                                                               |
| §20.1802           | Control of material not in storage                                  | 3.b. *                  |                                                                                               |
| §20.1901           | Caution signs                                                       | 1                       |                                                                                               |
| §20.1902           | Posting requirements                                                | 1                       | In adopting these provisions, States have the flexibility to omit the wording "grave danger." |
| §20.1903           | Exceptions to posting requirements                                  | 3.b.                    |                                                                                               |

| REGULATION<br>SECTION | SECTION TITLE                                                 | CLASSIFICATION<br>ASSIGNED                                              | COMMENTS                                                                                                                                                |
|-----------------------|---------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.1904              | Labeling containers                                           | 1                                                                       |                                                                                                                                                         |
| §20.1905              | Exceptions to labeling requirements                           | 1                                                                       |                                                                                                                                                         |
| §20.1906              | Procedures for receiving and opening packages                 | 3.b. *                                                                  |                                                                                                                                                         |
| §20.2001              | General requirements<br>(Waste Disposal)                      | 3.a.                                                                    | Agreement States are required to adopt this provision in order to eliminate confusion regarding the disposal of agreement material on a national basis. |
| §20.2002              | Method for obtaining approval of proposed disposal procedures | 3.b.                                                                    |                                                                                                                                                         |
| §20.2003              | Disposal by release into sanitary sewerage                    | (a)(1) is 3b*; (a)(2) and (a)(3) are 1; (a)(4) is 3.a.; and (b) is 3.b. |                                                                                                                                                         |
| §20.2004              | Treatment or disposal by incineration                         | 3.b.                                                                    |                                                                                                                                                         |
| §20.2005              | Disposal of specific wastes                                   | 3.b.                                                                    |                                                                                                                                                         |

| REGULATION<br>SECTION | SECTION TITLE                                                   | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                                                                        |
|-----------------------|-----------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2006              | Transfer for disposal and manifests                             | 2                          | Agreement States are required to adopt these provisions to provide consistency in regulating the transfer of agreement materials which frequently cross multiple jurisdictions. |
| §20.2007              | Compliance with environmental and health protection regulations | 3.b.                       |                                                                                                                                                                                 |
| §20.2101              | General provisions.                                             | 3.a.                       | The use of SI units would be considered essentially identical.                                                                                                                  |
| §20.2102              | Records of radiation protection programs                        | 3.b.                       |                                                                                                                                                                                 |
| §20.2103              | Records of surveys                                              | 3.b.                       |                                                                                                                                                                                 |
| §20.2104              | Determination of prior occupational dose                        | 3.b.                       | However if a state chooses to adopt "planned special exposure" this section should be adopted as a "3.a."                                                                       |
| §20.2105              | Records of planned special exposures                            | 3.b.                       |                                                                                                                                                                                 |

| REGULATION<br>SECTION | SECTION TITLE                                       | CLASSIFICATION<br>ASSIGNED                                 | COMMENTS                                                                                                                                                                                                                                                                                            |
|-----------------------|-----------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2106              | Records of individual monitoring results            | (a) and (e) are 3.a;<br>(b), (c), (d), and (f)<br>are 3.b. | Agreement States are required to 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 facilities and in more than one jurisdiction. |
| §20.2107              | Records of Dose to individual members of the Public | 3.b.                                                       |                                                                                                                                                                                                                                                                                                     |
| §20.2108              | Records of Waste Disposal                           | 3.b.                                                       |                                                                                                                                                                                                                                                                                                     |
| §20.2110              | Form of Records                                     | 3.b.                                                       |                                                                                                                                                                                                                                                                                                     |
| §20.2201              | Reports of theft or Loss of licensed material       | 3.a.                                                       | These requirements are needed for a common understanding in collecting and reporting information on the regulation of agreement materials on a national basis.                                                                                                                                      |

| REGULATION<br>SECTION | SECTION TITLE                                       | CLASSIFICATION<br>ASSIGNED                      | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------|-----------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2202              | Notification of Incidents                           | 3.a. for all sections,<br>except (e) is 3.b.    | <p>All of this provision, except paragraph (e), is needed for a common understanding in collecting and reporting information on the regulation of agreement materials on a national basis.</p> <p>Meeting essential objective of this regulation for the purpose of compatibility requires the State to adopt the numerical values noted in the regulation as the minimal level acceptable. If state adopts planned special exposure, then the state should adopt paragraph (e).</p> |
| §20.2203              | Reports of exposures, etc,<br>exceeding the limits. | (a), (b) are 3.a.; c is<br>NRC; and (d) is 3.b. | Paragraphs (a) and (b) provide requirements that are needed for a common understanding in collecting and reporting information on the regulation of agreement materials on a national basis.                                                                                                                                                                                                                                                                                         |



| REGULATION<br>SECTION | SECTION TITLE                                   | CLASSIFICATION<br>ASSIGNED                                                                    | COMMENTS                                                                                                                                            |
|-----------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2204              | Reports of Planned special exposures            | 3.b.                                                                                          | If state adopts planned special exposure, then the state should adopt this provision.                                                               |
| §20.2205              | Reports to individuals of exceeding dose limits | 3.b.*                                                                                         |                                                                                                                                                     |
| §20.2206              | Reports of Individuals Monitoring               | (a)(1),(a)(3),(a)(4),<br>and (a)(5) are NRC.<br>(a)(2),(a)(6),(a)(7),<br>(b) and (c) are 3.b. |                                                                                                                                                     |
| §20.2301              | Applications for Exemptions                     | 3.b.                                                                                          |                                                                                                                                                     |
| §20.2302              | Additional Requirements                         | 3.b.                                                                                          |                                                                                                                                                     |
| §20.2401              | Violations                                      | 3.b.                                                                                          |                                                                                                                                                     |
| §20.2402              | Criminal Penalties                              | 3.b.                                                                                          |                                                                                                                                                     |
| Appendix A            | Protection Factors for Respirators              | 3.a.                                                                                          | Agreement States are required to adopt this provision because it provides the minimal acceptable level of protection to be afforded by respirators. |

| REGULATION SECTION              | SECTION TITLE                                                                                                                                                                  | CLASSIFICATION ASSIGNED | COMMENTS                                                                                                                                         |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Appendix B<br>(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 | 1                       |                                                                                                                                                  |
| Appendix C                      | Quantities of licensed materials requiring labeling                                                                                                                            | 1                       |                                                                                                                                                  |
| Appendix D                      | United States Nuclear Regulatory Commission Offices                                                                                                                            | 3.b.                    |                                                                                                                                                  |
| Appendix E                      | Reserved                                                                                                                                                                       |                         |                                                                                                                                                  |
| Appendix F                      | Requirements for Low-level Waste Transfer for disposal at land disposal facilities and Manifest                                                                                | 2                       | The provisions are needed in order to provide consistency in regulating agreement materials which frequently cross multiple State jurisdictions. |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                         | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                                                                                |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Appendix G            | Requirements for Low-level<br>radioactive waste intended for<br>disposal at land disposal facilities<br>and manifests | 2                          | These provisions are needed by<br>Agreement States in order to<br>provide consistency in regulating<br>agreement materials which<br>frequently cross multiple 11State<br>jurisdictions. |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                                                         | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>COMMENTS</b> |
|-------------------------------|------------------------------------------------------------------------------|------------------------------------|-----------------|
| §33.1                         | Purpose and scope                                                            | 3.b.                               |                 |
| §33.8                         | Information collection requirements:<br>OMB approval                         | 3.b.                               |                 |
| §33.11                        | Types of specific licenses of broad<br>scope                                 | 3.b.                               |                 |
| §33.12                        | Applications for specific licenses of<br>broad scope                         | 3.b.                               |                 |
| §33.13                        | Requirements for the issuance of a<br>Type A specific license of broad scope | 3.b.                               |                 |
| §33.14                        | Requirements for the issuance of a<br>Type B specific license of broad scope | 3.b.                               |                 |
| §33.15                        | Requirements for the issuance of a<br>Type C specific license of broad scope | 3.b.                               |                 |
| §33.16                        | Application for other specific licenses                                      | 3.b.                               |                 |

|         |                                                |      |  |
|---------|------------------------------------------------|------|--|
| §33.17  | Conditions of specific licenses of broad scope | 3.b. |  |
| §33.21  | Violations                                     | 3.b. |  |
| §33.23  | Criminal penalties                             | 3.b. |  |
| §33.100 | Schedule A                                     | 3.b. |  |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                                 | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>COMMENTS</b> |
|-------------------------------|------------------------------------------------------|------------------------------------|-----------------|
| §34.1                         | Purpose and Scope                                    | 3.b.                               |                 |
| §34.2                         | Definitions                                          |                                    |                 |
|                               | Permanent radiographic installation                  | 3.b.                               |                 |
|                               | Radiographer                                         | 3.a. <sup>1</sup>                  |                 |
|                               | Radiographer's assistant                             | 3.b.                               |                 |
|                               | Radiographic exposure device                         | 2                                  |                 |
|                               | Radiography                                          | 2                                  |                 |
|                               | Sealed source                                        | See 10 CFR §30.4                   |                 |
|                               | Source changer                                       | 2                                  |                 |
|                               | Storage area                                         | 3.b.                               |                 |
|                               | Storage container                                    | 2                                  |                 |
| §34.3                         | Applications for specific licenses                   | 3.b.                               |                 |
| §34.4                         | Maintenance of records                               | 3.a. <sup>1</sup>                  |                 |
| §34.8                         | Information collection requirements:<br>OMB approval | 3.b.                               |                 |



| REGULATION<br>SECTION | SECTION TITLE                                                                           | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------------------|----------------------------|----------|
| §34.11                | Issuance of specific licenses for use of sealed sources in Industrial Radiography       | 3.a. <sup>1</sup>          |          |
| §34.20                | Performance requirements for radiography equipment                                      | 2                          |          |
| §34.21                | Limits on levels of radiation for radiographic exposure devices and storage containers  | 2                          |          |
| §34.22                | Locking of radiographic exposure devices, storage containers and source changers        | 2                          |          |
| §34.23                | Storage precautions                                                                     | 3.a. <sup>1</sup>          |          |
| §34.24                | Radiation survey instruments                                                            | 3.a. <sup>1</sup>          |          |
| §34.25                | Leak Testing, Repair, Tagging, Opening, Modification, and Replacement of sealed Sources | 3.a. <sup>1</sup>          |          |
| §34.26                | Quarterly Inventory                                                                     | 3.a. <sup>1</sup>          |          |
| §34.27                | Utilization logs                                                                        | 2                          |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                        | CLASSIFICATION<br>ASSIGNED                         | COMMENTS |
|-----------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------|
| §34.28                | Inspection and maintenance of radiographic exposure devices, storage containers, and source changers | 3.a. <sup>1</sup>                                  |          |
| §34.29                | Permanent Radiographic Installations                                                                 | 3.b.*                                              |          |
| §34.30                | Reporting requirements                                                                               | 3.a. <sup>1</sup>                                  |          |
| §34.31                | Training                                                                                             | 3.a. <sup>1</sup>                                  |          |
| §34.32                | Operating and Emergency procedures                                                                   | 3.a. <sup>1</sup> for sections, except (l) is 3.b. |          |
| §34.33                | Personnel monitoring                                                                                 | 3.a. <sup>1</sup>                                  |          |
| §34.41                | Security                                                                                             | 3.a. <sup>1</sup>                                  |          |
| §34.42                | Posting                                                                                              | 3.a. <sup>1</sup>                                  |          |
| §34.43                | Radiation surveys                                                                                    | 3.a. <sup>1</sup> for sections, except (d) is 3.b. |          |
| §34.44                | Supervision of radiographers' assistant                                                              | 3.b.                                               |          |
| §34.51                | Applications for exemptions                                                                          | 3.b.                                               |          |
| §34.61                | Violations                                                                                           | 3.b.                                               |          |
| §34.63                | Criminal Penalties                                                                                   | 3.b.                                               |          |

| REGULATION<br>SECTION | SECTION TITLE                                 | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|-----------------------------------------------|----------------------------|----------|
| Appendix A            | Required subjects for training<br>instruction | 3.a. <sup>1</sup>          |          |

<sup>1</sup> Agreement States are required to adopt these provisions for the purpose of compatibility to avoid conflicts in the regulations of industrial radiography since this activity frequently involves persons working under reciprocity.

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>          | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>COMMENTS</b> |
|-------------------------------|-------------------------------|------------------------------------|-----------------|
| §35.1                         | Purpose and scope             | 3.b.                               |                 |
| §35.2                         | Definitions                   |                                    |                 |
|                               | Address of use                | 3.b.                               |                 |
|                               | ALARA                         | See 10 CFR §20.1003                |                 |
|                               | Agreement State               | See 10 CFR §150.3(b)               |                 |
|                               | Area of use                   | 3.b.                               |                 |
|                               | Authorized nuclear pharmacist | 3.b.                               |                 |
|                               | Authorized user               | 3.a.                               |                 |
|                               | Brachytherapy source          | 3.b.                               |                 |
|                               | Dedicated check source        | 3.b.                               |                 |
|                               | Dental use                    | 3.b.                               |                 |

| REGULATION<br>SECTION | SECTION TITLE                            | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                                            |
|-----------------------|------------------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Dentist                                  | 3.b.                       |                                                                                                                                                     |
|                       | Diagnostic clinical procedures<br>manual | 3.b.                       |                                                                                                                                                     |
|                       | Management                               | 3.b.                       |                                                                                                                                                     |
|                       | Medical institution                      | 3.b.                       |                                                                                                                                                     |
|                       | Medical use                              | 3.a.                       |                                                                                                                                                     |
|                       | Ministerial change                       | 3.b.                       |                                                                                                                                                     |
|                       | Missadministration                       | 3.a.                       | States are required to adopt the<br>quantitative values in this<br>provision since they contain<br>the essential objectives of this<br>requirement. |
|                       | Mobile nuclear medicine<br>service       | 3.b.                       |                                                                                                                                                     |
|                       | Output                                   | 3.b.                       |                                                                                                                                                     |

| REGULATION<br>SECTION | SECTION TITLE            | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|--------------------------|----------------------------|----------|
|                       | Pharmacist               | 3.b.                       |          |
|                       | Physician                | 3.b.                       |          |
|                       | Podiatric use            | 3.b.                       |          |
|                       | Podiatrist               | 3.b.                       |          |
|                       | Prescribed dosage        | 3.a.                       |          |
|                       | Prescribed dose          | 3.a.                       |          |
|                       | Radiation safety officer | 3.b.                       |          |
|                       | Recordable event         | 3.b.                       |          |
|                       | Sealed source            | See 10 CFR §30.4           |          |
|                       | Teletherapy physicist    | 3.b.                       |          |
|                       | Written directive        | 3.a.                       |          |
| §35.5                 | Maintenance of records   | 3.b.                       |          |



| REGULATION<br>SECTION | SECTION TITLE                                                | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|--------------------------------------------------------------|----------------------------|----------|
| §35.6                 | Provisions for research involving human subjects.            | 3.b.                       |          |
| §35.7                 | FDA, other Federal, and State requirements                   | 3.b.                       |          |
| §35.8                 | Information collection requirements: OMB Approval            | 3.b.                       |          |
| §35.11                | License required                                             | See 10 CFR §30.3           |          |
| §35.12                | Application of license, amendment, or renewal                | 3.b.                       |          |
| §35.13                | License amendments                                           | 3.b.                       |          |
| §35.14                | Notifications                                                | 3.b.                       |          |
| §35.15                | Exemptions regarding Type A specific licenses of broad scope | 3.b.                       |          |
| §35.18                | License issuance                                             | 3.b.                       |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                       | CLASSIFICATION<br>ASSIGNED       | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------------------------------|----------------------------------|----------|
| §35.19                | Specific exemptions                                                                                 | 3.b.                             |          |
| §35.20                | ALARA program                                                                                       | See 10 CFR §20.1101              |          |
| §35.21                | Radiation Safety Officer                                                                            | (a) is 3.b.*; and<br>(b) is 3.b. |          |
| §35.22                | Radiation safety committee                                                                          | 3.b.                             |          |
| §35.23                | Statements of authority and<br>responsibilities                                                     | (a) is 3.b.*; and<br>(b) is 3.b. |          |
| §35.25                | Supervision                                                                                         | 3.b.                             |          |
| §35.29                | Administrative requirements<br>that apply to the provision of<br>mobile nuclear medicine<br>service | 3.b.                             |          |
| §35.31                | Radiation safety program<br>changes                                                                 | 3.b.                             |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                               | CLASSIFICATION<br>ASSIGNED                                            | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------|
| §35.32                | Quality management program                                                                                                  | 3.b* for all sections<br>except, (a)(5), (d), (e)<br>and (f) are 3.b. |          |
| §35.33                | Notifications, reports, and<br>records of misadministrations                                                                | 3.a.                                                                  |          |
| §35.49                | Suppliers for sealed sources or<br>devices for medical use                                                                  | 3.b.                                                                  |          |
| §35.50                | Possession, use, calibration,<br>and check of dose calibrators                                                              | 3.b.                                                                  |          |
| §35.51                | Calibration and check of<br>survey instruments                                                                              | See 10 CFR §20.1501                                                   |          |
| §35.52                | Possession, use, calibration,<br>and check of instruments to<br>measure dosages of alpha- or<br>beta-emitting radionuclides | 3.b.                                                                  |          |
| §35.53                | Measurements of dosages of<br>unsealed byproduct material for<br>medical use                                                | (a), (b) are 3.b.*; and<br>(c) is 3.b.                                |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                        | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|------------------------------------------------------------------------------------------------------|----------------------------|----------|
| §35.57                | Authorization of calibration and reference sources                                                   | 3.b.                       |          |
| §35.59                | Requirements for possession of sealed sources and brachytherapy sources                              | 3.b.*                      |          |
| §35.60                | Syringe shields and labels                                                                           | 3.b.                       |          |
| §35.61                | Vial shields and labels                                                                              | 3.b.                       |          |
| §35.70                | Surveys for contamination and ambient radiation exposure rate                                        | 3.b.*                      |          |
| §35.75                | Release of patients or human research subjects containing radiopharmaceuticals or permanent implants | 3.a.                       |          |
| §35.80                | Technical requirements that apply to the provision of mobile nuclear medicine services               | 3.b.                       |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                        | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|--------------------------------------------------------------------------------------|----------------------------|----------|
| §35.90                | Storage of volatiles and gases                                                       | 3.b.                       |          |
| §35.92                | Decay-in-storage                                                                     | 3.b.                       |          |
| §35.100               | Use of unsealed byproduct<br>material for uptake, dilution,<br>and excretion studies | 3.b.*                      |          |
| §35.120               | Possession of survey<br>instruments                                                  | 3.b.                       |          |
| §35.200               | Use of unsealed byproduct<br>material for imaging and<br>localization studies        | 3.b.*                      |          |
| §35.204               | Permissible molybdenum-99<br>concentration                                           | 3.b.*                      |          |
| §35.205               | Control of aerosols and gases                                                        | See §20.1301               |          |
| §35.220               | Possession of survey<br>instruments                                                  | See §20.1501               |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                  | CLASSIFICATION<br>ASSIGNED                         | COMMENTS |
|-----------------------|--------------------------------------------------------------------------------|----------------------------------------------------|----------|
| §35.300               | Use of unsealed byproduct material for therapeutic administration              | 3.b.*                                              |          |
| §35.310               | Safety instruction                                                             | 3.b.                                               |          |
| §35.315               | Safety precautions                                                             | 3.b.                                               |          |
| §35.320               | Possession of survey instruments                                               | 3.b.                                               |          |
| §35.400               | Use of sources for brachytherapy                                               | 3.b.                                               |          |
| §35.404               | Release of patients or human research subjects treated with temporary implants | 3.a.                                               |          |
| §35.406(a) & (c)      | Brachytherapy sources inventory                                                | (a) and (c) are 3.b.*;<br>and (b) and (d) are 3.b. |          |
| §35.410               | Safety instruction                                                             | 3.b.                                               |          |



| REGULATION<br>SECTION | SECTION TITLE                                   | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|-------------------------------------------------|----------------------------|----------|
| §35.415               | Safety precautions                              | 3.b.                       |          |
| §35.420               | Possession of survey<br>instruments             | 3.b.                       |          |
| §35.500               | Use of sealed sources for<br>diagnosis          | 3.b.                       |          |
| §35.520               | Availability of survey<br>instrument            | 3.b.                       |          |
| §35.600               | Use of a sealed source in a<br>teletherapy unit | 3.b.                       |          |
| §35.605               | Maintenance and repair<br>restrictions          | 3.b.*                      |          |
| §35.606               | License amendments                              | 3.b.                       |          |
| §35.610               | Safety instructions                             | 3.b.*                      |          |
| §35.615               | Safety precautions                              | 3.b.*                      |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                 | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                        |
|-----------------------|-------------------------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| §35.620               | Possession of survey instrument                                               | 3.b.                       |                                                                                                                                 |
| §35.630               | Dosimetry equipment                                                           | 3.b.*                      |                                                                                                                                 |
| §35.632               | Full calibration measurements                                                 | 3.b.*                      | States are required to adopt the quantitative values in this provision since they are essential objectives of this requirement. |
| §35.634               | Periodic spot-checks                                                          | 3.b.*                      |                                                                                                                                 |
| §35.636               | Safety checks for teletherapy facilities                                      | 3.b.*                      |                                                                                                                                 |
| §35.641               | Radiation surveys for teletherapy facilities                                  | 3.b.                       |                                                                                                                                 |
| §35.643               | Modification of teletherapy unit or room before beginning a treatment program | 3.b.                       |                                                                                                                                 |

| REGULATION<br>SECTION | SECTION TITLE                                                         | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|-----------------------------------------------------------------------|----------------------------|----------|
| §35.645               | Reports of teletherapy surveys,<br>checks, tests, and<br>measurements | 3.b.                       |          |
| §35.647               | Five-year inspection                                                  | 3.b. *                     |          |
| §35.900               | Radiation safety officer                                              | 3.b.                       |          |
| §35.901               | Training for experienced<br>radiation safety officer                  | 3.b.                       |          |
| §35.910               | Training for uptake, dilution,<br>and excretion studies               | 3.b.                       |          |
| §35.920               | Training for imaging and<br>localization studies                      | 3.b.                       |          |
| §35.930               | Training for therapeutic use of<br>unsealed byproduct material        | 3.b.                       |          |
| §35.932               | Training for treatment of<br>hyperthyroidism                          | 3.b.                       |          |

| REGULATION<br>SECTION | SECTION TITLE                                       | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|-----------------------------------------------------|----------------------------|----------|
| §35.934               | Training for thyroid carcinoma                      | 3.b.                       |          |
| §35.940               | Training for use of<br>brachytherapy sources        | 3.b.                       |          |
| §35.941               | Training for ophthalmic use of<br>strontium-90      | 3.b.                       |          |
| §35.950               | Training for use of sealed sources<br>for diagnosis | 3.b.                       |          |
| §35.960               | Training for teletherapy                            | 3.b.                       |          |
| §35.961               | Training for teletherapy<br>physicist               | 3.b.                       |          |
| §35.970               | Training for experienced<br>authorized users        | 3.b.                       |          |
| §35.971               | Physician training in a three<br>month program      | 3.b.                       |          |
| §35.972               | Recentness of training                              | 3.b.                       |          |

| REGULATION<br>SECTION | SECTION TITLE                                                         | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|-----------------------------------------------------------------------|----------------------------|----------|
| §35.980               | Training for an authorized<br>nuclear pharmacist                      | 3.b.                       |          |
| §35.981               | Training for experienced<br>nuclear pharmacist                        | 3.b.                       |          |
| §35.990               | Violations                                                            | 3.b.                       |          |
| §35.991               | Criminal penalties                                                    | 3.b.                       |          |
| §35.999               | Resolution of conflicting<br>requirements during transition<br>period | 3.b.                       |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                    | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>COMMENTS</b>                                                                                                                         |
|-------------------------------|-----------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| §36.1                         | Purpose & Scope                         | (a) is 3.b.; (b) and (c) are 3.a.  | States are required to adopt the quantitative values in paragraphs (b) and (c) since they are essential objectives of this requirement. |
| §36.2                         | Definitions                             |                                    |                                                                                                                                         |
|                               | Annually                                | 3.b.                               |                                                                                                                                         |
|                               | Doubly encapsulated sealed source       | 3.b.                               |                                                                                                                                         |
|                               | Irradiator                              | 3.a.                               |                                                                                                                                         |
|                               | Irradiator operator                     | 3.b.                               |                                                                                                                                         |
|                               | Panoramic dry-source-storage irradiator | 3.b.                               |                                                                                                                                         |
|                               | Panoramic irradiator                    | 3.b.                               |                                                                                                                                         |
|                               | Panoramic wet-source-storage irradiator | 3.b.                               |                                                                                                                                         |
|                               | Pool irradiator                         | 3.b.                               |                                                                                                                                         |
|                               | Product conveyor system                 | 3.b.                               |                                                                                                                                         |



| REGULATION<br>SECTION | SECTION TITLE                                        | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                                    |
|-----------------------|------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Radiation room                                       | 3.b.                       |                                                                                                                                             |
|                       | Radiation safety officer                             | 3.b.                       |                                                                                                                                             |
|                       | Sealed source                                        | See 10 CFR §30.4           |                                                                                                                                             |
|                       | Seismic area                                         | 3.b.                       |                                                                                                                                             |
|                       | Underwater irradiator                                | 3.b.                       |                                                                                                                                             |
| §36.5                 | Interpretations                                      | 3.b.                       |                                                                                                                                             |
| §36.8                 | Information collection<br>requirements: OMB approval | 3.b.                       |                                                                                                                                             |
| §36.11                | Application for a specific license                   | 3.b.                       |                                                                                                                                             |
| §36.13                | Specific licenses for irradiators                    | 3.b.*                      |                                                                                                                                             |
| §36.15                | Start of construction                                | 3.b.                       |                                                                                                                                             |
| §36.17                | Applications for exemptions                          | 3.b.                       |                                                                                                                                             |
| §36.19                | Request for written statements                       | 3.b.                       |                                                                                                                                             |
| §36.21                | Performance criteria for sealed<br>sources           | 2                          | States are required to adopt the<br>quantitative values in this<br>provision since they are<br>essential objectives of this<br>requirement. |

| REGULATION<br>SECTION | SECTION TITLE                                     | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|---------------------------------------------------|----------------------------|----------|
| §36.23                | Access control                                    | 3.b.*                      |          |
| §36.25                | Shielding                                         | 3.b.*                      |          |
| §36.27                | Fire protection                                   | 3.b.                       |          |
| §36.29                | Radiation monitors                                | 3.b.*                      |          |
| §36.31                | Control of source movement                        | 3.b.*                      |          |
| §36.33                | Irradiator pools                                  | 3.b.*                      |          |
| §36.35                | Source rack protection                            | 3.b.                       |          |
| §36.37                | Power failures                                    | 3.b.*                      |          |
| §36.39                | Design requirements                               | 3.b.*                      |          |
| §36.41                | Construction monitoring and<br>acceptance testing | 3.b.*                      |          |
| §36.51                | Training                                          | 3.b.*                      |          |
| §36.53                | Operating & Emergency procedures                  | 3.b.*                      |          |
| §36.55                | Personnel monitoring                              | 3.b.                       |          |

| REGULATION<br>SECTION | SECTION TITLE                                     | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                                                                        |
|-----------------------|---------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| §36.57                | Radiation surveys                                 | 3.b.*                      | States are required to adopt the quantitative values in this provision since they are essential objectives of this requirement. |
| §36.59                | Detection of leaking sources                      | 3.b.*                      | States are required to adopt the quantitative values in this provision since they are essential objectives of this requirement. |
| §36.61                | Inspection and maintenance                        | 3.b.*                      |                                                                                                                                 |
| §36.63                | Pool water purity                                 | 3.b.*                      | States are required to adopt the quantitative values in this provision since they are essential objectives of this requirement. |
| §36.65                | Attendance during operation                       | 3.b.*                      |                                                                                                                                 |
| §36.67                | Entering and leaving the radiation room           | 3.b.*                      |                                                                                                                                 |
| §36.69                | Irradiation of explosive or inflammable materials | 3.b.*                      |                                                                                                                                 |

| REGULATION<br>SECTION | SECTION TITLE                 | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|-------------------------------|----------------------------|----------|
| §36.81                | Records and retention periods | 3.b.                       |          |
| §36.83                | Reports                       | 3.a.                       |          |
| §36.91                | Violations                    | 3.b.                       |          |
| §36.93                | Criminal penalties            | 3.b.                       |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>              | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>COMMENTS</b> |
|-------------------------------|-----------------------------------|------------------------------------|-----------------|
| §39.1                         | Purpose and Scope                 | 3.b.                               |                 |
| §39.2                         | Definitions                       |                                    |                 |
|                               | Field station                     | 2                                  |                 |
|                               | Fresh water aquifer               | 3.b.                               |                 |
|                               | Injection tool                    | 3.b.                               |                 |
|                               | Irretrievable well logging source | 3.b.                               |                 |
|                               | Licensed material                 | 3.b.                               |                 |
|                               | Logging assistant                 | 3.b.                               |                 |
|                               | Logging supervisor                | 3.a.                               |                 |
|                               | Logging tool                      | 3.b.                               |                 |
|                               | Personal supervision              | 3.b.                               |                 |
|                               | Radioactive marker                | 3.b.                               |                 |
|                               | Safety review                     | 3.b.                               |                 |
|                               | Sealed source                     | See 10 CFR §30.4                   |                 |

| REGULATION<br>SECTION | SECTION TITLE                                         | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|-------------------------------------------------------|----------------------------|----------|
|                       | Source holder                                         | 3.b.                       |          |
|                       | Subsurface tracer study                               | 3.b.                       |          |
|                       | Surface casing for protecting<br>fresh water aquifers | 3.b.                       |          |
|                       | Temporary jobsite                                     | 3.b.                       |          |
|                       | Uranium sinker bar                                    | 3.b.                       |          |
|                       | Well                                                  | 3.b.                       |          |
|                       | Well logging                                          | 3.a.                       |          |
| §39.5                 | Interpretations                                       | 3.b.                       |          |
| §39.8                 | Information collection<br>requirements: OMB approval  | 3.b.                       |          |
| §39.11                | Application for a specific license                    | 3.b.                       |          |
| §39.13                | Specific licenses for well logging                    | 3.b.*                      |          |
| §39.15                | Agreement with well owner or<br>operator              | 3.a.                       |          |
| §39.17                | Request for written statements                        | 3.b.                       |          |



| REGULATION<br>SECTION    | SECTION TITLE                                                           | CLASSIFICATION<br>ASSIGNED                    | COMMENTS |
|--------------------------|-------------------------------------------------------------------------|-----------------------------------------------|----------|
| §39.31                   | Labels, Security, and<br>Transportation precautions                     | (a) is 3.b.; and<br>(b) is 3.a                |          |
| §39.33(a), (c), &<br>(d) | Radiation detection instruments                                         | (a), (c) and (d) are<br>3.b.; and (b) is 3.b* |          |
| §39.35                   | Leak testing of sealed sources                                          | 3.a.                                          |          |
| §39.37                   | Physical inventory                                                      | 3.b.*                                         |          |
| §39.39                   | Records of material use                                                 | 3.a.                                          |          |
| §39.41                   | Design and performance criteria<br>for sealed sources                   | 2                                             |          |
| §39.43                   | Inspection, maintenance, and<br>opening of a source or source<br>holder | 3.a.                                          |          |
| §39.45                   | Subsurface tracer studies                                               | 3.a.                                          |          |
| §39.47                   | Radioactive markers                                                     | 3.b.                                          |          |
| §39.49                   | Uranium sinker bars                                                     | 3.b                                           |          |
| §39.51                   | Use of sealed source in a well<br>without surface casing                | 3.b.                                          |          |

| REGULATION<br>SECTION | SECTION TITLE                                  | CLASSIFICATION<br>ASSIGNED        | COMMENTS                                                                                                                                                                                                |
|-----------------------|------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §39.61                | Training                                       | 3.a.                              | These provisions should be adopted by States because they contain training requirements not contained in (§19.12) or other sections and apply to persons who frequently work in multiple jurisdictions. |
| §39.63                | Operating & Emergency procedures               | 3.a.                              |                                                                                                                                                                                                         |
| §39.65                | Personnel monitoring                           | (a) is 3.a.; (b) and (c) are 3.b. |                                                                                                                                                                                                         |
| §39.67                | Radiation surveys                              | 3.a.                              |                                                                                                                                                                                                         |
| §39.69                | Radioactive con-tamination control             | 3.a.                              |                                                                                                                                                                                                         |
| §39.71                | Security                                       | 3.a.                              |                                                                                                                                                                                                         |
| §39.73                | Documents & Records required at field stations | 3.a.                              |                                                                                                                                                                                                         |

| REGULATION<br>SECTION | SECTION TITLE                                                               | CLASSIFICATION<br>ASSIGNED             | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------|----------------------------------------|----------|
| §39.75                | Documents & records required at temporary job sites                         | 3.a.                                   |          |
| §39.77                | Notification of incidents: abandonment procedures for irretrievable sources | (a), (c) and (d) are 3.a.; (b) is 3.b. |          |
| §39.91                | Applications for exemptions                                                 | 3.b.                                   |          |
| §39.101               | Violations                                                                  | 3.b.                                   |          |
| §39.103               | Criminal penalties                                                          | 3.b.                                   |          |

Part 40 - DOMESTIC LICENSING OF SOURCE MATERIAL

| REGULATION<br>SECTION | SECTION TITLE                       | CLASSIFICATION<br>ASSIGNED                                                                                                   | COMMENTS                                                                                        |
|-----------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| §40.1                 | Purpose                             | 3. b.                                                                                                                        |                                                                                                 |
| §40.2                 | Scope                               | 3. b.                                                                                                                        |                                                                                                 |
| §40.2a                | Coverage of inactive tailings sites | 1 for States with authority to regulate (1) mill activities, (11.e.2 byproduct material or 3.b. for States without authority | Agreement States with authority to regulate uranium mill should adopt this term and definition. |
| §40.3                 | License requirements                | 3. a.                                                                                                                        |                                                                                                 |
| §40.4                 | Definitions                         |                                                                                                                              |                                                                                                 |
|                       | Act                                 | 3. b.                                                                                                                        |                                                                                                 |
|                       | Agreement State                     | See 10 CFR §150.3(b)                                                                                                         |                                                                                                 |
|                       | Alert                               | See 10 CFR §30.4                                                                                                             |                                                                                                 |
|                       | Byproduct material                  | See 10 CFR §150.3(c), applies if UMTRAC State                                                                                |                                                                                                 |
|                       | Commencement of construction        | See 10 CFR §30.4                                                                                                             |                                                                                                 |
|                       | Commission                          | 3.b.                                                                                                                         |                                                                                                 |

| REGULATION<br>SECTION | SECTION TITLE                 | CLASSIFICATION<br>ASSIGNED                                                                                                                 | COMMENTS                                                                                              |
|-----------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|                       | Decommission                  | See 10 CFR §30.4                                                                                                                           |                                                                                                       |
|                       | Department of Energy          | See 10 CFR §20.1003                                                                                                                        |                                                                                                       |
|                       | Depleted uranium              | 1                                                                                                                                          |                                                                                                       |
|                       | Effective kilogram            | 3.b.                                                                                                                                       |                                                                                                       |
|                       | Government agency             | 3.b.                                                                                                                                       |                                                                                                       |
|                       | License                       | 3.b.                                                                                                                                       |                                                                                                       |
|                       | Persons                       | See 10 CFR §20.1003                                                                                                                        |                                                                                                       |
|                       | Pharmacist                    | See 10 CFR §35.2                                                                                                                           |                                                                                                       |
|                       | Physician                     | See 10 CFR §35.2                                                                                                                           |                                                                                                       |
|                       | Principle activities          | See 10 CFR §30.4                                                                                                                           |                                                                                                       |
|                       | Residual radioactive material | 1 for States with<br>authority to regulate U-<br>mill activities. (11.c.2<br>byproduct material or<br>3.b. for States without<br>authority | Agreement States with authority to<br>regulate uranium mill should adopt<br>this term and definition. |
|                       | Site area emergency           | See 10 CFR §30.4                                                                                                                           |                                                                                                       |

| REGULATION<br>SECTION | SECTION TITLE                                        | CLASSIFICATION<br>ASSIGNED                                                                                                | COMMENTS |
|-----------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|----------|
|                       | Source material                                      | See 10 CFR §150.3                                                                                                         |          |
|                       | Special nuclear material                             | See 10 CFR §150.3                                                                                                         |          |
|                       | Transient shipment                                   | 3.b.                                                                                                                      |          |
|                       | United States                                        | 3.b.                                                                                                                      |          |
|                       | Unrefined and unprocessed                            | 2                                                                                                                         |          |
|                       | Uranium enrichment facility                          | 3.b.                                                                                                                      |          |
|                       | Uranium milling                                      | 3. a. for States with<br>authority to regulate<br>uranium mill activities or<br>3. b. or States without<br>this authority |          |
| §40.5                 | Communications                                       | 3.b.                                                                                                                      |          |
| §40.6                 | Interpretations                                      | 3.b.                                                                                                                      |          |
| §40.7                 | Employee protection                                  | 3.b.                                                                                                                      |          |
| §40.8                 | Information collection requirements:<br>OMB approval | 3.b.                                                                                                                      |          |



| REGULATION<br>SECTION | SECTION TITLE                                                                                                             | CLASSIFICATION<br>ASSIGNED            | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------|
| §40.9                 | Completeness and accuracy of<br>information                                                                               | 3.b.                                  |          |
| §40.10                | Deliberate misconduct                                                                                                     | 3.a.                                  |          |
| §40.11                | Persons using source material under<br>certain Department of Energy and<br>Nuclear Regulatory Commission<br>contracts     | 2                                     |          |
| §40.12                | Carriers                                                                                                                  | 2                                     |          |
| §40.13                | Unimportant quantities of source<br>material                                                                              | 2                                     |          |
| §40.14                | Specific exemptions                                                                                                       | (a) is 3. b.; (c), and (d)<br>are NRC |          |
| §40.20                | Types of licenses                                                                                                         | 3.b.                                  |          |
| §40.21                | General license to receive title to source<br>or byproduct material                                                       | 3.a.                                  |          |
| §40.22                | Small quantities of source material                                                                                       | 2                                     |          |
| §40.23                | General license for carriers of transient<br>shipments of natural uranium other than<br>in the form of ore or ore residue | NRC                                   |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                           | CLASSIFICATION<br>ASSIGNED                                 | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------|
| §40.25                | General license for use of certain industrial products or devices                                       | 3.a.                                                       |          |
| §40.26                | General license for possession and storage of byproduct material as defined in this part                | 3. a. for States with 11e.(2) byproduct material 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                                                        |          |
| §40.31                | Application for specific licenses                                                                       | All sections are 3. b., except (i) is 3b*                  |          |
| §40.32                | General requirements for issuance of specific licenses                                                  | All sections are 3. a., except (d) and (e) are NRC         |          |
| §40.33                | Issuance of a license for a uranium enrichment facility                                                 | NRC                                                        |          |
| §40.34                | Special requirements for issuance of specific licenses                                                  | (a)(2) and (a)(3) are 2; and (b) and (c) are 3.b.          |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                               | CLASSIFICATION<br>ASSIGNED                                                                      | COMMENTS |
|-----------------------|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------|
| §40.35                | Conditions of specific licenses issued pursuant to §40.34                                                   | (b) and (c) are 2; (a) is 3. a.; and (c), (e), and (f) are 3. b.                                |          |
| §40.36                | Financial assurance and recordkeeping for decommissioning                                                   | (a), (b), and (d) are 3.b.*; (c), (e), and (f) are 3.b.                                         |          |
| §40.41                | Terms and conditions of licenses                                                                            | 3.b.                                                                                            |          |
| §40.42                | Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas | (c), (d), (e), (g), (h), (i), (j), and (k) are 3.b.*; (l) is 3.a.s; (a), (b), (f), (k) are 3.b. |          |
| §40.43                | Renewal of licenses                                                                                         | 3.b.                                                                                            |          |
| §40.44                | Amendment of licenses at request of licensee                                                                | 3.b.                                                                                            |          |
| §40.45                | Commission action on application to renew or amend                                                          | 3.b.                                                                                            |          |
| §40.46                | Inalienability of licenses                                                                                  | 3.a.                                                                                            |          |
| §40.51                | Transfer of source or byproduct material                                                                    | 2                                                                                               |          |
| §40.60                | Reporting requirements                                                                                      | 3.a.                                                                                            |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                                                   | CLASSIFICATION<br>ASSIGNED                         | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------|
| §40.61                | Records                                                                                                                                                                         | 3.a. for all sections,<br>except (c) is 3.b.       |          |
| §40.62                | Inspections                                                                                                                                                                     | 3.b.                                               |          |
| §40.63                | Tests                                                                                                                                                                           | 3.b.                                               |          |
| §40.64                | Reports                                                                                                                                                                         | NRC                                                |          |
| §40.65                | Effluent monitoring reporting<br>requirements                                                                                                                                   | 3. a. S. for States with<br>uranium mill authority |          |
| §40.66                | Requirements for advance notice of<br>export shipments of natural uranium                                                                                                       | NRC                                                |          |
| §40.67                | Requirement for advance notice of<br>importation of natural uranium from<br>countries that are not party to the<br>Convention on the Physical Protection<br>of Nuclear Material | NRC                                                |          |
| §40.71                | Modification and revocation of licenses                                                                                                                                         | 3.b.                                               |          |
| §40.81                | Violations                                                                                                                                                                      | 3.b.                                               |          |
| §40.42                | Criminal penalties                                                                                                                                                              | 3.b.                                               |          |

| REGULATION<br>SECTION | SECTION TITLE | CLASSIFICATION<br>ASSIGNED                                                                               | COMMENTS |
|-----------------------|---------------|----------------------------------------------------------------------------------------------------------|----------|
| APPENDIX A            |               | 3.a. S. for States with<br>11e.2 byproduct material<br>authority or 3.b. for<br>States without authority |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                                                     | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b>                                                                                                                                                                                                                       |
|-------------------------------|--------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §31.1                         | Purpose and Scope                                                        | 3 b.                               | 3                                                             |                                                                                                                                                                                                                                       |
| §31.2                         | Terms and Conditions                                                     | 3 b.                               | 3                                                             |                                                                                                                                                                                                                                       |
| §31.3                         | Certain devices and<br>equipment                                         | 2                                  | 1                                                             | Agreement States are required to<br>adopt this provision because it<br>contains requirements for devices<br>and equipment which are<br>distributed nationally.                                                                        |
| §31.4                         | Information collection<br>requirements: OMB<br>approval                  | 3 b.                               | 4                                                             |                                                                                                                                                                                                                                       |
| §31.5                         | Certain measuring,<br>gauging or controlling<br>devices                  | 3 b.                               | 2                                                             | Agreement States have the<br>flexibility to authorize the use of<br>these devices under a specific<br>license.                                                                                                                        |
| §31.6                         | General license to<br>install devices generally<br>licenses<br>in § 31.5 | 3 a.                               | 2                                                             | Agreement States are required to<br>adopt this provision because it<br>recognizes the reciprocal<br>recognition of licenses from one<br>jurisdiction to another. States<br>may require notification as a part<br>of these provisions. |



| REGULATION<br>SECTION | SECTION TITLE                                                                                     | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                                                                            |
|-----------------------|---------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §31.7                 | Luminous safety devices for use in aircraft                                                       | 2                          | 2                                                    | Agreement States are required to adopt this provision because it contains requirements for devices which are distributed nationally. In addition, by the nature of their use and application, they devices frequently cross multiple jurisdictions. |
| §31.8                 | Americium-241 in the form of calibration or reference sources                                     | 3.b.                       | 3                                                    |                                                                                                                                                                                                                                                     |
| §31.9                 | General license to own byproduct material                                                         | 3. b.                      | 3                                                    |                                                                                                                                                                                                                                                     |
| §31.10                | General license for strontium 90 in ice detection devices                                         | 2                          | 2                                                    | Agreement States are required to adopt this provision because it contains requirements for devices which are distributed nationally.                                                                                                                |
| §31.11                | General license for use of byproduct material for certain in vitro clinical or laboratory testing | 3.b.                       | 2                                                    | Agreement States have the flexibility to authorize the use of these devices under a specific license.                                                                                                                                               |
| §31.12                | Maintenance of records                                                                            | 3.b.                       | 3                                                    |                                                                                                                                                                                                                                                     |

| REGULATION<br>SECTION | SECTION TITLE      | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------|----------------------------|------------------------------------------------------|----------|
| §31.13                | Violations         | 3 b.                       | 3                                                    |          |
| §31.14                | Criminal penalties | 3 b.                       | 3                                                    |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                              | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENT</b>                                                                                                                                                                                                                                          |
|-------------------------------|---------------------------------------------------|------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §32.1                         | Purpose and Scope                                 | 3.b.                               | 3                                                             |                                                                                                                                                                                                                                                         |
| §32.2                         | Definitions                                       |                                    |                                                               |                                                                                                                                                                                                                                                         |
|                               | Dose commitment                                   | See 10 CFR<br>§20.1003             | 1                                                             | This term and definition are superseded by the new term and definition in 10 CFR Part 20, "committed dose equivalent." Thus, if the 10 CFR Part 20 term and definition are adopted by a State, the adoption of this term and definition are not needed. |
|                               | Lot Tolerance Percent Defective                   | 3.a.                               | 1                                                             |                                                                                                                                                                                                                                                         |
| §32.3                         | Maintenance of records                            | 3.b.                               | 3                                                             |                                                                                                                                                                                                                                                         |
| §32.8                         | Information collection requirements: OMB approval | 3.b.                               | 4                                                             |                                                                                                                                                                                                                                                         |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                             | CLASSIFICATION<br>ASSIGNED                               | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------|---------|
| §32.11                | Introduction of byproduct material in exempt concentrations into products or materials and transfer of ownership or possession. Requirements for license. | Paragraphs (a) and (b) are 3.a.; and paragraph (c) is 2. | 2                                                    |         |
| §32.12                | Same: Records and material transfer reports                                                                                                               | 3.a.                                                     | 2                                                    |         |
| §32.13                | Same: Prohibition of introduction                                                                                                                         | 3.a.                                                     | 2                                                    |         |
| §32.14                | Certain items containing byproduct material; requirements for license to apply or initially transfer                                                      | NRC                                                      | 4                                                    |         |
| §32.15                | Same: Quality assurance, prohibition of transfer and labeling                                                                                             | NRC                                                      | 4                                                    |         |
| §32.16                | Certain items containing byproduct material: Records and reports of transfer                                                                              | NRC                                                      | 4                                                    |         |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                                             | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §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. | 2                          | 4                                                    | 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, this authority could be assumed by the States. |
| §32.18                | Manufacture, distribution and transfer of exempt quantities: Requirements for license                                                                                     | NRC                        | 4                                                    |                                                                                                                                                                                                                                                                                                                                                                                                      |
| §32.19                | Same: Conditions of licenses                                                                                                                                              | NRC                        | 4                                                    |                                                                                                                                                                                                                                                                                                                                                                                                      |
| §32.20                | Same: Records and material transfer reports                                                                                                                               | NRC                        | 4                                                    |                                                                                                                                                                                                                                                                                                                                                                                                      |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                                              | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------|
| §32.22                | Self luminous products<br>containing tritium, krypton-85<br>and promethium-147:<br>Requirements for license to<br>manufacture, process, produce,<br>or initially transfer: | NRC                        | 4                                                    |         |
| §32.23                | Same: Safety criteria                                                                                                                                                      | NRC                        | 4                                                    |         |
| §32.24                | Same: Table of organ doses                                                                                                                                                 | NRC                        | 4                                                    |         |
| §32.25                | Conditions of licenses issued<br>under §32.22: Quality Control,<br>labeling and reports of transfer                                                                        | NRC                        | 4                                                    |         |
| §32.26                | Gas and aerosol detectors<br>containing byproduct material:<br>Requirements for license to<br>manufacture, process, produce<br>or initially transfer                       | NRC                        | 4                                                    |         |
| §32.27                | Same: Safety criteria                                                                                                                                                      | NRC                        | 4                                                    |         |
| §32.28                | Same: Table of organ doses                                                                                                                                                 | NRC                        | 4                                                    |         |



| REGULATION<br>SECTION | SECTION TITLE                                                                                                                | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------|
| §32.29                | Conditions of licenses issued under §32.26: Quality control, labeling and reports of transfer                                | NRC                        | 4                                                    |         |
| §32.40                | Schedule A: Prototype tests for automobile lock illuminators                                                                 | NRC                        | 4                                                    |         |
| §32.51                | Byproduct material contained in devices for use under §31.5: Requirements for license to manufacture or initially transfer   | 2                          | 2                                                    |         |
| §32.51a               | Same: Conditions of licenses                                                                                                 | 2                          | 2                                                    |         |
| §32.52                | Same: Material transfer reports and records                                                                                  | 2                          | 2                                                    |         |
| §32.53                | Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer | 2                          | 2                                                    |         |
| §32.54                | Same: Labeling of devices                                                                                                    | 2                          | 2                                                    |         |
| §32.55                | Same: Quality assurance; prohibition of transfer                                                                             | 2                          | 2                                                    |         |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                         | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------|
| §32.56                | Same: Material transfer reports                                                                                                       | 2                          | 2                                                    |         |
| §32.57                | Calibration or reference sources<br>Am-241: Requirements for<br>license to manufacture or<br>initially transfer                       | 2                          | 2                                                    |         |
| §32.58                | Same: Labeling of devices                                                                                                             | 2                          | 2                                                    |         |
| §32.59                | Same: Leak testing of each<br>source                                                                                                  | 2                          | 2                                                    |         |
| §32.60                | [Reserved]                                                                                                                            |                            |                                                      |         |
| §32.61                | Ice detection devices containing<br>strontium-90; Requirements for<br>license to manufacture or<br>initially transfer                 | 2                          | 2                                                    |         |
| §32.62                | Same: Quality Assurance;<br>prohibition of transfer                                                                                   | 2                          | 2                                                    |         |
| §32.71                | Manufacture and distribution of<br>byproduct material for certain<br>in vitro clinical or laboratory<br>testing under general license | 2                          | 2                                                    |         |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                     | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------|
| §32.72                | Manufacture, preparation or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under Part 35 | 2                          | 2                                                    |         |
| §32.74                | Manufacture and distribution of sources or devices containing byproduct material for medical use                                                  | 2                          | 2                                                    |         |
| §32.101               | Schedule B-prototype tests for luminous safety devices for use in aircraft                                                                        | 2                          | 2                                                    |         |
| §32.102               | Schedule C-prototype tests for calibration or reference sources containing americium-241                                                          | 2                          | 2                                                    |         |
| §32.103               | Schedule D-prototype tests for ice detection devices containing strontium 90                                                                      | 2                          | 2                                                    |         |
| §32.110               | Acceptance sampling procedures under specific licenses                                                                                            | 2                          | 2                                                    |         |

| REGULATION<br>SECTION | SECTION TITLE      | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|--------------------|----------------------------|------------------------------------------------------|---------|
| §32.301               | Violations         | 3.b.                       | 3                                                    |         |
| §32.303               | Criminal penalties | 3.b.                       | 3                                                    |         |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                   | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b> |
|-------------------------------|----------------------------------------|------------------------------------|---------------------------------------------------------------|-----------------|
| §34.1                         | Purpose and Scope                      | 3.b.                               | 3                                                             |                 |
| §34.2                         | Definitions                            |                                    | 2 (exceptions noted<br>below)                                 |                 |
|                               | Permanent radiographic<br>installation | 3.b.                               | 2                                                             |                 |
|                               | Radiographer                           | 3.a. <sup>1</sup>                  | 2                                                             |                 |
|                               | Radiographer's assistant               | 3.b.                               | 2                                                             |                 |
|                               | Radiographic exposure device           | 2                                  | 2                                                             |                 |
|                               | Radiography                            | 2                                  | 2                                                             |                 |
|                               | Sealed source                          | See 10 CFR §30.4                   | 2                                                             |                 |
|                               | Source changer                         | 2                                  | 2                                                             |                 |
|                               | Storage area                           | 3.b.                               | 2                                                             |                 |
|                               | Storage container                      | 2                                  | 2                                                             |                 |
| §34.3                         | Applications for specific<br>licenses  | 3.b.                               | 3                                                             |                 |
| §34.4                         | Maintenance of records                 | 3.a. <sup>1</sup>                  | 3                                                             |                 |

| REGULATION<br>SECTION | SECTION TITLE                                                                           | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §34.8                 | Information collection requirements: OMB approval                                       | 3.b.                       | 4                                                    |          |
| §34.11                | Issuance of specific licenses for use of sealed sources in Industrial Radiography       | 3.a. <sup>1</sup>          | 2                                                    |          |
| §34.20                | Performance requirements for radiography equipment                                      | 2                          | 2                                                    |          |
| §34.21                | Limits on levels of radiation for radiographic exposure devices and storage containers  | 2                          | 2                                                    |          |
| §34.22                | Locking of radiographic exposure devices, storage containers and source changers        | 2                          | 2                                                    |          |
| §34.23                | Storage precautions                                                                     | 3.a. <sup>1</sup>          | 2                                                    |          |
| §34.24                | Radiation survey instruments                                                            | 3.a. <sup>1</sup>          | 2                                                    |          |
| §34.25                | Leak Testing, Repair, Tagging, Opening, Modification, and Replacement of sealed Sources | 3.a. <sup>1</sup>          | 2                                                    |          |
| §34.26                | Quarterly Inventory                                                                     | 3.a. <sup>1</sup>          | 2                                                    |          |



| REGULATION<br>SECTION | SECTION TITLE                                                                                                 | CLASSIFICATION<br>ASSIGNED                            | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------|----------|
| §34.27                | Utilization logs                                                                                              | 2                                                     | 2                                                    |          |
| §34.28                | Inspection and maintenance of<br>radiographic exposure devices,<br>storage containers, and source<br>changers | 3.a. <sup>1</sup>                                     | 2                                                    |          |
| §34.29                | Permanent Radiographic<br>Installations                                                                       | 3.b.*                                                 | 3                                                    |          |
| §34.30                | Reporting requirements                                                                                        | 3.a. <sup>1</sup>                                     | 2                                                    |          |
| §34.31                | Training                                                                                                      | 3.a. <sup>1</sup>                                     | 2                                                    |          |
| §34.32                | Operating and Emergency<br>procedures                                                                         | 3.a. <sup>1</sup> for sections,<br>except (l) is 3.b. | 2                                                    |          |
| §34.33                | Personnel monitoring                                                                                          | 3.a. <sup>1</sup>                                     | 2                                                    |          |
| §34.41                | Security                                                                                                      | 3.a. <sup>1</sup>                                     | 2                                                    |          |
| §34.42                | Posting                                                                                                       | 3.a. <sup>1</sup>                                     | 3                                                    |          |
| §34.43                | Radiation surveys                                                                                             | 3.a. <sup>1</sup> for sections,<br>except (d) is 3.b  | 2                                                    |          |
| §34.44                | Supervision of radiographers'<br>assistant                                                                    | 3.b.                                                  | 3                                                    |          |
| §34.51                | Applications for exemptions                                                                                   | 3.b.                                                  | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                 | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §34.61                | Violations                                    | 3.b.                       | 3                                                    |          |
| §34.63                | Criminal Penalties                            | 3.b.                       | 3                                                    |          |
| Appendix A            | Required subjects for training<br>instruction | 3.a. <sup>1</sup>          | 2                                                    |          |

<sup>1</sup> Agreement States are required to adopt these provisions for the purpose of compatibility to avoid conflicts in the regulations of industrial radiography since this activity frequently involves persons working under reciprocity.

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>          | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b> |
|-------------------------------|-------------------------------|------------------------------------|---------------------------------------------------------------|-----------------|
| §35.1                         | Purpose and scope             | 3.b.                               | 3                                                             |                 |
| §35.2                         | Definitions                   |                                    | 1 (Exceptions indicated<br>below)                             |                 |
|                               | Address of use                | 3.b.                               | 3                                                             |                 |
|                               | ALARA                         | See 10 CFR §20.1003                | 1                                                             |                 |
|                               | Agreement State               | See 10 CFR §150.3(b)               | 1                                                             |                 |
|                               | Area of use                   | 3.b.                               | 3                                                             |                 |
|                               | Authorized nuclear pharmacist | 3.b.                               | 1                                                             |                 |
|                               | Authorized user               | 3.a.                               | 1                                                             |                 |
|                               | Brachytherapy source          | 3.b.                               | 3                                                             |                 |
|                               | Dedicated check source        | 3.b.                               | 3                                                             |                 |
|                               | Dental use                    | 3.b.                               | 3                                                             |                 |

| REGULATION<br>SECTION | SECTION TITLE                            | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                            |
|-----------------------|------------------------------------------|----------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Dentist                                  | 3.b.                       | 3                                                    |                                                                                                                                                     |
|                       | Diagnostic clinical procedures<br>manual | 3.b.                       | 1                                                    |                                                                                                                                                     |
|                       | Management                               | 3.b.                       | 3                                                    |                                                                                                                                                     |
|                       | Medical institution                      | 3.b.                       | 3                                                    |                                                                                                                                                     |
|                       | Medical use                              | 3.a.                       | 1                                                    |                                                                                                                                                     |
|                       | Ministerial change                       | 3.b.                       | 3                                                    |                                                                                                                                                     |
|                       | Misadministration                        | 3.a.                       | 1                                                    | States are required to adopt<br>the quantitative values in this<br>provision since they contain<br>the essential objectives of this<br>requirement. |
|                       | Mobile nuclear medicine<br>service       | 3.b.                       | 3                                                    |                                                                                                                                                     |
|                       | Output                                   | 3.b.                       | 3                                                    |                                                                                                                                                     |

| REGULATION<br>SECTION | SECTION TITLE            | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------|----------------------------|------------------------------------------------------|----------|
|                       | Pharmacist               | 3.b.                       | 1                                                    |          |
|                       | Physician                | 3.b.                       | 3                                                    |          |
|                       | Podiatric use            | 3.b.                       | 3                                                    |          |
|                       | Podiatrist               | 3.b.                       | 3                                                    |          |
|                       | Prescribed dosage        | 3.a.                       | 1                                                    |          |
|                       | Prescribed dose          | 3.a.                       | 1                                                    |          |
|                       | Radiation safety officer | 3.b.                       | 3                                                    |          |
|                       | Recordable event         | 3.b.                       | 1                                                    |          |
|                       | Sealed source            | See 10 CFR §30.4           | 1                                                    |          |
|                       | Teletherapy physicist    | 3.b.                       | 3                                                    |          |
|                       | Written directive        | 3.a.                       | 1                                                    |          |
| §35.5                 | Maintenance of records   | 3.b.                       | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.6                 | Provisions for research involving human subjects.            | 3.b.                       | 2                                                    |          |
| §35.7                 | FDA, other Federal, and State requirements                   | 3.b.                       | 3                                                    |          |
| §35.8                 | Information collection requirements: OMB Approval            | 3.b.                       | 4                                                    |          |
| §35.11                | License required                                             | See 10 CFR §30.3           | 3                                                    |          |
| §35.12                | Application of license, amendment, or renewal                | 3.b.                       | 3                                                    |          |
| §35.13                | License amendments                                           | 3.b.                       | 3                                                    |          |
| §35.14                | Notifications                                                | 3.b.                       | 3                                                    |          |
| §35.15                | Exemptions regarding Type A specific licenses of broad scope | 3.b.                       | 3                                                    |          |
| §35.18                | License issuance                                             | 3.b.                       | 3                                                    |          |



| REGULATION<br>SECTION | SECTION TITLE                                                                                       | CLASSIFICATION<br>ASSIGNED       | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------------------------------|----------------------------------|------------------------------------------------------|----------|
| §35.19                | Specific exemptions                                                                                 | 3.b.                             | 3                                                    |          |
| §35.20                | ALARA program                                                                                       | See 10 CFR §20.1101              | 3                                                    |          |
| §35.21                | Radiation Safety Officer                                                                            | (a) is 3.b.*; and<br>(b) is 3.b. | 3                                                    |          |
| §35.22                | Radiation safety committee                                                                          | 3.b.                             | 3, except (b)(2) is 2                                |          |
| §35.23                | Statements of authority and<br>responsibilities                                                     | (a) is 3.b.*; and<br>(b) is 3.b. | 3                                                    |          |
| §35.25                | Supervision                                                                                         | 3.b.                             | 2                                                    |          |
| §35.29                | Administrative requirements<br>that apply to the provision of<br>mobile nuclear medicine<br>service | 3.b.                             | 3                                                    |          |
| §35.31                | Radiation safety program<br>changes                                                                 | 3.b.                             | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                               | CLASSIFICATION<br>ASSIGNED                                            | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------|----------|
| §35.32                | Quality management program                                                                                                  | 3.b* for all sections<br>except, (a)(5), (d), (e)<br>and (f) are 3.b. | 2                                                    |          |
| §35.33                | Notifications, reports, and<br>records of misadministrations                                                                | 3.a.                                                                  | 2                                                    |          |
| §35.49                | Suppliers for sealed sources or<br>devices for medical use                                                                  | 3.b.                                                                  | 3                                                    |          |
| §35.50                | Possession, use, calibration,<br>and check of dose calibrators                                                              | 3.b.                                                                  | 2                                                    |          |
| §35.51                | Calibration and check of<br>survey instruments                                                                              | See 10 CFR §20.1501                                                   | 3                                                    |          |
| §35.52                | Possession, use, calibration,<br>and check of instruments to<br>measure dosages of alpha- or<br>beta-emitting radionuclides | 3.b.                                                                  | 2                                                    |          |
| §35.53                | Measurements of dosages of<br>unsealed byproduct material<br>for medical use                                                | (a), (b) are 3.b.*; and<br>(c) is 3.b.                                | 2                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                 | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.57                | Authorization of calibration<br>and reference sources                                                         | 3.b.                       | 3                                                    |          |
| §35.59                | Requirements for possession<br>of sealed sources and<br>brachytherapy sources                                 | 3.b.*                      | 3                                                    |          |
| §35.60                | Syringe shields and labels                                                                                    | 3.b.                       | 3                                                    |          |
| §35.61                | Vial shields and labels                                                                                       | 3.b.                       | 3                                                    |          |
| §35.70                | Surveys for contamination and<br>ambient radiation exposure<br>rate                                           | 3.b.*                      | 3                                                    |          |
| §35.75                | Release of patients or human<br>research subjects containing<br>radiopharmaceuticals or<br>permanent implants | 3.a.                       | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                          | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|----------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.80                | Technical requirements that apply to the provision of mobile nuclear medicine services | 3.b.                       | 3                                                    |          |
| §35.90                | Storage of volatiles and gases                                                         | 3.b.                       | 3                                                    |          |
| §35.92                | Decay-in-storage                                                                       | 3.b.                       | 3                                                    |          |
| §35.100               | Use of unsealed byproduct material for uptake, dilution, and excretion studies         | 3.b.*                      | 3                                                    |          |
| §35.120               | Possession of survey instruments                                                       | 3.b.                       | 3                                                    |          |
| §35.200               | Use of unsealed byproduct material for imaging and localization studies                | 3.b.*                      | 3                                                    |          |
| §35.204               | Permissible molybdenum-99 concentration                                                | 3.b.*                      | 3                                                    |          |
| §35.205               | Control of aerosols and gases                                                          | See §20.1301               | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                  | CLASSIFICATION<br>ASSIGNED                         | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|----------|
| §35.220               | Possession of survey instruments                                               | See §20.1501                                       | 3                                                    |          |
| §35.300               | Use of unsealed byproduct material for therapeutic administration              | 3.b.*                                              | 3                                                    |          |
| §35.310               | Safety instruction                                                             | 3.b.                                               | 3                                                    |          |
| §35.315               | Safety precautions                                                             | 3.b.                                               | 3                                                    |          |
| §35.320               | Possession of survey instruments                                               | 3.b.                                               | 3                                                    |          |
| §35.400               | Use of sources for brachytherapy                                               | 3.b.                                               | 3                                                    |          |
| §35.404               | Release of patients or human research subjects treated with temporary implants | 3.a.                                               | 3                                                    |          |
| §35.406(a) & (c)      | Brachytherapy sources inventory                                                | (a) and (c) are 3.b.*;<br>and (b) and (d) are 3.b. | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                   | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.410               | Safety instruction                              | 3.b.                       | 3                                                    |          |
| §35.415               | Safety precautions                              | 3.b.                       | 3                                                    |          |
| §35.420               | Possession of survey<br>instruments             | 3.b.                       | 3                                                    |          |
| §35.500               | Use of sealed sources for<br>diagnosis          | 3.b.                       | 3                                                    |          |
| §35.520               | Availability of survey<br>instrument            | 3.b.                       | 3                                                    |          |
| §35.600               | Use of a sealed source in a<br>teletherapy unit | 3.b.                       | 3                                                    |          |
| §35.605               | Maintenance and repair<br>restrictions          | 3.b.*                      | 3                                                    |          |
| §35.606               | License amendments                              | 3.b.                       | 3                                                    |          |
| §35.610               | Safety instructions                             | 3.b.*                      | 3                                                    |          |



| REGULATION<br>SECTION | SECTION TITLE                                                                       | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                    |
|-----------------------|-------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| §35.615               | Safety precautions                                                                  | 3.b.*                      | 3                                                    |                                                                                                                                             |
| §35.620               | Possession of survey<br>instrument                                                  | 3.b.                       | 3                                                    |                                                                                                                                             |
| §35.630               | Dosimetry equipment                                                                 | 3.b.*                      | 3                                                    |                                                                                                                                             |
| §35.632               | Full calibration measurements                                                       | 3.b.*                      | 3                                                    | States are required to adopt<br>the quantitative values in this<br>provision since they are<br>essential objectives of this<br>requirement. |
| §35.634               | Periodic spot-checks                                                                | 3.b.*                      | 3                                                    |                                                                                                                                             |
| §35.636               | Safety checks for teletherapy<br>facilities                                         | 3.b.*                      | 3                                                    |                                                                                                                                             |
| §35.641               | Radiation surveys for<br>teletherapy facilities                                     | 3.b.                       | 3                                                    |                                                                                                                                             |
| §35.643               | Modification of teletherapy<br>unit or room before beginning<br>a treatment program | 3.b.                       | 3                                                    |                                                                                                                                             |

| REGULATION<br>SECTION | SECTION TITLE                                                   | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.645               | Reports of teletherapy surveys, checks, tests, and measurements | 3.b.                       | 3                                                    |          |
| §35.647               | Five-year inspection                                            | 3.b. *                     | 3                                                    |          |
| §35.900               | Radiation safety officer                                        | 3.b.                       | 3                                                    |          |
| §35.901               | Training for experienced radiation safety officer               | 3.b.                       | 3                                                    |          |
| §35.910               | Training for uptake, dilution, and excretion studies            | 3.b.                       | 3                                                    |          |
| §35.920               | Training for imaging and localization studies                   | 3.b.                       | 2                                                    |          |
| §35.930               | Training for therapeutic use of unsealed byproduct material     | 3.b.                       | 3                                                    |          |
| §35.932               | Training for treatment of hyperthyroidism                       | 3.b.                       | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                    | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.934               | Training for thyroid carcinoma                   | 3.b.                       | 3                                                    |          |
| §35.940               | Training for use of brachytherapy sources        | 3.b.                       | 3                                                    |          |
| §35.941               | Training for ophthalmic use of strontium-90      | 3.b.                       | 3                                                    |          |
| §35.950               | Training for use of sealed sources for diagnosis | 3.b.                       | 3                                                    |          |
| §35.960               | Training for teletherapy                         | 3.b.                       | 3                                                    |          |
| §35.961               | Training for teletherapy physicist               | 3.b.                       | 3                                                    |          |
| §35.970               | Training for experienced authorized users        | 3.b.                       | 3                                                    |          |
| §35.971               | Physician training in a three month program      | 3.b.                       | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                         | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.972               | Recentness of training                                                | 3.b.                       | 2                                                    |          |
| §35.980               | Training for an authorized<br>nuclear pharmacist                      | 3.b.                       | 2                                                    |          |
| §35.981               | Training for experienced<br>nuclear pharmacist                        | 3.b.                       | 2                                                    |          |
| §35.990               | Violations                                                            | 3.b.                       | 3                                                    |          |
| §35.991               | Criminal penalties                                                    | 3.b.                       | 3                                                    |          |
| §35.999               | Resolution of conflicting<br>requirements during transition<br>period | 3.b.                       | 3                                                    |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>         | <b>CLASSIFICATION<br/>ASSIGNED<br/>(As determined by B.7)</b> | <b>COMMENTS</b> |
|-------------------------------|------------------------------|---------------------------------------------------------------|-----------------|
| §61.1                         | Purpose & Scope              | 3.b.                                                          |                 |
| §61.2                         | Definitions                  |                                                               |                 |
|                               | Active maintenance           | 3.b.*                                                         |                 |
|                               | Buffer zone                  | 3.b.                                                          |                 |
|                               | Chelating agent              | 3.b.                                                          |                 |
|                               | Commencement of construction | 3.b.                                                          |                 |
|                               | Commission                   | 3.b.                                                          |                 |
|                               | Custodial Agency             | 3.b.                                                          |                 |
|                               | Director                     | 3.b.                                                          |                 |
|                               | Disposal                     | 3.a.                                                          |                 |
|                               | Disposal site                | 3.a.                                                          |                 |
|                               | Disposal unit                | 3.b.                                                          |                 |
|                               | Engineered barrier           | 3.b.                                                          |                 |
|                               | Explosive material           | 3.b.                                                          |                 |
|                               | Government agency            | 3.b.                                                          |                 |
|                               | Hazardous waste              | 3.a.                                                          |                 |

| REGULATION<br>SECTION | SECTION TITLE                  | CLASSIFICATION<br>ASSIGNED<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------|------------------------------------------------------|----------|
|                       | Hydrogeologic unit             | 3.b.                                                 |          |
|                       | Inadvertent intruder           | 3.a.                                                 |          |
|                       | Indian Tribe                   | 3.b.                                                 |          |
|                       | Intruder barrier               | 3.a.                                                 |          |
|                       | Land disposal facility         | 3.b.                                                 |          |
|                       | License                        | See 10 CFR §20.1003                                  |          |
|                       | Monitoring                     | 3.a.                                                 |          |
|                       | Near-surface disposal facility | 3.b.                                                 |          |
|                       | Person                         | See 10 CFR §20.1003                                  |          |
|                       | Pyrophoric liquid              | 3.b.                                                 |          |
|                       | Site closure and stabilization | 3.b.                                                 |          |
|                       | State                          | 3.b.                                                 |          |
|                       | Stability                      | 3.b.                                                 |          |
|                       | Surveillance                   | 3.b.                                                 |          |
|                       | Tribal governing body          | 3.b.                                                 |          |
|                       | Waste                          | 2                                                    |          |



| REGULATION<br>SECTION | SECTION TITLE                                        | CLASSIFICATION<br>ASSIGNED<br>(As determined by B.7) | COMMENTS |
|-----------------------|------------------------------------------------------|------------------------------------------------------|----------|
| §61.3                 | License required                                     | 3.a.                                                 |          |
| §61.4                 | Communications                                       | 3.b.                                                 |          |
| §61.5                 | Interpretations                                      | 3.b.                                                 |          |
| §61.6                 | Exemptions                                           | 3.b.                                                 |          |
| §61.7                 | Concepts                                             | 3.b.*                                                |          |
| §61.8                 | Information collection requirements:<br>QMB approval | 3.b.                                                 |          |
| §61.9                 | Employee protection                                  | 3.b.                                                 |          |
| §61.9a                | Completeness and accuracy of<br>information          | 3.b.                                                 |          |
| §61.9b                | Deliberate misconduct                                | 3.b.                                                 |          |
| §61.10                | Content of application                               | 3.b.                                                 |          |
| §61.11                | General information                                  | 3.b.                                                 |          |
| §61.12                | Specific technical information                       | 3.b.                                                 |          |
| §61.13                | Technical analysis                                   | 3.b.*                                                |          |
| §61.14                | Institutional information                            | 3.b.*                                                |          |
| §61.15                | Financial information                                | 3.b.                                                 |          |

| REGULATION<br>SECTION | SECTION TITLE                                                          | CLASSIFICATION<br>ASSIGNED<br>(As determined by B.7) | COMMENTS |
|-----------------------|------------------------------------------------------------------------|------------------------------------------------------|----------|
| §61.16                | Other information                                                      | NRC                                                  |          |
| §61.20                | Filing and distribution of application                                 | 3.b.                                                 |          |
| §61.21                | Elimination of repetition                                              | 3.b.                                                 |          |
| §61.22                | Updating of application                                                | 3.b.                                                 |          |
| §61.23                | Standards for issuance of a license                                    | 3.b.                                                 |          |
| §61.24                | Conditions of licenses                                                 | 3.b.                                                 |          |
| §61.25                | Changes                                                                | 3.b.                                                 |          |
| §61.26                | Amendment of license                                                   | 3.b.                                                 |          |
| §61.27                | Application for renewal or closure                                     | 3.b.                                                 |          |
| §61.28                | Contents of application for closure                                    | 3.b.                                                 |          |
| §61.29                | Post-closure observation and<br>maintenance                            | 3.b.                                                 |          |
| §61.30                | Transfer of license                                                    | 3.b.                                                 |          |
| §61.31                | Termination of license                                                 | 3.b.                                                 |          |
| §61.40                | General requirement                                                    | 3.b.                                                 |          |
| §61.41                | Protection of the general population<br>from releases of radioactivity | 1                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                 | CLASSIFICATION<br>ASSIGNED<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------|------------------------------------------------------|----------|
| §61.42                | Protection of individuals from<br>inadvertent intrusion       | 3.b.                                                 |          |
| §61.43                | Protection of individuals during<br>operations                | 3.b.                                                 |          |
| §61.44                | Stability of the disposal site after<br>closure               | 3.b.*                                                |          |
| §61.50                | Disposal site suitability requirements<br>for land disposal   | 3.b.*                                                |          |
| §61.51                | Disposal site design for land disposal                        | 3.b.*                                                |          |
| §61.52                | Land disposal facility operation and<br>disposal site closure | 3.b.*                                                |          |
| §61.53                | Environmental monitoring                                      | 3.b.*                                                |          |
| §61.54                | Alternative requirements for design<br>and operations         | 3.b.*                                                |          |
| §61.55                | Waste classification                                          | 2                                                    |          |
| §61.56                | Waste characteristics                                         | 3.b.*                                                |          |

| REGULATION<br>SECTION | SECTION TITLE                                                         | CLASSIFICATION<br>ASSIGNED<br>(As determined by B.7) | COMMENTS                                                                                                                        |
|-----------------------|-----------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| §61.57                | Labeling                                                              | 3.b.*                                                | States are required to adopt this provision for safety to prevent overexposure from mishandling of wastes with high activities. |
| §61.58                | Alternative requirements for waste classification and characteristics | 3.b.                                                 |                                                                                                                                 |
| §61.59                | Institutional requirements                                            | 3.b.*                                                |                                                                                                                                 |
| §61.61                | Applicant qualifications and assurances                               | 3.b.                                                 |                                                                                                                                 |
| §61.62                | Funding for disposal site closure and stabilization                   | 3.b.*                                                |                                                                                                                                 |
| §61.63                | Financial assurances for institutional controls                       | 3.b.*                                                |                                                                                                                                 |
| §61.70                | Scope                                                                 | 3.b.                                                 |                                                                                                                                 |
| §61.71                | State and Tribal government consultation                              | 3.b.                                                 |                                                                                                                                 |
| §61.72                | Filing of proposals for State and Tribal participation                | 3.b.                                                 |                                                                                                                                 |
| §61.73                | Commission approval of proposals                                      | 3.b.                                                 |                                                                                                                                 |

| REGULATION<br>SECTION | SECTION TITLE                                      | CLASSIFICATION<br>ASSIGNED<br>(As determined by B.7) | COMMENTS |
|-----------------------|----------------------------------------------------|------------------------------------------------------|----------|
| §61.80                | Maintenance of records, reports, and transfers     | 3.a.                                                 |          |
| §61.81                | Tests at land disposal facilities                  | 3.b.                                                 |          |
| §61.82                | Commission inspections of land disposal facilities | 3.b.                                                 |          |
| §61.83                | Violations                                         | 3.b.                                                 |          |
| §61.84                | Criminal penalties                                 | 3.b.                                                 |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>         | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>COMMENTS</b> |
|-------------------------------|------------------------------|------------------------------------|-----------------|
| §70.1                         | Purpose                      | 3. b.                              |                 |
| §70.2                         | Scope                        | 3. b.                              |                 |
| §70.3                         | License requirements         | 3. a.                              |                 |
| §70.4                         | Definitions                  |                                    |                 |
|                               | Act                          | 3. b.                              |                 |
|                               | Agreement State              | See 10 CFR §150.3(b)               |                 |
|                               | Alert                        | See 10 CFR §30.4                   |                 |
|                               | Atomic Energy                | 3. b.                              |                 |
|                               | Atomic Weapon                | 3. b.                              |                 |
|                               | Commencement of construction | See 10 CFR §30.4                   |                 |
|                               | Commission                   | 3. b.                              |                 |
|                               | Common defense and security  | 3. b.                              |                 |



| REGULATION<br>SECTION | SECTION TITLE                                      | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|----------------------------------------------------|----------------------------|----------|
|                       | Contiguous sites                                   | 3. b.                      |          |
|                       | Decommission                                       | See 10 CFR §30.4           |          |
|                       | Department or Department of Energy                 | See 10 CFR §30.4           |          |
|                       | Effective dose equivalent                          | See 10 CFR §20.1003        |          |
|                       | Effective kilograms of special<br>nuclear material | 3. b.                      |          |
|                       | Formula quantity                                   | 3. b.                      |          |
|                       | Government agency                                  | 3. b.                      |          |
|                       | License                                            | See 10 CFR §20.1003        |          |
|                       | Persons                                            | See 10 CFR §20.1003        |          |
|                       | Plutonium processing and fuel<br>fabrication plant | 3.b.                       |          |
|                       | Principal activities                               | See 10 CFR §30.4           |          |
|                       | Produce                                            | 3. b.                      |          |

| REGULATION<br>SECTION | SECTION TITLE                                                  | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|----------------------------------------------------------------|----------------------------|----------|
|                       | Research and development                                       | 3. b.                      |          |
|                       | Restricted data                                                | 3. b.                      |          |
|                       | Sealed source                                                  | See 10 CFR §30.4           |          |
|                       | Site area emergency                                            | See 10 CFR §30.4           |          |
|                       | Source material                                                | See 10 CFR §150(i)         |          |
|                       | Special nuclear material                                       | See 10 CFR §150(j)         |          |
|                       | Special nuclear material of low<br>strategic significance      | NRC                        |          |
|                       | Special nuclear material of moderate<br>strategic significance | NRC                        |          |
|                       | Special nuclear material scrap                                 | 3. b.                      |          |
|                       | Strategic special nuclear material                             | NRC                        |          |
|                       | Transient shipment                                             | NRC                        |          |
|                       | United States                                                  | NRC                        |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                    | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|----------------------------------------------------------------------------------|----------------------------|----------|
|                       | Uranium enrichment facility                                                      | NRC                        |          |
| §70.5                 | Communications                                                                   | 3. b.                      |          |
| §70.6                 | Interpretations                                                                  | 3. b.                      |          |
| §70.7                 | Employee protection                                                              | 3. b.                      |          |
| §70.8                 | Information collection requirements;<br>OMB approval                             | 3. b.                      |          |
| §70.9                 | Completeness and accuracy of<br>information                                      | 3. b.                      |          |
| §70.10                | Deliberate misconduct                                                            | 3. b.                      |          |
| §70.11                | Persons using special nuclear<br>material under certain DOE and<br>NRC contracts | 1                          |          |
| §70.12                | Carriers                                                                         | 2                          |          |
| §70.13                | Department of Defense                                                            | NRC                        |          |
| §70.13a               | Foreign military aircraft                                                        | NRC                        |          |

| REGULATION SECTION | SECTION TITLE                                                                                                                                                                                                                                                     | CLASSIFICATION ASSIGNED                                                                   | COMMENTS |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------|
| §70.14             | Specific exemption                                                                                                                                                                                                                                                | 3. b.                                                                                     |          |
| §70.18             | Types of licenses                                                                                                                                                                                                                                                 | 3. b.                                                                                     |          |
| §70.19             | General license for calibration or reference sources                                                                                                                                                                                                              | 3. a.                                                                                     |          |
| §70.20             | General license to own special nuclear material                                                                                                                                                                                                                   | 3. a.                                                                                     |          |
| §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                                                                                       |          |
| §70.21             | Filing                                                                                                                                                                                                                                                            | (a)(1), (a)(2), (a)(3), (b) and (d) are 3.a.; (c), (f), (g), and (h) are NRC; (e) is 3.b. |          |

| REGULATION<br>SECTION | SECTION TITLE                                       | CLASSIFICATION<br>ASSIGNED                                                                                                                      | COMMENTS |
|-----------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------|
|                       |                                                     |                                                                                                                                                 |          |
|                       |                                                     |                                                                                                                                                 |          |
|                       |                                                     |                                                                                                                                                 |          |
|                       |                                                     | 3. a.                                                                                                                                           |          |
| §70.22                | Contents of application                             | (a), (d) and (e) is 3.b.;<br>(b), (c), (f), (g), (h),<br>(i), (j), (k), (l), (m),<br>and (n) are NRC                                            |          |
| §70.23                | Requirements for the approval of<br>applications    | (a)(1), (2), (3), (4),<br>(5), and (6) are 3.b.;<br>(a)(7), (8)(a)(1) thru (7)<br>are 2; (a)(9), (a)(10),<br>(a)(11), and (a)(12) are<br>rule 4 |          |
| §70.23a               | Hearing required for uranium<br>enrichment facility | NRC                                                                                                                                             |          |
| §70.24                | Critically accident requirements                    | NRC                                                                                                                                             |          |

| REGULATION<br>SECTION | SECTION TITLE                                                | CLASSIFICATION<br>ASSIGNED                                                                                                                                                                              | COMMENTS |
|-----------------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| §70.25                | Financial assurance and<br>recordkeeping for decommissioning | 3.b*                                                                                                                                                                                                    |          |
| §70.31                | Issuance of licenses                                         | 3. b.                                                                                                                                                                                                   |          |
| §70.32                | Conditions of licenses                                       | (a)(1), (a)(4), (a)(5),<br>(a)(6), (a)(7), (b)(1),<br>(b)(2), (b)(3), (b)(4),<br>(b)(5), (c), (d), (e), (f),<br>(g), (h), (i), (j) and (k)<br>are NRC; (a)(2),<br>(a)(3), (a)(8, and (a)(9)<br>are 3.b. |          |
| §70.33                | Renewal of licenses                                          | 3. b.                                                                                                                                                                                                   |          |
| §70.34                | Amendment of licenses                                        | 3. b.                                                                                                                                                                                                   |          |
| §70.35                | Commission action on applications to<br>renew or amend       | 3. b.                                                                                                                                                                                                   |          |
| §70.36                | Inalienability of licenses                                   | 3. a.                                                                                                                                                                                                   |          |
| §70.37                | Disclaimer of warranties                                     | NRC                                                                                                                                                                                                     |          |



| REGULATION<br>SECTION | SECTION TITLE                                                                                               | CLASSIFICATION<br>ASSIGNED     | COMMENTS |
|-----------------------|-------------------------------------------------------------------------------------------------------------|--------------------------------|----------|
| §70.38                | Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas | 3. a.                          |          |
| §70.39                | Specific licenses for the manufacture or initial transfer of calibration sources                            | 3. a.                          |          |
| §70.41                | Authorized use of special nuclear material                                                                  | 3. b.                          |          |
| §70.42                | Transfer of special nuclear material                                                                        | 2                              |          |
| §70.44                | Creditor regulations                                                                                        | NRC                            |          |
| §70.50                | Reporting requirements                                                                                      | See 10CFR §20.0001 thru 20.006 |          |
| §70.51                | Material balance, inventory, and records requirements                                                       | NRC                            |          |
| §70.52                | Reports of accidental critically or loss or theft or attempted theft of special nuclear material            | NRC                            |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                         | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------|----------------------------|----------|
| §70.53                | Material status reports                                                               | NRC                        |          |
| §70.54                | Nuclear material transfer reports                                                     | NRC                        |          |
| §70.55                | Inspections                                                                           | NRC                        |          |
| §70.56                | Tests                                                                                 | NRC                        |          |
| §70.57                | Measurement control program for<br>special nuclear material accounting<br>and control | NRC                        |          |
| §70.58                | Fundamental nuclear material<br>controls                                              | NRC                        |          |
| §70.59                | Effluent monitoring reporting<br>requirements                                         | NRC                        |          |
| §70.61                | Modification and revocation of<br>licenses                                            | 3. b.                      |          |
| §70.62                | Suspension and operation in war or<br>national emergency                              | NRC                        |          |
| §70.71                | Violations                                                                            | 3. b.                      |          |

| REGULATION<br>SECTION | SECTION TITLE      | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|--------------------|----------------------------|----------|
| §70.72                | Criminal penalties | 3. b.                      |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION<br/>TITLE</b>                | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>COMMENTS</b>                                                                   |
|-------------------------------|-----------------------------------------|------------------------------------|-----------------------------------------------------------------------------------|
| §71.0                         | Purpose and Scope                       | 3.b                                |                                                                                   |
| §71.1                         | Communications and Records              | 3.b                                |                                                                                   |
| §71.2                         | Interpretations                         | 3.b                                |                                                                                   |
| §71.3.                        | Requirements for license                | 3.b                                |                                                                                   |
| §71.4                         | Definitions                             |                                    |                                                                                   |
|                               | A <sub>1</sub>                          | 2                                  |                                                                                   |
|                               | Carrier                                 | 2                                  |                                                                                   |
|                               | Certificate holder                      | 2                                  |                                                                                   |
|                               | Close reflection by water               | 3.b                                | States not required to adopt, but if they do,<br>should be essentially identical. |
|                               | Containment System                      | 2                                  |                                                                                   |
|                               | Conveyance                              | 2                                  |                                                                                   |
|                               | Exclusive use                           | 2                                  |                                                                                   |
|                               | Fissile material                        | 3.b                                | States not required to adopt, but if they do,<br>should be essentially identical. |
|                               | Licensed material                       | 2                                  |                                                                                   |
|                               | Low Specific Activity (LSA)<br>material | 2                                  |                                                                                   |
|                               | Low toxicity alpha emitters             | 2                                  |                                                                                   |

| REGULATION<br>SECTION | SECTION<br>TITLE                            | CLASSIFICATION<br>ASSIGNED | COMMENTS                                                                       |
|-----------------------|---------------------------------------------|----------------------------|--------------------------------------------------------------------------------|
|                       | Maximum normal operating pressure           | 2                          |                                                                                |
|                       | Natural thorium                             | 2                          |                                                                                |
|                       | Normal form radioactive material            | 3.b                        | States not required to adopt, but if they do, should be essentially identical. |
|                       | Optimum interspersed hydrogenous moderation | 3.b                        | States not required to adopt, but if they do, should be essentially identical  |
|                       | Package                                     | 2                          |                                                                                |
|                       | Fissile material package                    | 2                          |                                                                                |
|                       | Type B package                              | 2                          |                                                                                |
|                       | Packaging                                   | 2                          |                                                                                |
|                       | Special form radioactive material           | 2                          |                                                                                |
|                       | Specific activity                           | 2                          |                                                                                |
|                       | State                                       | 3.b                        |                                                                                |
|                       | Surface Contaminated Object (SCO)           | 2                          |                                                                                |
|                       | Transport Index                             | 2                          |                                                                                |
|                       | Type A quantity                             | 2                          |                                                                                |
|                       | Type B quantity                             | 2                          |                                                                                |
|                       | Natural Uranium                             | 2                          |                                                                                |
|                       | Depleted Uranium                            | 2                          |                                                                                |

| REGULATION<br>SECTION | SECTION<br>TITLE                                                    | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|---------------------------------------------------------------------|----------------------------|----------|
|                       | Enriched Uranium                                                    | 2                          |          |
| §71.5                 | Transportation of Licensed Material                                 | 2                          |          |
| §71.6                 | Information collection requirements:<br>OMB approval                | 3.b                        |          |
| §71.7                 | Completeness and accuracy of<br>Information                         | 3.b                        |          |
| §71.8                 | Specific exemptions                                                 | 3.b                        |          |
| §71.9                 | Exemption for physicians                                            | 3.b                        |          |
| §71.10                | Exemptions for low level material                                   | 2                          |          |
| §71.12                | General license: NRC-approved<br>package                            | 2                          |          |
| §71.13                | Previously approved package                                         | 2                          |          |
| §71.14                | General license: DOT specification<br>container material            | 2                          |          |
| §71.16                | General license: Use of foreign<br>approved package                 | 2                          |          |
| §71.18                | General license: Fissile material,<br>limited quantity of package   | NRC                        |          |
| §71.20                | General license: Fissile material,<br>limited moderator per package | NRC                        |          |



| REGULATION<br>SECTION | SECTION<br>TITLE                                                                | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------|----------------------------|----------|
| §71.22                | General license: Fissile material,<br>limited quantity, Controlled<br>Shipment  | NRC                        |          |
| §71.24                | General license: Fissile material,<br>limited moderator, controlled<br>shipment | NRC                        |          |
| §71.31                | Contents of Application                                                         | NRC                        |          |
| §71.33.               | Package description                                                             | NRC                        |          |
| §71.35                | Package evaluation                                                              | NRC                        |          |
| §71.37                | Quality Assurance                                                               | NRC                        |          |
| §71.39                | Requirements for additional<br>information                                      | NRC                        |          |
| §71.41                | Demonstration of Compliance                                                     | NRC                        |          |
| §71.43                | General Standards for all packages                                              | NRC                        |          |
| §71.45                | Lifting and tie-down Standards for<br>all packages                              | NRC                        |          |
| §71.47                | External radiation Standards for all<br>packages                                | NRC                        |          |
| §71.51                | Additional Requirements for Type B<br>packages                                  | NRC                        |          |
| §71.52                | Exemption for low-specific-activity<br>(LSA) packages                           | NRC                        |          |

| REGULATION<br>SECTION | SECTION<br>TITLE                                           | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|------------------------------------------------------------|----------------------------|----------|
| §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                        |          |
| §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                        | 2                          |          |

| REGULATION<br>SECTION | SECTION<br>TITLE                                                              | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|-------------------------------------------------------------------------------|----------------------------|----------|
| §71.83                | Assumptions as to unknown properties                                          | NRC                        |          |
| §71.85                | Preliminary determinations                                                    | 2                          |          |
| §71.87                | Routine determinations                                                        | 2                          |          |
| §71.88                | Air Transportation of plutonium                                               | 2                          |          |
| §71.89                | Opening instructions                                                          | 2                          |          |
| §71.91                | Records                                                                       | 3.b                        |          |
| §71.93.               | Inspection and tests                                                          | 3.b                        |          |
| §71.95                | Reports                                                                       | 3.b                        |          |
| §71.97                | Advance notification of shipment of irradiated reactor fuel and nuclear waste | 2                          |          |
| §71.99                | Violations                                                                    | 3.b                        |          |
| §71.100               | Criminal penalties                                                            | 3.b                        |          |
| §71.101               | Quality assurance requirements                                                | 3.b                        |          |
| §71.103               | Quality assurance organization                                                | 3.b                        |          |
| §71.105               | Quality assurance program                                                     | 3.b                        |          |
| §71.107               | Package design control                                                        | 3.b                        |          |
| §71.109               | Procurement document control                                                  | 3.b                        |          |

| REGULATION<br>SECTION | SECTION<br>TITLE                                               | CLASSIFICATION<br>ASSIGNED | COMMENTS |
|-----------------------|----------------------------------------------------------------|----------------------------|----------|
| §71.111               | Instructions, procedures, and drawings                         | 3.b                        |          |
| §71.117               | Identification and control of materials, parts, and components | 3.b                        |          |
| §71.119               | Control of special processes                                   | 3.b                        |          |
| §71.121               | Internal Inspection                                            | 3.b                        |          |
| §71.123               | Test control                                                   | 3.b                        |          |
| §71.125               | Control of measuring and test equipment                        | 3.b                        |          |
| §71.127               | Handling, storage, and shipping control                        | 3.b                        |          |
| §71.129               | Inspection, test, and operating status                         | 3.b                        |          |
| §71.131               | Nonconforming materials, parts, or components                  | 3.b                        |          |
| 71.133                | Corrective action                                              | 3.b                        |          |
| §71.135               | Quality assurance records                                      | 3.b                        |          |
| §71.137               | Audits                                                         | 3.b                        |          |
| Appendix A            | Determination of A1 and A2                                     | 2                          |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>     | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>COMMENTS</b>                                                                                                                               |
|-------------------------------|--------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| §150.1                        | Purpose                  | 3.b                                |                                                                                                                                               |
| §150.2                        | Scope                    | 3.b                                |                                                                                                                                               |
| §150.3                        | Definitions              |                                    |                                                                                                                                               |
| §150.3(a)                     | Act                      | 3.b                                |                                                                                                                                               |
| §150.3(b)                     | Agreement State          | 2                                  | Definition has significant national and transboundary implications.                                                                           |
| §150.3(c)                     | Byproduct Material       | 1                                  |                                                                                                                                               |
| §150.3(d)                     | Commission               | 3.b                                |                                                                                                                                               |
| §150.3(e)                     | Government Agency        | 3.b                                |                                                                                                                                               |
| §150.3(f)                     | Offshore Waters          | 2                                  | Essential to the reciprocity provisions in §150.20                                                                                            |
| §150.3(g)                     | Person                   | See 10 CFR<br>§20.1003             |                                                                                                                                               |
| §150.3(h)                     | Production facility      | NRC                                | Such facilities are outside Agreement State jurisdiction; however, if State chooses to define the definition should be essentially identical. |
| §150.3(i)                     | Source material          | 1                                  |                                                                                                                                               |
| §150.3(j)                     | Special nuclear material | 1                                  |                                                                                                                                               |
| §150.3(k)                     | State                    | 3.b                                |                                                                                                                                               |

| REGULATION SECTION | SECTION TITLE                                           | CLASSIFICATION ASSIGNED | COMMENTS                                                                                                                                         |
|--------------------|---------------------------------------------------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| §150.3(l)          | Utilization facility                                    | NRC                     | Such facilities are outside Agreement State jurisdiction; however, if State chooses to define the definition should be essentially identical.    |
| §150.3(m)          | Uranium enrichment facility                             | NRC                     | Such facilities are outside Agreement State jurisdiction; however, if State chooses to define the definition should be essentially identical.    |
| §150.4             | Communications                                          | 3.b                     |                                                                                                                                                  |
| §150.5             | Interpretations                                         | 3.b                     |                                                                                                                                                  |
| §150.7             | Persons in offshore waters not exempt                   | NRC                     | Not within Agreement State jurisdiction.                                                                                                         |
| §150.8             | Information collection requirements: OMB approval       | 3. b                    |                                                                                                                                                  |
| §150.10            | Persons exempt                                          | NRC                     | Exemption addresses discontinuance of NRC authority in an Agreement State                                                                        |
| §150.11            | Critical mass                                           | 1                       | Definition essential to identifying scope of Agreement State authority pursuant to Section 274b of the AEA, thus ensuring a common understanding |
| §150.14            | Commission regulatory authority for physical protection | NRC                     | Provision addresses continuing NRC authority over special nuclear material.                                                                      |
| §150.15            | Persons not exempt                                      | NRC                     | Provision addresses continuing NRC authority over certain activities in Agreement States.                                                        |



| REGULATION SECTION | SECTION TITLE                                                   | CLASSIFICATION ASSIGNED                | COMMENTS                                                                                                                                                                                                  |
|--------------------|-----------------------------------------------------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §150.15a           | Continued Commission authority pertaining to byproduct material | NRC                                    | Provision addresses continuing NRC authority over certain activities in Agreement States.                                                                                                                 |
| §150.16            | Submission to Commission of nuclear material transfer reports   | NRC                                    | Although 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 an issue within NRC exclusive jurisdiction, States should adopt some method to advise their licensees of these NRC requirements.                                                                 |
| §150.17a           | Compliance with requirements of US/IAEA safeguards agreement    | NRC                                    |                                                                                                                                                                                                           |
| §150.19            | Submission to Commission of tritium reports                     | NRC                                    | Although 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                         | (a) & (b) are 3.a<br>(c) & (d) are NRC | Provisions in (a) and (b) are important for coherent regulation of agreement materials on a national basis.<br>Provisions in (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                                                      | 3.b                                    |                                                                                                                                                                                                           |

| REGULATION<br>SECTION | SECTION TITLE                                                     | CLASSIFICATION<br>ASSIGNED | COMMENTS             |
|-----------------------|-------------------------------------------------------------------|----------------------------|----------------------|
| §150.31               | Requirements for Agreement State regulation of byproduct material | 3.a.S                      | UMTRCA requirements. |
| §150.32               | Funds for reclamation or maintenance of byproduct material        | 3.a.S                      | UMTRCA requirements. |
| §150.33               | Criminal penalties                                                | 3.b                        |                      |

| PROGRAM ELEMENT                                           | REQUIRED FOR                               | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legislation and Legal Authority                           | Adequacy                                   | See discussion in Adequacy Section of Policy Statement                                                                                                                                                                                                                                                                                                                                        |
| -- Regulations                                            | See Classification Tables for 10 CFR parts | Required when more than three material licenses are affected by the regulation in the jurisdiction. Exceptions are low level radioactive waste, uranium recovery regulations, and those regulations affecting all licensees.                                                                                                                                                                  |
| -- Guidance documents and Interpretations                 | 3.b                                        |                                                                                                                                                                                                                                                                                                                                                                                               |
| Licensing                                                 | Adequacy                                   | See discussion in Adequacy Section of Policy Statement                                                                                                                                                                                                                                                                                                                                        |
| -- Reciprocal recognition of licenses                     | 3.a                                        | 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 "2." |
| -- Written procedures                                     | 3.a                                        |                                                                                                                                                                                                                                                                                                                                                                                               |
| -- Maintenance of records, especially for decommissioning | 3.a                                        |                                                                                                                                                                                                                                                                                                                                                                                               |
| -- Inspection and licensing files                         | 3.a                                        |                                                                                                                                                                                                                                                                                                                                                                                               |
| Inspection and Enforcement                                | Adequacy                                   | See discussion in Adequacy Section of Policy Statement                                                                                                                                                                                                                                                                                                                                        |
| -- Written procedures                                     | 3.a                                        |                                                                                                                                                                                                                                                                                                                                                                                               |
| -- Radiological laboratory support                        | 3.b                                        |                                                                                                                                                                                                                                                                                                                                                                                               |
| -- Instrumentation                                        | 3.b                                        |                                                                                                                                                                                                                                                                                                                                                                                               |
| Personnel                                                 | Adequacy                                   | See discussion in Adequacy Section of Policy Statement                                                                                                                                                                                                                                                                                                                                        |

| PROGRAM ELEMENT                                    | REQUIRED FOR | COMMENTS                                                                                                                                                                                                                         |
|----------------------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| -- Qualification procedures                        | 3.a          | 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.                                  |
| Response to Events and Allegations                 | Adequacy     | See discussion in Adequacy Section of Policy Statement                                                                                                                                                                           |
| -- Written procedures                              | 3.a          |                                                                                                                                                                                                                                  |
| -- Major incident investigation procedures         | 3.a          | Need to prevent gaps in reporting effectiveness of national program                                                                                                                                                              |
| -- Procedures for investigation of "wrongdoing"    | 3.a          |                                                                                                                                                                                                                                  |
| Sealed source and device program                   | Adequacy     | Non-common performance indicator                                                                                                                                                                                                 |
| -- Standard review plan                            | 3.a          |                                                                                                                                                                                                                                  |
| -- Format and content of registration certificates | 2            | Need to have national consistency so that all RCPs can rely on the specific information included in these documents.                                                                                                             |
| -- Written procedures                              | 3.a          |                                                                                                                                                                                                                                  |
| Low level waste                                    | Adequacy     | Non-common performance indicator.                                                                                                                                                                                                |
| -- Written procedures                              | 3.a          |                                                                                                                                                                                                                                  |
| Uranium recovery                                   | Adequacy     | Non-common performance indicator.                                                                                                                                                                                                |
| -- Written procedures                              | 3.a          |                                                                                                                                                                                                                                  |
| Exchange of Information                            | 3.a          | 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                                 | 3.a          | See previous comment.                                                                                                                                                                                                            |
| Legal assistance                                   | 3.b.         |                                                                                                                                                                                                                                  |
| Technical advisory committees                      | 3.b          |                                                                                                                                                                                                                                  |

| PROGRAM ELEMENT                                                  | REQUIRED FOR | COMMENTS |
|------------------------------------------------------------------|--------------|----------|
| Technical assistance and support                                 | 3.b          |          |
| Program funding, including program support services              | 3.b          |          |
| Organization, management & location of radiation control program | 3.b          |          |

COMPARISON TABLES SHOWING  
PROPOSED NEW COMPATIBILITY  
OR HEALTH AND SAFETY  
COMPONENT CLASSIFICATIONS  
FOR NRC REGULATIONS AND  
PROGRAM ELEMENTS  
COMPARED TO  
COMPATIBILITY CLASSIFICATIONS  
PREVIOUSLY ASSIGNED UNDER  
CURRENT PROCEDURES

August 21, 1996



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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b> | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b> |
|-------------------------------|----------------------|------------------------------------|---------------------------------------------------------------|-----------------|
| §19.1                         | Purpose              | 3.b.                               | 3                                                             |                 |
| §19.2                         | Scope                | 3.b.                               | 3                                                             |                 |
| §19.3                         | Definitions          |                                    | 1 (Exceptions - Act,<br>Commission and License)               |                 |
|                               | Act                  | 3.b.                               | 3                                                             |                 |
|                               | Commission           | 3.b.                               | 3                                                             |                 |
|                               | Exclusion            | 3.b.                               | 1                                                             |                 |
|                               | License              | See 10 CFR §20.1003                | 3                                                             |                 |
|                               | Restricted area      | See 10 CFR §20.1003                | 1                                                             |                 |
|                               | Sequestration        | 3.b.                               | 1                                                             |                 |

| REGULATION<br>SECTION | SECTION TITLE                                          | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Worker                                                 | 3.a.                       | 1                                                    | This definition is needed for a common understanding of the term, "worker," as used in the regulation of radioactive materials because of persons working in more than one jurisdiction.                                                          |
| §19.4                 | Interpretations                                        | 3.b.                       | 3                                                    |                                                                                                                                                                                                                                                   |
| §19.5                 | Communications                                         | 3.b.                       | 3                                                    |                                                                                                                                                                                                                                                   |
| §19.8                 | Information collection<br>requirement:<br>OMB approval | 3.b.                       | 4                                                    |                                                                                                                                                                                                                                                   |
| §19.11                | Posting of notices to<br>workers                       | 3.a.                       | 2                                                    | These requirements are needed to provide a minimal level of information to workers. In addition, these requirements assure that this information is consistent from one jurisdiction to another since workers may work in multiple jurisdictions. |

| REGULATION<br>SECTION | SECTION TITLE                                                           | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                                                                          |
|-----------------------|-------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §19.12                | Instruction to workers                                                  | 3.a.                       | 2                                                    | This provision should be adopted by States to assure a minimum level of required worker training between jurisdictions since workers many work in multiple jurisdictions.                                                                         |
| §19.13                | Notifications and reports to individuals                                | 3.a.                       | 2                                                    | These requirements are needed to provide a minimal level of information to workers. In addition, these requirements 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 | 3.b.                       | 2                                                    |                                                                                                                                                                                                                                                   |
| §19.15                | Consultation with workers during inspections                            | 3.b.                       | 2                                                    |                                                                                                                                                                                                                                                   |

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                                                                       | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b> |
|-------------------------------|--------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------|-----------------|
| §19.16                        | Requests by workers for inspections                                                        | 3.b.                               | 2                                                             |                 |
| §19.17                        | Inspection not warranted; informal review                                                  | 3.b.                               | 2                                                             |                 |
| §19.18                        | Sequestration of witnesses and exclusion of counsel in interviews conducted under subpoena | 3.b.                               | 3                                                             |                 |
| §19.20                        | Employee protection                                                                        | 3.b.                               | 3                                                             |                 |
| §19.30                        | Violations                                                                                 | 3.b.                               | 3                                                             |                 |
| §19.31                        | Application for exemptions                                                                 | 3.b.                               | 3                                                             |                 |
| §19.32                        | Discrimination prohibited                                                                  | 3.b.                               | 3                                                             |                 |
| §19.40                        | Criminal penalties                                                                         | 3.b.                               | 3                                                             |                 |

# Part 20 - STANDARDS FOR PROTECTION AGAINST RADIATION

| REGULATION<br>SECTION | SECTION TITLE                    | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7)      | COMMENTS |
|-----------------------|----------------------------------|----------------------------|-----------------------------------------------------------|----------|
| §20.1001              | Purpose                          | 3.b.                       | 3                                                         |          |
| §20.1002              | Scope                            | 3.b.                       | 3                                                         |          |
| §20.1003              | Definitions                      |                            | 1 (Exceptions - Act,<br>Commission,<br>Government Agency) |          |
|                       | Absorbed Dose                    | 1                          | 1                                                         |          |
|                       | Act                              | 3.b.                       | 3                                                         |          |
|                       | Activity                         | 1                          | 1                                                         |          |
|                       | Adult                            | 1                          | 1                                                         |          |
|                       | Airborne radioactive<br>material | 1                          | 1                                                         |          |
|                       | Airborne Radioactivity<br>area   | 1                          | 1                                                         |          |
|                       | ALARA                            | 1                          | 1                                                         |          |
|                       | Annual limit on intake<br>(ALI)  | 1                          | 1                                                         |          |
|                       | Background Radiation             | 1                          | 1                                                         |          |

| REGULATION<br>SECTION | SECTION TITLE                          | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                |
|-----------------------|----------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------|
|                       | Bioassay (radio<br>bioassay)           | 1                          | 1                                                    |                                                         |
|                       | Byproduct material                     | See 10 CFR §150.3(c)       | 1                                                    |                                                         |
|                       | Class                                  | 1                          | 1                                                    | Also referred to as "Lung Class<br>or Inhalation Class" |
|                       | Collective Dose                        | 1                          | 1                                                    |                                                         |
|                       | Commission                             | 3.b.                       | 3                                                    |                                                         |
|                       | Committed dose<br>equivalent           | 1                          | 1                                                    |                                                         |
|                       | Committed effective<br>dose equivalent | 1                          | 1                                                    |                                                         |
|                       | Controlled Area                        | 3.b.                       | 1                                                    |                                                         |
|                       | Declared Pregnant<br>Woman             | 1                          | 1                                                    |                                                         |
|                       | Deep-dose equivalent                   | 1                          | 1                                                    |                                                         |
|                       | Department                             | 3.b.                       | 1                                                    |                                                         |



| REGULATION<br>SECTION | SECTION TITLE                                   | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                               |
|-----------------------|-------------------------------------------------|----------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Derived air<br>concentration (DAC)              | 1                          | 1                                                    |                                                                                                                                                        |
|                       | Derived air<br>concentration-hour<br>(DAC-hour) | 1                          | 1                                                    |                                                                                                                                                        |
|                       | Dose or radiation dose                          | 3.b.                       | 1                                                    | This definition is not required<br>for compatibility. No<br>definition presented. Rather,<br>several terms are referenced,<br>which are later defined. |
|                       | Dose equivalent                                 | 1                          | 1                                                    |                                                                                                                                                        |
|                       | Dosimetry processor                             | 3.b.                       | 1                                                    |                                                                                                                                                        |
|                       | Effective dose<br>equivalent                    | 1                          | 1                                                    |                                                                                                                                                        |
|                       | Embryo/fetus                                    | 1                          | 1                                                    |                                                                                                                                                        |

| REGULATION<br>SECTION | SECTION TITLE               | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                  |
|-----------------------|-----------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Entrance or access<br>point | 3.a.                       | 1                                                    | This definition is needed for a common understanding because differing definitions may jeopardize an orderly regulatory pattern in the regulation of agreement materials. |
|                       | Exposure                    | 1                          | 1                                                    |                                                                                                                                                                           |
|                       | External dose               | 1                          | 1                                                    |                                                                                                                                                                           |
|                       | Extremity                   | 1                          | 1                                                    |                                                                                                                                                                           |
|                       | Eye dose equivalent         | 1                          | 1                                                    | The term, "Lens Dose Equivalent," if defined essentially identically to "Eye Dose Equivalent" is an acceptable substitute for this term.                                  |

| REGULATION<br>SECTION | SECTION TITLE                                                | CLASSIFICATION<br>ASSIGNED                                                                                                                                                                  | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                                                                                                 |
|-----------------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Generally applicable<br>environmental<br>radiation standards | 1 for States with<br>authority to regulate<br>uranium mill activities<br>(I.e.2 byproduct<br>material)<br>or<br>3.b. for States without<br>authority to regulate<br>uranium mill activities | 1                                                    | This term is needed for<br>common understanding in<br>applying the dose limit<br>requirements in 10 CFR<br>20.1301 and the reporting<br>requirements in 10 CFR<br>20.2203. These sections<br>reference requirements that are<br>applicable to the uranium fuel<br>cycle. |
|                       | Government agency                                            | 3.b.                                                                                                                                                                                        | 3                                                    |                                                                                                                                                                                                                                                                          |
|                       | Gray                                                         | See 10 CFR §20.1004                                                                                                                                                                         | 1                                                    |                                                                                                                                                                                                                                                                          |
|                       | High radiation area                                          | 1                                                                                                                                                                                           | 1                                                    |                                                                                                                                                                                                                                                                          |
|                       | Individual                                                   | 1                                                                                                                                                                                           | 1                                                    |                                                                                                                                                                                                                                                                          |
|                       | Individual monitoring                                        | 1                                                                                                                                                                                           | 1                                                    |                                                                                                                                                                                                                                                                          |

**DRAFT**  
**August 22, 1996**

| REGULATION<br>SECTION | SECTION TITLE                    | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                     |
|-----------------------|----------------------------------|----------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Individual monitoring<br>devices | 3.a.                       | 1                                                    | This definition is needed for a<br>common understanding because<br>differing definitions may<br>jeopardize an orderly<br>regulatory pattern for the<br>regulation of agreement<br>materials. |
|                       | Internal dose                    | 1                          | 1                                                    |                                                                                                                                                                                              |
|                       | License                          | 3.b.                       | 3                                                    |                                                                                                                                                                                              |
|                       | Licensed material                | 3.b.                       | 1                                                    |                                                                                                                                                                                              |
|                       | Licensee                         | 3.b.                       | 1                                                    |                                                                                                                                                                                              |
|                       | Limits                           | 1                          | 1                                                    |                                                                                                                                                                                              |

**DRAFT**  
**August 22, 1996**

| REGULATION<br>SECTION | SECTION TITLE                        | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                        |
|-----------------------|--------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Lost or missing<br>licensed material | 2                          | 1                                                    | This term and definition are<br>needed for a common<br>understanding in collecting and<br>reporting information on<br>regulation of agreement<br>materials on a national basis. |
|                       | Member of the public                 | 1                          | 1                                                    |                                                                                                                                                                                 |
|                       | Minor                                | 1                          | 1                                                    |                                                                                                                                                                                 |
|                       | Monitoring                           | 1                          | 1                                                    |                                                                                                                                                                                 |
|                       | Nonstochastic effect                 | 1                          | 1                                                    | The term, "deterministic," if<br>defined essentially identically<br>to "nonstochastic" is an<br>acceptable substitute.                                                          |
|                       | NRC                                  | 3.b                        | 1                                                    |                                                                                                                                                                                 |
|                       | Occupational Dose                    | 1                          | 1                                                    |                                                                                                                                                                                 |

**DRAFT**  
**August 22, 1996**

| REGULATION<br>SECTION | SECTION TITLE            | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                            |
|-----------------------|--------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Person                   | 3.a.                       | 1                                                    | The term, "person," is needed for compatibility in order to avoid conflicts in implementing the regulation of agreement materials from one jurisdiction to another. |
|                       | Planned special exposure | 3.b.                       | 1                                                    |                                                                                                                                                                     |
|                       | Public dose              | 1                          | 1                                                    |                                                                                                                                                                     |
|                       | Quality Factor           | 1                          | 1                                                    |                                                                                                                                                                     |
|                       | Quarter                  | 3.b.                       | 1                                                    |                                                                                                                                                                     |
|                       | Rad                      | See 10 CFR §20.1004        | 1                                                    | This term is not defined in this section. Refer to the referenced section for the definition and the compatibility determination.                                   |
|                       | Radiation                | 1                          | 1                                                    |                                                                                                                                                                     |



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| REGULATION<br>SECTION | SECTION TITLE                 | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                          |
|-----------------------|-------------------------------|----------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
|                       | Radiation area                | 1                          | 1                                                    |                                                                                                                                   |
|                       | Reference man                 | 1                          | 1                                                    |                                                                                                                                   |
|                       | Rem                           | See 10 CFR §20.1004        | 1                                                    | This term is not defined in this section. Refer to the referenced section for the definition and the compatibility determination. |
|                       | Respiratory protective device | 3.a.                       | 1                                                    |                                                                                                                                   |
|                       | Restricted area               | 1                          | 1                                                    |                                                                                                                                   |
|                       | Sanitary sewerage             | 1                          | 1                                                    |                                                                                                                                   |
|                       | Shallow-dose equivalent       | 1                          | 1                                                    |                                                                                                                                   |
|                       | Sievert                       | 1                          | 1                                                    |                                                                                                                                   |
|                       | Site boundary                 | 3.b.                       | 1                                                    |                                                                                                                                   |
|                       | Source Material               | See 10 CFR §150.3(i)       | 1                                                    |                                                                                                                                   |

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| REGULATION<br>SECTION | SECTION TITLE                             | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                            |
|-----------------------|-------------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
|                       | Special Nuclear<br>Material               | See 10 CFR §150.3(j)       | 1                                                    |                                                                                                                     |
|                       | Stochastic effects                        | 1                          | 1                                                    |                                                                                                                     |
|                       | Survey                                    | 1                          | 1                                                    |                                                                                                                     |
|                       | Total Effective Dose<br>Equivalent (TEDE) | 1                          | 1                                                    |                                                                                                                     |
|                       | Unrestricted Area                         | 1                          | 1                                                    |                                                                                                                     |
|                       | Uranium Fuel Cycle                        | 3.b.                       | 1                                                    | However, if a state chooses to<br>adopt a definition of uranium<br>fuel cycle, it must be essentially<br>identical. |
|                       | Very High Radiation<br>Area               | 1                          | 1                                                    |                                                                                                                     |
|                       | Week                                      | 3.b.                       | 1                                                    |                                                                                                                     |
|                       | Weighting factor                          | 1                          | 1                                                    |                                                                                                                     |
|                       | Whole body                                | 1                          | 1                                                    |                                                                                                                     |

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|-------------------------------|---------------------------------------------------------|------------------------------------|---------------------------------------------------------------|-----------------|
|                               | Working level (WL)                                      | 1                                  | 1                                                             |                 |
|                               | Working level month<br>(WLM)                            | 1                                  | 1                                                             |                 |
|                               | Year                                                    | 1                                  | 1                                                             |                 |
| §20.1004                      | Units of radiation dose                                 | 1                                  | 1                                                             |                 |
| §20.1005                      | Units of radioactivity                                  | 1                                  | 1                                                             |                 |
| §20.1006                      | Interpretations                                         | 3.b.                               | 3                                                             |                 |
| §20.1007                      | Communications                                          | 3.b.                               | 3                                                             |                 |
| §20.1008                      | Implementation                                          | 3.b.                               | 3                                                             |                 |
| §20.1009                      | Information collection<br>requirements: OMB<br>approval | 3.b.                               | 4                                                             |                 |
| §20.1101                      | Radiation protection<br>programs                        | 3.b.*                              | 2                                                             |                 |

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|-----------------------|---------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §20.1201              | Occupational dose limits for adults                                       | 1                          | 1                                                    |          |
| §20.1202              | Compliance with requirements for summation of external and internal doses | 1                          | 1                                                    |          |
| §20.1203              | Determination of external dose from airborne radioactive material         | 1                          | 1                                                    |          |
| §20.1204              | Determination of internal exposure                                        | 1                          | 1, except (c) is 2                                   |          |
| §20.1205              | Reserved                                                                  |                            |                                                      |          |
| §20.1206              | Planned special exposures                                                 | 3.b.                       | 1                                                    |          |
| §20.1207              | Occupation dose limits for minors                                         | 1                          | 1                                                    |          |

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| REGULATION<br>SECTION | SECTION TITLE                                                                                     | CLASSIFICATION<br>ASSIGNED                             | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                 |
|-----------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| §20.1208              | Dose to an<br>Embryo/fetus                                                                        | 1                                                      | 1                                                    |                                                                                                                                          |
| §20.1301              | Dose limits for<br>individual members of<br>the public                                            | 1 for all sections,<br>except (d) which is<br>3.b.     | 1 for (a) and (b); and 3<br>for (c) and (d)          | This provision, except<br>paragraph (d), contains<br>radiation protection standards.                                                     |
| §20.1302              | Compliance with dose<br>limits for individual<br>members of the public                            | 3.b.* for all sections<br>except, (c) which is<br>3.b. | 1                                                    | This provision, except<br>paragraph (c), contains<br>requirements that are needed<br>because of their health and<br>safety significance. |
| §20.1501              | Reserved.<br>Surveys and<br>Monitoring - General                                                  | 3.b.*                                                  | 2, except (c) is 1                                   |                                                                                                                                          |
| §20.1502              | Conditions requiring<br>individual monitoring<br>of external and<br>internal occupational<br>dose | 3.b.*                                                  | 2                                                    |                                                                                                                                          |

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|-----------------------|---------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §20.1601              | Control of access to<br>high radiation areas                              | 3.b. *                     | 1, except (e) is 2, and<br>(f) is 3.                 |          |
| §20.1602              | Control of access to<br>very high radiation<br>areas                      | 3.b. *                     | 1                                                    |          |
| §20.1701              | Use of process or<br>other engineering<br>controls                        | 3.b. *                     | 1                                                    |          |
| §20.1702              | Use of other controls                                                     | 3.b. *                     | 1                                                    |          |
| §20.1703              | Use of individual<br>respiratory protection<br>equipment                  | 3.b. *                     | 1, except (a)(3)(v) is 2                             |          |
| §20.1704              | Further restrictions on<br>the use of respiratory<br>protection equipment | 3.b.                       | 3                                                    |          |
| §20.1801              | Security of stored<br>material                                            | 3.b. *                     | 2                                                    |          |



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| REGULATION<br>SECTION | SECTION TITLE                                       | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                               |
|-----------------------|-----------------------------------------------------|----------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| §20.1802              | Control of material<br>not in storage               | 3.b. *                     | 2                                                    |                                                                                                        |
| §20.1901              | Caution signs                                       | 1                          | 1                                                    |                                                                                                        |
| §20.1902              | Posting requirements                                | 1                          | 1                                                    | In adopting these provisions,<br>States have the flexibility to<br>omit the wording "grave<br>danger." |
| §20.1903              | Exceptions to posting<br>requirements               | 3.b.                       | 3                                                    |                                                                                                        |
| §20.1904              | Labeling containers                                 | 1                          | 1                                                    |                                                                                                        |
| §20.1905              | Exceptions to labeling<br>requirements              | 1                          | 1                                                    |                                                                                                        |
| §20.1906              | Procedures for<br>receiving and opening<br>packages | 3.b. *                     | 2                                                    |                                                                                                        |

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| REGULATION<br>SECTION | SECTION TITLE                                                 | CLASSIFICATION<br>ASSIGNED                                              | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                |
|-----------------------|---------------------------------------------------------------|-------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2001              | General requirements<br>(Waste Disposal)                      | 3.a.                                                                    | 2                                                    | Agreement States are required to adopt this provision in order to eliminate confusion regarding the disposal of agreement material on a national basis. |
| §20.2002              | Method for obtaining approval of proposed disposal procedures | 3.b.                                                                    | 2                                                    |                                                                                                                                                         |
| §20.2003              | Disposal by release into sanitary sewerage                    | (a)(1) is 3b*; (a)(2) and (a)(3) are 1; (a)(4) is 3.a.; and (b) is 3.b. | 2                                                    |                                                                                                                                                         |
| §20.2004              | Treatment or disposal by incineration                         | 3.b.                                                                    | 3, except 20.2004 (b) is 4                           |                                                                                                                                                         |
| §20.2005              | Disposal of specific wastes                                   | 3.b.                                                                    | 3                                                    |                                                                                                                                                         |

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| REGULATION<br>SECTION | SECTION TITLE                                                            | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2006              | Transfer for disposal<br>and manifests                                   | 2                          | 2                                                    | Agreement States are required<br>to adopt these provisions to<br>provide consistency in<br>regulating the transfer of<br>agreement materials which<br>frequently cross multiple<br>jurisdictions. |
| §20.2007              | Compliance with<br>environmental and<br>health protection<br>regulations | 3.b.                       | 3                                                    |                                                                                                                                                                                                   |
| §20.2101              | General provisions.                                                      | 3.a.                       | 3                                                    | The use of SI units would be<br>considered essentially identical.                                                                                                                                 |
| §20.2102              | Records of radiation<br>protection programs                              | 3.b.                       | 3                                                    |                                                                                                                                                                                                   |
| §20.2103              | Records of surveys                                                       | 3.b.                       | 3                                                    |                                                                                                                                                                                                   |

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| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                                | <b>CLASSIFICATION<br/>ASSIGNED</b>                      | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b>                                                                                                                                                                                                                                                                                     |
|-------------------------------|-----------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2104                      | Determination of prior occupational dose            | 3.b.                                                    | 1, except for 20.2104(f) is 3.                                | However if a state chooses to adopt "planned special exposure" this section should be adopted as a "3.a."                                                                                                                                                                                           |
| §20.2105                      | Records of planned special exposures                | 3.b.                                                    | 3                                                             |                                                                                                                                                                                                                                                                                                     |
| §20.2106                      | Records of individual monitoring results            | (a) and (e) are 3.a;<br>(b), (c), (d), and (f) are 3.b. | 3                                                             | Agreement States are required to 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 facilities and in more than one jurisdiction. |
| §20.2107                      | Records of Dose to individual members of the Public | 3.b.                                                    | 3                                                             |                                                                                                                                                                                                                                                                                                     |

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|-------------------------------|-----------------------------------------------|------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2108                      | Records of Waste Disposal                     | 3.b.                               | 3                                                             |                                                                                                                                                                |
| §20.2110                      | Form of Records                               | 3.b.                               | 3                                                             |                                                                                                                                                                |
| §20.2201                      | Reports of theft or Loss of licensed material | 3.a.                               | 2, except (c) is 3                                            | These requirements are needed for a common understanding in collecting and reporting information on the regulation of agreement materials on a national basis. |

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| REGULATION<br>SECTION | SECTION TITLE                | CLASSIFICATION<br>ASSIGNED                   | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------|------------------------------|----------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2202              | Notification of<br>Incidents | 3.a. for all sections,<br>except (e) is 3.b. | 1, except (e) is 3                                   | <p>All of this provision, except paragraph (e), is needed for a common understanding in collecting and reporting information on the regulation of agreement materials on a national basis.</p> <p>Meeting essential objective of this regulation for the purpose of compatibility requires the State to adopt the numerical values noted in the regulation as the minimal level acceptable. If state adopts planned special exposure, then the state should adopt paragraph (e).</p> |



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| REGULATION<br>SECTION | SECTION TITLE                                          | CLASSIFICATION<br>ASSIGNED                                                                    | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                                       |
|-----------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2203              | Reports of exposures,<br>etc, exceeding the<br>limits. | (a), (b) are 3.a.; c is<br>NRC; and (d) is 3.b.                                               | 2                                                    | Paragraphs (a) and (b) provide<br>requirements that are needed<br>for a common understanding in<br>collecting and reporting<br>information on the regulation<br>of agreement materials on a<br>national basis. |
| §20.2204              | Reports of Planned<br>special exposures                | 3.b.                                                                                          | 2                                                    | If state adopts planned special<br>exposure, then the state should<br>adopt this provision.                                                                                                                    |
| §20.2205              | Reports to individuals<br>of exceeding dose<br>limits  | 3.b.*                                                                                         | 3                                                    |                                                                                                                                                                                                                |
| §20.2206              | Reports of Individuals<br>Monitoring                   | (a)(1),(a)(3),(a)(4),<br>and (a)(5) are NRC.<br>(a)(2),(a)(6),(a)(7),<br>(b) and (c) are 3.b. | 3, except (a) is 2                                   |                                                                                                                                                                                                                |
| §20.2301              | Applications for<br>Exemptions                         | 3.b.                                                                                          | 3                                                    |                                                                                                                                                                                                                |

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| REGULATION<br>SECTION | SECTION TITLE                         | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                        |
|-----------------------|---------------------------------------|----------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §20.2302              | Additional<br>Requirements            | 3.b.                       | 3                                                    |                                                                                                                                                                 |
| §20.2401              | Violations                            | 3.b.                       | 3                                                    |                                                                                                                                                                 |
| §20.2402              | Criminal Penalties                    | 3.b.                       | 3                                                    |                                                                                                                                                                 |
| Appendix A            | Protection Factors for<br>Respirators | 3.a.                       | 1                                                    | Agreement States are required<br>to adopt this provision because<br>it provides the minimal<br>acceptable level of protection to<br>be afforded by respirators. |

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| REGULATION<br>SECTION           | SECTION TITLE                                                                                                                                                                                                | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| Appendix B<br>(Tables 1,2, & 3) | Annual Limits on<br>Intake (ALIs),<br>Derived Air<br>Concentrations<br>(DACs), of<br>Radionuclides for<br>Occupational<br>Exposure; Effluent<br>Concentrations;<br>Concentrations for<br>Release to Sewerage | 1                          | 1                                                    |          |
| Appendix C                      | Quantities of licensed<br>materials requiring<br>labeling                                                                                                                                                    | 1                          | 1                                                    |          |
| Appendix D                      | United States Nuclear<br>Regulatory<br>Commission Offices                                                                                                                                                    | 3.b.                       | 3                                                    |          |
| Appendix E                      | Reserved                                                                                                                                                                                                     |                            |                                                      |          |

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| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                                                                                                        | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b>                                                                                                                                                                       |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Appendix F                    | Requirements for<br>Low-level Waste<br>Transfer for disposal<br>at land disposal<br>facilities and Manifest                 | 2                                  | 2                                                             | The provisions are needed in<br>order to provide consistency in<br>regulating agreement materials<br>which frequently cross multiple<br>State jurisdictions.                          |
| Appendix G                    | Requirements for<br>Low-level radioactive<br>waste intended for<br>disposal at land<br>disposal facilities and<br>manifests | 2                                  | 2                                                             | These provisions are needed by<br>Agreement States in order to<br>provide consistency in<br>regulating agreement materials<br>which frequently cross multiple<br>State jurisdictions. |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>            | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b>                                                                                     |
|-------------------------------|---------------------------------|------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| §30.1                         | Scope                           | 3.b                                | 3                                                             |                                                                                                     |
| §30.2                         | Resolution of Conflict          | 3.b                                | 3                                                             |                                                                                                     |
| §30.3                         | Activities requiring<br>license | 3.a.                               | 2                                                             | This requirement is needed for<br>common understanding regarding<br>activities requiring a license. |
| §30.4                         | Definitions                     |                                    | 1 (Exceptions are noted<br>below)                             |                                                                                                     |
|                               | Act                             | 3.b                                | 3                                                             |                                                                                                     |
|                               | Agreement State                 | See 10 CFR §150.3(b)               | 1                                                             |                                                                                                     |
|                               | Alert                           | 1                                  | 1                                                             |                                                                                                     |
|                               | Byproduct material              | See 10 CFR §150.3(c)               | 1                                                             |                                                                                                     |
|                               | Commencement of<br>construction | 3.b                                | 1                                                             |                                                                                                     |
|                               | Commission                      | 3.b                                | 3                                                             |                                                                                                     |
|                               | Curie                           | See 10 CFR §20.1005                | 1                                                             |                                                                                                     |

| REGULATION<br>SECTION | SECTION TITLE                          | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                      |
|-----------------------|----------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|                       | Decommission                           | 3.a.                       | 1                                                    | This definition is needed for effective communication regarding the national program for agreement materials. |
|                       | Dentist                                | 3.b                        | 3                                                    |                                                                                                               |
|                       | Department and<br>Department of Energy | See 10 CFR §20.1003        | 1                                                    |                                                                                                               |
|                       | Effective dose<br>equivalent           | See 10 CFR §20.1003        | 1                                                    |                                                                                                               |
|                       | Government agency                      | 3.b                        | 3                                                    |                                                                                                               |
|                       | License                                | See 10 CFR §20.1003        | 3                                                    |                                                                                                               |
|                       | Medical use                            | See 10 CFR §35.2           | 1                                                    |                                                                                                               |
|                       | Microcurie                             | 3.b                        | 1                                                    |                                                                                                               |
|                       | Millicurie                             | 3.b                        | 1                                                    |                                                                                                               |
|                       | Person                                 | See 10 CFR §20.1003        | 1                                                    |                                                                                                               |
|                       | Physician                              | 3.b                        | 3                                                    |                                                                                                               |
|                       | Podiatrist                             | 3.b                        | 3                                                    |                                                                                                               |
|                       | Principal activities                   | 3.b                        | 1                                                    |                                                                                                               |



| REGULATION SECTION | SECTION TITLE            | CLASSIFICATION ASSIGNED | ORIGINAL CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                               |
|--------------------|--------------------------|-------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------|
|                    | Production facility      | See 10 CFR §150.3(h)    | 3                                                 |                                                                                        |
|                    | Radiographer             | See 10 CFR §34.2        | 2                                                 |                                                                                        |
|                    | Radiographer's assistant | See 10 CFR §34.2        | 2                                                 |                                                                                        |
|                    | Radiography              | See 10 CFR §34.2        | 2                                                 |                                                                                        |
|                    | Research and development | 3.b                     | 1                                                 |                                                                                        |
|                    | Sealed source            | 1                       | 1                                                 | This definition is needed for a common understanding because of transboundary effects. |
|                    | Site area emergency      | 1                       | 1                                                 |                                                                                        |
|                    | Source material          | See 10 CFR §150.3(i)    | 1                                                 |                                                                                        |
|                    | Special nuclear material | See 10 CFR §150.3(j)    | 1                                                 |                                                                                        |
|                    | United States            | 3.b                     | 1                                                 |                                                                                        |
|                    | Utilization facility     | See 10 CFR §150.3(l)    | 3                                                 |                                                                                        |
| §30.5              | Interpretations          | 3.b                     | 3                                                 |                                                                                        |
| §30.6              | Communications           | 3.b                     | 3                                                 |                                                                                        |
| §30.7              | Employee protection      | 3.b                     | 3                                                 |                                                                                        |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                   | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| §30.8                 | Information collection requirements: OMB approval                                                               | 3.b                        | 4                                                    |                                                                                                                            |
| §30.9                 | Completeness and accuracy of information                                                                        | 3.b                        | 3                                                    |                                                                                                                            |
| §30.10                | Deliberate misconduct                                                                                           | 3.b                        | 3                                                    |                                                                                                                            |
| §30.11                | Specific exemptions                                                                                             | 3.b                        | 1                                                    |                                                                                                                            |
| §30.12                | Persons using byproduct material under certain Department of Energy and Nuclear Regulatory Commission contracts | 2                          | 1                                                    | This provision must be adopted by Agreement States in an essentially identical manner since it is required by Federal law. |
| §30.13                | Carriers                                                                                                        | 2                          | 1                                                    |                                                                                                                            |
| §30.14                | Exempt concentrations                                                                                           | 2                          | (a), (d) = 1<br>(b), (c) = 3                         |                                                                                                                            |
| §30.15                | Certain items containing byproduct material                                                                     | 2                          | 1                                                    |                                                                                                                            |

| REGULATION<br>SECTION | SECTION TITLE                                                                  | CLASSIFICATION<br>ASSIGNED                                               | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7)        | COMMENTS                                                                                           |
|-----------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| §30.16                | Resins containing scandium-46 and designed for sand-consolidation in oil wells | 2                                                                        | 1                                                           |                                                                                                    |
| §30.18                | Exempt quantities                                                              | 2                                                                        | 1                                                           |                                                                                                    |
| §30.19                | Self-luminous products containing tritium, krypton-85, or promethium-147       | 2                                                                        | 1                                                           |                                                                                                    |
| §30.20                | Gas and aerosol detectors containing byproduct material                        | 2                                                                        | 1                                                           |                                                                                                    |
| §30.31                | Types of licenses                                                              | 3.a.                                                                     | 2                                                           | This provision is needed to for effective communication regarding the different types of licenses. |
| §30.32                | Application for specific licenses                                              | (a),(b),(c),(d),(e),(f) & (h) are 3.b;<br>(g) is 3.a; and<br>(i) is 3.b* | (a),(b),(c),(d),(g), & (i) are 2;<br>(e),(f), and (h) are 3 |                                                                                                    |

| REGULATION<br>SECTION | SECTION TITLE                                                                                               | CLASSIFICATION<br>ASSIGNED                                                                        | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7)  | COMMENTS                                                                                                                                                                                                                                                |
|-----------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §30.33                | General requirements for issuance of specific licenses                                                      | (a)(1),(a)(4),(a)(5) & (b) are 3.b;<br>(a)(2) & (a)(3) are 3.b*                                   | (a) is 2; and<br>(b) is 3                             |                                                                                                                                                                                                                                                         |
| §30.34                | Terms and conditions of licenses                                                                            | (a),(c),(d),(e)(2),(e)(4), (f),(g), & (h) are 3.b;<br>(e)(1) & (e)(3) are NRC; and<br>(b) is 3.a. | (a),(b),(c),(e), & (h) are 2;<br>(d),(f), & (g) are 3 | Paragraph (b) is needed by Agreement States because of potential transboundary effects in transferring material through multiple jurisdictions. In addition, provision is needed to avoid conflicts and confusion in regulation of agreement materials. |
| §30.35                | Financial assurance and recordkeeping for decommissioning                                                   | (a),(b), & (d) are 3.b*;<br>(c),(e),(f), & (g) are 3.b                                            | 2                                                     | States may be given flexibility to allow different dollar amounts based upon jurisdiction and local conditions.                                                                                                                                         |
| §30.36                | Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas | (a),(b),(f), & (i) are 3.b;<br>(c),(d),(e),(g),(h),(j), & (k) are 3.b*                            | 2, except (a)(2) which is 3                           |                                                                                                                                                                                                                                                         |

| REGULATION<br>SECTION | SECTION TITLE                                             | CLASSIFICATION<br>ASSIGNED                                    | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| §30.37                | Application for renewal<br>of licenses                    | 3.b                                                           | 3                                                    |                                                                                                                                                          |
| §30.38                | Application for<br>amendment of licenses                  | 3.b                                                           | 3                                                    |                                                                                                                                                          |
| §30.39                | Commission Action on<br>applications to renew or<br>amend | 3.b                                                           | 3                                                    |                                                                                                                                                          |
| §30.41                | Transfer of byproduct<br>material                         | 3.a.                                                          | 2                                                    | This provision is needed for the<br>implementation of coherent<br>national program for the<br>regulation of agreement<br>materials.                      |
| §30.50                | Reporting Requirements                                    | (a) through (c) are 3.a,<br>except for (c)(3) which<br>is 3.b | 2                                                    | States have the flexibility to<br>require additional event reporting<br>information. This information<br>would depend on local<br>conditions, laws, etc. |
| §30.51                | Records                                                   | (a) & (b) are 3.a;<br>(c) is 3.b                              | 3                                                    | The time required for record<br>retention under paragraph (b)<br>may vary in accordance with the<br>type of activity being licensed.                     |
| §30.52                | Inspections                                               | 3.b                                                           | 3                                                    |                                                                                                                                                          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                        | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §30.53                | Tests                                                                                                                                                | 3.b                        | 3                                                    |          |
| §30.55                | Tritium reports                                                                                                                                      | See 10 CFR §150.19         | 4                                                    |          |
| §30.61                | Modification and<br>revocation of licenses                                                                                                           | 3.b                        | 3                                                    |          |
| §30.62                | Right to cause the<br>withholding or recall or<br>byproduct material                                                                                 | 3.b                        | 3                                                    |          |
| §30.63                | Violations                                                                                                                                           | 3.b                        | 3                                                    |          |
| §30.64                | Criminal penalties                                                                                                                                   | 3.b                        | 3                                                    |          |
| §30.70                | Schedule A - exempt<br>concentrations table                                                                                                          | 2                          | 1                                                    |          |
| §30.71                | Schedule B - exempt<br>quantity<br>table                                                                                                             | 2                          | 1                                                    |          |
| §30.72                | Schedule C- Quantities<br>of radioactive materials<br>requiring consideration<br>of the need for an<br>emergency plan for<br>responding to a release | 3.b*                       | 1                                                    |          |



| REGULATION<br>SECTION | SECTION TITLE                                                                                                                             | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                          |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Appendix A            | Criteria Relating to Use of Financial tests and Parent Company Guarantees for Providing Reasonable Assurance of funds for Decommissioning | 3.b                        | 2                                                    | Amount of financial assurance required should reflect the current economic conditions at time of decommissioning. |
| Appendix B            | Quantities of Licensed Material Requiring Labeling                                                                                        | 2                          | 2                                                    |                                                                                                                   |
| Appendix C            | Criteria Relating to Financial Tests and Self Guarantees for Providing Reasonable Assurance of Funds for Decommissioning                  | 3.b                        | 2                                                    |                                                                                                                   |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                                                     | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b>                                                                                                                                                                                                                       |
|-------------------------------|--------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §31.1                         | Purpose and Scope                                                        | 3.b.                               | 3                                                             |                                                                                                                                                                                                                                       |
| §31.2                         | Terms and Conditions                                                     | 3.b.                               | 3                                                             |                                                                                                                                                                                                                                       |
| §31.3                         | Certain devices and<br>equipment                                         | 2                                  | 1                                                             | Agreement States are required to<br>adopt this provision because it<br>contains requirements for devices<br>and equipment which are<br>distributed nationally.                                                                        |
| §31.4                         | Information collection<br>requirements: OMB<br>approval                  | 3.b.                               | 4                                                             |                                                                                                                                                                                                                                       |
| §31.5                         | Certain measuring,<br>gauging or controlling<br>devices                  | 3.b.                               | 2                                                             | Agreement States have the<br>flexibility to authorize the use of<br>these devices under a specific<br>license.                                                                                                                        |
| §31.6                         | General license to<br>install devices generally<br>licenses<br>in § 31.5 | 3.a.                               | 2                                                             | Agreement States are required to<br>adopt this provision because it<br>recognizes the reciprocal<br>recognition of licenses from one<br>jurisdiction to another. States<br>may require notification as a part<br>of these provisions. |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                 | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                                                                                                 |
|-----------------------|---------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §31.7                 | Luminous safety<br>devices for use in<br>aircraft                                                             | 2                          | 2                                                    | Agreement States are required to<br>adopt this provision because it<br>contains requirements for devices<br>which are distributed nationally.<br>In addition, by the nature of their<br>use and application, they devices<br>frequently cross multiple<br>jurisdictions. |
| §31.8                 | Americium-241 in the<br>form of calibration or<br>reference sources                                           | 3.b.                       | 3                                                    |                                                                                                                                                                                                                                                                          |
| §31.9                 | General license to own<br>byproduct material                                                                  | 3. b.                      | 3                                                    |                                                                                                                                                                                                                                                                          |
| §31.10                | General license for<br>strontium 90 in ice<br>detection devices                                               | 2                          | 2                                                    | Agreement States are required to<br>adopt this provision because it<br>contains requirements for devices<br>which are distributed nationally.                                                                                                                            |
| §31.11                | General license for use<br>of byproduct material<br>for certain in vitro<br>clinical or laboratory<br>testing | 3.b.                       | 2                                                    | Agreement States have the<br>flexibility to authorize the use of<br>these devices under a specific<br>license.                                                                                                                                                           |
| §31.12                | Maintenance of records                                                                                        | 3.b.                       | 3                                                    |                                                                                                                                                                                                                                                                          |

| REGULATION<br>SECTION | SECTION TITLE      | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------|----------------------------|------------------------------------------------------|----------|
| §31.13                | Violations         | 3.b.                       | 3                                                    |          |
| §31.14                | Criminal penalties | 3.b.                       | 3                                                    |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                              | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENT</b>                                                                                                                                                                                                                                          |
|-------------------------------|---------------------------------------------------|------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §32.1                         | Purpose and Scope                                 | 3.b.                               | 3                                                             |                                                                                                                                                                                                                                                         |
| §32.2                         | Definitions                                       |                                    |                                                               |                                                                                                                                                                                                                                                         |
|                               | Dose commitment                                   | See 10 CFR<br>§20.1003             | 1                                                             | This term and definition are superseded by the new term and definition in 10 CFR Part 20, "committed dose equivalent." Thus, if the 10 CFR Part 20 term and definition are adopted by a State, the adoption of this term and definition are not needed. |
|                               | Lot Tolerance Percent Defective                   | 3.a.                               | 1                                                             |                                                                                                                                                                                                                                                         |
| §32.3                         | Maintenance of records                            | 3.b.                               | 3                                                             |                                                                                                                                                                                                                                                         |
| §32.8                         | Information collection requirements: OMB approval | 3.b.                               | 4                                                             |                                                                                                                                                                                                                                                         |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                             | CLASSIFICATION<br>ASSIGNED                               | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------|---------|
| §32.11                | Introduction of byproduct material in exempt concentrations into products or materials and transfer of ownership or possession. Requirements for license. | Paragraphs (a) and (b) are 3.a.; and paragraph (c) is 2. | 2                                                    |         |
| §32.12                | Same: Records and material transfer reports                                                                                                               | 3.a.                                                     | 2                                                    |         |
| §32.13                | Same: Prohibition of introduction                                                                                                                         | 3.a.                                                     | 2                                                    |         |
| §32.14                | Certain items containing byproduct material; requirements for license to apply or initially transfer                                                      | NRC                                                      | 4                                                    |         |
| §32.15                | Same: Quality assurance, prohibition of transfer and labeling                                                                                             | NRC                                                      | 4                                                    |         |
| §32.16                | Certain items containing byproduct material: Records and reports of transfer                                                                              | NRC                                                      | 4                                                    |         |



| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                                             | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §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. | 2                          | 4                                                    | 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, this authority could be assumed by the States. |
| §32.18                | Manufacture, distribution and transfer of exempt quantities: Requirements for license                                                                                     | NRC                        | 4                                                    |                                                                                                                                                                                                                                                                                                                                                                                                      |
| §32.19                | Same: Conditions of licenses                                                                                                                                              | NRC                        | 4                                                    |                                                                                                                                                                                                                                                                                                                                                                                                      |
| §32.20                | Same: Records and material transfer reports                                                                                                                               | NRC                        | 4                                                    |                                                                                                                                                                                                                                                                                                                                                                                                      |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                               | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------|
| §32.22                | Self luminous products containing tritium, krypton-85 and promethium-147: Requirements for license to manufacture, process, produce, or initially transfer: | NRC                        | 4                                                    |         |
| §32.23                | Same: Safety criteria                                                                                                                                       | NRC                        | 4                                                    |         |
| §32.24                | Same: Table of organ doses                                                                                                                                  | NRC                        | 4                                                    |         |
| §32.25                | Conditions of licenses issued under §32.22: Quality Control, labeling and reports of transfer:                                                              | NRC                        | 4                                                    |         |
| §32.26                | Gas and aerosol detectors containing byproduct material: Requirements for license to manufacture, process, produce or initially transfer                    | NRC                        | 4                                                    |         |
| §32.27                | Same: Safety criteria                                                                                                                                       | NRC                        | 4                                                    |         |
| §32.28                | Same: Table of organ doses                                                                                                                                  | NRC                        | 4                                                    |         |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------|
| §32.29                | Conditions of licenses issued under §32.26: Quality control, labeling and reports of transfer                                | NRC                        | 4                                                    |         |
| §32.40                | Schedule A: Prototype tests for automobile lock illuminators                                                                 | NRC                        | 4                                                    |         |
| §32.51                | Byproduct material contained in devices for use under §31.5: Requirements for license to manufacture or initially transfer   | 2                          | 2                                                    |         |
| §32.51a               | Same: Conditions of licenses                                                                                                 | 2                          | 2                                                    |         |
| §32.52                | Same: Material transfer reports and records                                                                                  | 2                          | 2                                                    |         |
| §32.53                | Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer | 2                          | 2                                                    |         |
| §32.54                | Same: Labeling of devices                                                                                                    | 2                          | 2                                                    |         |
| §32.55                | Same: Quality assurance; prohibition of transfer                                                                             | 2                          | 2                                                    |         |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                         | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------|
| §32.56                | Same: Material transfer reports                                                                                                       | 2                          | 2                                                    |         |
| §32.57                | Calibration or reference sources<br>Am-241: Requirements for<br>license to manufacture or<br>initially transfer                       | 2                          | 2                                                    |         |
| §32.58                | Same: Labeling of devices                                                                                                             | 2                          | 2                                                    |         |
| §32.59                | Same: Leak testing of each<br>source                                                                                                  | 2                          | 2                                                    |         |
| §32.60                | [Reserved]                                                                                                                            |                            |                                                      |         |
| §32.61                | Ice detection devices containing<br>strontium-90; Requirements for<br>license to manufacture or<br>initially transfer                 | 2                          | 2                                                    |         |
| §32.62                | Same: Quality Assurance;<br>prohibition of transfer                                                                                   | 2                          | 2                                                    |         |
| §32.71                | Manufacture and distribution of<br>byproduct material for certain<br>in vitro clinical or laboratory<br>testing under general license | 2                          | 2                                                    |         |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                     | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------|
| §32.72                | Manufacture, preparation or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under Part 35 | 2                          | 2                                                    |         |
| §32.74                | Manufacture and distribution of sources or devices containing byproduct material for medical use                                                  | 2                          | 2                                                    |         |
| §32.101               | Schedule B-prototype tests for luminous safety devices for use in aircraft                                                                        | 2                          | 2                                                    |         |
| §32.102               | Schedule C-prototype tests for calibration or reference sources containing americium-241                                                          | 2                          | 2                                                    |         |
| §32.103               | Schedule D-prototype tests for ice detection devices containing strontium 90                                                                      | 2                          | 2                                                    |         |
| §32.110               | Acceptance sampling procedures under specific licenses                                                                                            | 2                          | 2                                                    |         |

| REGULATION<br>SECTION | SECTION TITLE      | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENT |
|-----------------------|--------------------|----------------------------|------------------------------------------------------|---------|
| §32.301               | Violations         | 3.b.                       | 3                                                    |         |
| §32.303               | Criminal penalties | 3.b.                       | 3                                                    |         |



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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                   | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b> |
|-------------------------------|----------------------------------------|------------------------------------|---------------------------------------------------------------|-----------------|
| §34.1                         | Purpose and Scope                      | 3.b.                               | 3                                                             |                 |
| §34.2                         | Definitions                            |                                    | 2 (exceptions noted<br>below)                                 |                 |
|                               | Permanent radiographic<br>installation | 3.b.                               | 2                                                             |                 |
|                               | Radiographer                           | 3.a. <sup>1</sup>                  | 2                                                             |                 |
|                               | Radiographer's assistant               | 3.b.                               | 2                                                             |                 |
|                               | Radiographic exposure device           | 2                                  | 2                                                             |                 |
|                               | Radiography                            | 2                                  | 2                                                             |                 |
|                               | Sealed source                          | See 10 CFR §30.4                   | 2                                                             |                 |
|                               | Source changer                         | 2                                  | 2                                                             |                 |
|                               | Storage area                           | 3.b.                               | 2                                                             |                 |
|                               | Storage container                      | 2                                  | 2                                                             |                 |
| §34.3                         | Applications for specific<br>licenses  | 3.b.                               | 3                                                             |                 |
| §34.4                         | Maintenance of records                 | 3.a. <sup>1</sup>                  | 3                                                             |                 |

| REGULATION<br>SECTION | SECTION TITLE                                                                           | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §34.8                 | Information collection requirements: OMB approval                                       | 3.b.                       | 4                                                    |          |
| §34.11                | Issuance of specific licenses for use of sealed sources in Industrial Radiography       | 3.a. <sup>1</sup>          | 2                                                    |          |
| §34.20                | Performance requirements for radiography equipment                                      | 2                          | 2                                                    |          |
| §34.21                | Limits on levels of radiation for radiographic exposure devices and storage containers  | 2                          | 2                                                    |          |
| §34.22                | Locking of radiographic exposure devices, storage containers and source changers        | 2                          | 2                                                    |          |
| §34.23                | Storage precautions                                                                     | 3.a. <sup>1</sup>          | 2                                                    |          |
| §34.24                | Radiation survey instruments                                                            | 3.a. <sup>1</sup>          | 2                                                    |          |
| §34.25                | Leak Testing, Repair, Tagging, Opening, Modification, and Replacement of sealed Sources | 3.a. <sup>1</sup>          | 2                                                    |          |
| §34.26                | Quarterly Inventory                                                                     | 3.a. <sup>1</sup>          | 2                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                 | CLASSIFICATION<br>ASSIGNED                            | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------|----------|
| §34.27                | Utilization logs                                                                                              | 2                                                     | 2                                                    |          |
| §34.28                | Inspection and maintenance of<br>radiographic exposure devices,<br>storage containers, and source<br>changers | 3.a. <sup>1</sup>                                     | 2                                                    |          |
| §34.29                | Permanent Radiographic<br>Installations                                                                       | 3.b.*                                                 | 3                                                    |          |
| §34.30                | Reporting requirements                                                                                        | 3.a. <sup>1</sup>                                     | 2                                                    |          |
| §34.31                | Training                                                                                                      | 3.a. <sup>1</sup>                                     | 2                                                    |          |
| §34.32                | Operating and Emergency<br>procedures                                                                         | 3.a. <sup>1</sup> for sections,<br>except (l) is 3.b. | 2                                                    |          |
| §34.33                | Personnel monitoring                                                                                          | 3.a. <sup>1</sup>                                     | 2                                                    |          |
| §34.41                | Security                                                                                                      | 3.a. <sup>1</sup>                                     | 2                                                    |          |
| §34.42                | Posting                                                                                                       | 3.a. <sup>1</sup>                                     | 3                                                    |          |
| §34.43                | Radiation surveys                                                                                             | 3.a. <sup>1</sup> for sections,<br>except (d) is 3.b. | 2                                                    |          |
| §34.44                | Supervision of radiographers'<br>assistant                                                                    | 3.b.                                                  | 3                                                    |          |
| §34.51                | Applications for exemptions                                                                                   | 3.b.                                                  | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                 | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §34.61                | Violations                                    | 3.b.                       | 3                                                    |          |
| §34.63                | Criminal Penalties                            | 3.b.                       | 3                                                    |          |
| Appendix A            | Required subjects for training<br>instruction | 3.a. <sup>1</sup>          | 2                                                    |          |

<sup>1</sup> Agreement States are required to adopt these provisions for the purpose of compatibility to avoid conflicts in the regulations of industrial radiography since this activity frequently involves persons working under reciprocity.

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>          | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b> |
|-------------------------------|-------------------------------|------------------------------------|---------------------------------------------------------------|-----------------|
| §35.1                         | Purpose and scope             | 3.b.                               | 3                                                             |                 |
| §35.2                         | Definitions                   |                                    | 1 (Exceptions indicated<br>below)                             |                 |
|                               | Address of use                | 3.b.                               | 3                                                             |                 |
|                               | ALARA                         | See 10 CFR §20.1003                | 1                                                             |                 |
|                               | Agreement State               | See 10 CFR §150.3(b)               | 1                                                             |                 |
|                               | Area of use                   | 3.b.                               | 3                                                             |                 |
|                               | Authorized nuclear pharmacist | 3.b.                               | 1                                                             |                 |
|                               | Authorized user               | 3.a.                               | 1                                                             |                 |
|                               | Brachytherapy source          | 3.b.                               | 3                                                             |                 |
|                               | Dedicated check source        | 3.b.                               | 3                                                             |                 |
|                               | Dental use                    | 3.b.                               | 3                                                             |                 |

| REGULATION<br>SECTION | SECTION TITLE                            | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                            |
|-----------------------|------------------------------------------|----------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Dentist                                  | 3.b.                       | 3                                                    |                                                                                                                                                     |
|                       | Diagnostic clinical procedures<br>manual | 3.b.                       | 1                                                    |                                                                                                                                                     |
|                       | Management                               | 3.b.                       | 3                                                    |                                                                                                                                                     |
|                       | Medical institution                      | 3.b.                       | 3                                                    |                                                                                                                                                     |
|                       | Medical use                              | 3.a.                       | 1                                                    |                                                                                                                                                     |
|                       | Ministerial change                       | 3.b.                       | 3                                                    |                                                                                                                                                     |
|                       | Misadministration                        | 3.a.                       | 1                                                    | States are required to adopt<br>the quantitative values in this<br>provision since they contain<br>the essential objectives of this<br>requirement. |
|                       | Mobile nuclear medicine<br>service       | 3.b.                       | 3                                                    |                                                                                                                                                     |
|                       | Output                                   | 3.b.                       | 3                                                    |                                                                                                                                                     |



| REGULATION<br>SECTION | SECTION TITLE            | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------|----------------------------|------------------------------------------------------|----------|
|                       | Pharmacist               | 3.b.                       | 1                                                    |          |
|                       | Physician                | 3.b.                       | 3                                                    |          |
|                       | Podiatric use            | 3.b.                       | 3                                                    |          |
|                       | Podiatrist               | 3.b.                       | 3                                                    |          |
|                       | Prescribed dosage        | 3.a.                       | 1                                                    |          |
|                       | Prescribed dose          | 3.a.                       | 1                                                    |          |
|                       | Radiation safety officer | 3.b.                       | 3                                                    |          |
|                       | Recordable event         | 3.b.                       | 1                                                    |          |
|                       | Sealed source            | See 10 CFR §30.4           | 1                                                    |          |
|                       | Teletherapy physicist    | 3.b.                       | 3                                                    |          |
|                       | Written directive        | 3.a.                       | 1                                                    |          |
| §35.5                 | Maintenance of records   | 3.b.                       | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.6                 | Provisions for research involving human subjects.            | 3.b.                       | 2                                                    |          |
| §35.7                 | FDA, other Federal, and State requirements                   | 3.b.                       | 3                                                    |          |
| §35.8                 | Information collection requirements: OMB Approval            | 3.b.                       | 4                                                    |          |
| §35.11                | License required                                             | See 10 CFR §30.3           | 3                                                    |          |
| §35.12                | Application of license, amendment, or renewal                | 3.b.                       | 3                                                    |          |
| §35.13                | License amendments                                           | 3.b.                       | 3                                                    |          |
| §35.14                | Notifications                                                | 3.b.                       | 3                                                    |          |
| §35.15                | Exemptions regarding Type A specific licenses of broad scope | 3.b.                       | 3                                                    |          |
| §35.18                | License issuance                                             | 3.b.                       | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                       | CLASSIFICATION<br>ASSIGNED       | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------------------------------|----------------------------------|------------------------------------------------------|----------|
| §35.19                | Specific exemptions                                                                                 | 3.b.                             | 3                                                    |          |
| §35.20                | ALARA program                                                                                       | See 10 CFR §20.1101              | 3                                                    |          |
| §35.21                | Radiation Safety Officer                                                                            | (a) is 3.b.*; and<br>(b) is 3.b. | 3                                                    |          |
| §35.22                | Radiation safety committee                                                                          | 3.b.                             | 3, except (b)(2) is 2                                |          |
| §35.23                | Statements of authority and<br>responsibilities                                                     | (a) is 3.b.*; and<br>(b) is 3.b. | 3                                                    |          |
| §35.25                | Supervision                                                                                         | 3.b.                             | 2                                                    |          |
| §35.29                | Administrative requirements<br>that apply to the provision of<br>mobile nuclear medicine<br>service | 3.b.                             | 3                                                    |          |
| §35.31                | Radiation safety program<br>changes                                                                 | 3.b.                             | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                               | CLASSIFICATION<br>ASSIGNED                                            | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------|----------|
| §35.32                | Quality management program                                                                                                  | 3.b* for all sections<br>except, (a)(5), (d), (e)<br>and (f) are 3.b. | 2                                                    |          |
| §35.33                | Notifications, reports, and<br>records of misadministrations                                                                | 3.a.                                                                  | 2                                                    |          |
| §35.49                | Suppliers for sealed sources or<br>devices for medical use                                                                  | 3.b.                                                                  | 3                                                    |          |
| §35.50                | Possession, use, calibration,<br>and check of dose calibrators                                                              | 3.b.                                                                  | 2                                                    |          |
| §35.51                | Calibration and check of<br>survey instruments                                                                              | See 10 CFR §20.1501                                                   | 3                                                    |          |
| §35.52                | Possession, use, calibration,<br>and check of instruments to<br>measure dosages of alpha- or<br>beta-emitting radionuclides | 3.b.                                                                  | 2                                                    |          |
| §35.53                | Measurements of dosages of<br>unsealed byproduct material<br>for medical use                                                | (a), (b) are 3.b.*; and<br>(c) is 3.b.                                | 2                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                 | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.57                | Authorization of calibration<br>and reference sources                                                         | 3.b.                       | 3                                                    |          |
| §35.59                | Requirements for possession<br>of sealed sources and<br>brachytherapy sources                                 | 3.b.*                      | 3                                                    |          |
| §35.60                | Syringe shields and labels                                                                                    | 3.b.                       | 3                                                    |          |
| §35.61                | Vial shields and labels                                                                                       | 3.b.                       | 3                                                    |          |
| §35.70                | Surveys for contamination and<br>ambient radiation exposure<br>rate                                           | 3.b.*                      | 3                                                    |          |
| §35.75                | Release of patients or human<br>research subjects containing<br>radiopharmaceuticals or<br>permanent implants | 3.a.                       | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                          | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|----------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.80                | Technical requirements that apply to the provision of mobile nuclear medicine services | 3.b.                       | 3                                                    |          |
| §35.90                | Storage of volatiles and gases                                                         | 3.b.                       | 3                                                    |          |
| §35.92                | Decay-in-storage                                                                       | 3.b.                       | 3                                                    |          |
| §35.100               | Use of unsealed byproduct material for uptake, dilution, and excretion studies         | 3.b.*                      | 3                                                    |          |
| §35.120               | Possession of survey instruments                                                       | 3.b.                       | 3                                                    |          |
| §35.200               | Use of unsealed byproduct material for imaging and localization studies                | 3.b.*                      | 3                                                    |          |
| §35.204               | Permissible molybdenum-99 concentration                                                | 3.b.*                      | 3                                                    |          |
| §35.205               | Control of aerosols and gases                                                          | See §20.1301               | 3                                                    |          |



| REGULATION<br>SECTION | SECTION TITLE                                                                        | CLASSIFICATION<br>ASSIGNED                            | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------|----------|
| §35.220               | Possession of survey<br>instruments                                                  | See §20.150!                                          | 3                                                    |          |
| §35.300               | Use of unsealed byproduct<br>material for therapeutic<br>administration              | 3.b.*                                                 | 3                                                    |          |
| §35.310               | Safety instruction                                                                   | 3.b.                                                  | 3                                                    |          |
| §35.315               | Safety precautions                                                                   | 3.b.                                                  | 3                                                    |          |
| §35.320               | Possession of survey<br>instruments                                                  | 3.b.                                                  | 3                                                    |          |
| §35.400               | Use of sources for<br>brachytherapy                                                  | 3.b.                                                  | 3                                                    |          |
| §35.404               | Release of patients or human<br>research subjects treated with<br>temporary implants | 3.a.                                                  | 3                                                    |          |
| §35.406(a) & (c)      | Brachytherapy sources<br>inventory                                                   | (a) and (c) are 3.b.*;<br>and (b) and (d) are<br>3.b. | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                   | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.410               | Safety instruction                              | 3.b.                       | 3                                                    |          |
| §35.415               | Safety precautions                              | 3.b.                       | 3                                                    |          |
| §35.420               | Possession of survey<br>instruments             | 3.b.                       | 3                                                    |          |
| §35.500               | Use of sealed sources for<br>diagnosis          | 3.b.                       | 3                                                    |          |
| §35.520               | Availability of survey<br>instrument            | 3.b.                       | 3                                                    |          |
| §35.600               | Use of a sealed source in a<br>teletherapy unit | 3.b.                       | 3                                                    |          |
| §35.605               | Maintenance and repair<br>restrictions          | 3.b.*                      | 3                                                    |          |
| §35.606               | License amendments                              | 3.b.                       | 3                                                    |          |
| §35.610               | Safety instructions                             | 3.b.*                      | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                       | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                    |
|-----------------------|-------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| §35.615               | Safety precautions                                                                  | 3.b.*                      | 3                                                    |                                                                                                                                             |
| §35.620               | Possession of survey<br>instrument                                                  | 3.b.                       | 3                                                    |                                                                                                                                             |
| §35.630               | Dosimetry equipment                                                                 | 3.b.*                      | 3                                                    |                                                                                                                                             |
| §35.632               | Full calibration measurements                                                       | 3.b.*                      | 3                                                    | States are required to adopt<br>the quantitative values in this<br>provision since they are<br>essential objectives of this<br>requirement. |
| §35.634               | Periodic spot-checks                                                                | 3.b.*                      | 3                                                    |                                                                                                                                             |
| §35.636               | Safety checks for teletherapy<br>facilities                                         | 3.b.*                      | 3                                                    |                                                                                                                                             |
| §35.641               | Radiation surveys for<br>teletherapy facilities                                     | 3.b.                       | 3                                                    |                                                                                                                                             |
| §35.643               | Modification of teletherapy<br>unit or room before beginning<br>a treatment program | 3.b.                       | 3                                                    |                                                                                                                                             |

| REGULATION<br>SECTION | SECTION TITLE                                                   | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.645               | Reports of teletherapy surveys, checks, tests, and measurements | 3.b.                       | 3                                                    |          |
| §35.647               | Five-year inspection                                            | 3.b. *                     | 3                                                    |          |
| §35.900               | Radiation safety officer                                        | 3.b.                       | 3                                                    |          |
| §35.901               | Training for experienced radiation safety officer               | 3.b.                       | 3                                                    |          |
| §35.910               | Training for uptake, dilution, and excretion studies            | 3.b.                       | 3                                                    |          |
| §35.920               | Training for imaging and localization studies                   | 3.b.                       | 2                                                    |          |
| §35.930               | Training for therapeutic use of unsealed byproduct material     | 3.b.                       | 3                                                    |          |
| §35.932               | Training for treatment of hyperthyroidism                       | 3.b.                       | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                    | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.934               | Training for thyroid carcinoma                   | 3.b.                       | 3                                                    |          |
| §35.940               | Training for use of brachytherapy sources        | 3.b.                       | 3                                                    |          |
| §35.941               | Training for ophthalmic use of strontium-90      | 3.b.                       | 3                                                    |          |
| §35.950               | Training for use of sealed sources for diagnosis | 3.b.                       | 3                                                    |          |
| §35.960               | Training for teletherapy                         | 3.b.                       | 3                                                    |          |
| §35.961               | Training for teletherapy physicist               | 3.b.                       | 3                                                    |          |
| §35.970               | Training for experienced authorized users        | 3.b.                       | 3                                                    |          |
| §35.971               | Physician training in a three month program      | 3.b.                       | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                         | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §35.972               | Recentness of training                                                | 3.b.                       | 2                                                    |          |
| §35.980               | Training for an authorized<br>nuclear pharmacist                      | 3.b.                       | 2                                                    |          |
| §35.981               | Training for experienced<br>nuclear pharmacist                        | 3.b.                       | 2                                                    |          |
| §35.990               | Violations                                                            | 3.b.                       | 3                                                    |          |
| §35.991               | Criminal penalties                                                    | 3.b.                       | 3                                                    |          |
| §35.999               | Resolution of conflicting<br>requirements during transition<br>period | 3.b.                       | 3                                                    |          |



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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                    | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b>                                                                                                                         |
|-------------------------------|-----------------------------------------|------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| §36.1                         | Purpose & Scope                         | (a) is 3.b.; (b) and (c) are 3.a.  | 3                                                             | States are required to adopt the quantitative values in paragraphs (b) and (c) since they are essential objectives of this requirement. |
| §36.2                         | Definitions                             |                                    | 2 (Exceptions noted below)                                    |                                                                                                                                         |
|                               | Annually                                | 3.b.                               | 2                                                             |                                                                                                                                         |
|                               | Doubly encapsulated sealed source       | 3.b.                               | 2                                                             |                                                                                                                                         |
|                               | Irradiator                              | 3.a.                               | 2                                                             |                                                                                                                                         |
|                               | Irradiator operator                     | 3.b.                               | 2                                                             |                                                                                                                                         |
|                               | Panoramic dry-source-storage irradiator | 3.b.                               | 2                                                             |                                                                                                                                         |
|                               | Panoramic irradiator                    | 3.b.                               | 2                                                             |                                                                                                                                         |
|                               | Panoramic wet-source-storage irradiator | 3.b.                               | 2                                                             |                                                                                                                                         |

| REGULATION<br>SECTION | SECTION TITLE                                         | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
|                       | Pool irradiator                                       | 3.b.                       | 2                                                    |          |
|                       | Product conveyor system                               | 3.b.                       | 2                                                    |          |
|                       | Radiation room                                        | 3.b.                       | 2                                                    |          |
|                       | Radiation safety officer                              | 3.b.                       | 2                                                    |          |
|                       | Sealed source                                         | See 10 CFR §30.4           | 2                                                    |          |
|                       | Seismic area                                          | 3.b.                       | 2                                                    |          |
|                       | Underwater irradiator                                 | 3.b.                       | 2                                                    |          |
| §36.5                 | Interpretations                                       | 3.b.                       | 3                                                    |          |
| §36.8                 | Information collection:<br>requirements: OMB approval | 3.b.                       | 4                                                    |          |
| §36.11                | Application for a specific<br>license                 | 3.b.                       | 3                                                    |          |
| §36.13                | Specific licenses for irradiators                     | 3.b.*                      | 2                                                    |          |
| §36.15                | Start of construction                                 | 3.b.                       | 2                                                    |          |
| §36.17                | Applications for exemptions                           | 3.b.                       | 3                                                    |          |
| §36.19                | Request for written statements                        | 3.b.                       | 2                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                  | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                        |
|-----------------------|------------------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| §36.21                | Performance criteria for sealed sources        | 2                          | 2                                                    | States are required to adopt the quantitative values in this provision since they are essential objectives of this requirement. |
| §36.23                | Access control                                 | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §36.25                | Shielding                                      | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §36.27                | Fire protection                                | 3.b.                       | 2                                                    |                                                                                                                                 |
| §36.29                | Radiation monitors                             | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §36.31                | Control of source movement                     | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §36.33                | Irradiator pools                               | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §36.35                | Source rack protection                         | 3.b.                       | 2                                                    |                                                                                                                                 |
| §36.37                | Power failures                                 | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §36.39                | Design requirements                            | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §36.41                | Construction monitoring and acceptance testing | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §36.51                | Training                                       | 3.b.*                      | 2                                                    |                                                                                                                                 |

| REGULATION<br>SECTION | SECTION TITLE                       | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                       |
|-----------------------|-------------------------------------|----------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| §36.53                | Operating & Emergency<br>procedures | 3.b.*                      | 2                                                    |                                                                                                                                                |
| §36.55                | Personnel monitoring                | 3.b.                       | 2                                                    |                                                                                                                                                |
| §36.57                | Radiation surveys                   | 3.b.*                      | 2                                                    | States are required to<br>adopt the quantitative<br>values in this provision<br>since they are essential<br>objectives of this<br>requirement. |
| §36.59                | Detection of leaking sources        | 3.b.*                      | 2                                                    | States are required to<br>adopt the quantitative<br>values in this provision<br>since they are essential<br>objectives of this<br>requirement. |
| §36.61                | Inspection and maintenance          | 3.b.*                      | 2                                                    |                                                                                                                                                |
| §36.63                | Pool water purity                   | 3.b.*                      | 2                                                    | States are required to<br>adopt the quantitative<br>values in this provision<br>since they are essential<br>objectives of this<br>requirement. |

| REGULATION<br>SECTION | SECTION TITLE                                        | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §36.65                | Attendance during operation                          | 3.b.*                      | 2                                                    |          |
| §36.67                | Entering and leaving the<br>radiation room           | 3.b.*                      | 2                                                    |          |
| §36.69                | Irradiation of explosive or<br>inflammable materials | 3.b.*                      | 2                                                    |          |
| §36.81                | Records and retention periods                        | 3.b.                       | 3                                                    |          |
| §36.83                | Reports                                              | 3.a.                       | 2                                                    |          |
| §36.91                | Violations                                           | 3.b.                       | 3                                                    |          |
| §36.93                | Criminal penalties                                   | 3.b.                       | 3                                                    |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION<br/>TITLE</b>             | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b> |
|-------------------------------|--------------------------------------|------------------------------------|---------------------------------------------------------------|-----------------|
| §39.1                         | Purpose and Scope                    | 3.b.                               | 3                                                             |                 |
| §39.2                         | Definitions                          |                                    |                                                               |                 |
|                               | Field station                        | 2                                  | 2                                                             |                 |
|                               | Fresh water aquifer                  | 3.b.                               | 3                                                             |                 |
|                               | Injection tool                       | 3.b.                               | 2                                                             |                 |
|                               | Irretrievable well logging<br>source | 3.b.                               | 3                                                             |                 |
|                               | Licensed material                    | 3.b.                               | 2                                                             |                 |
|                               | Logging assistant                    | 3.b.                               | 2                                                             |                 |
|                               | Logging supervisor                   | 3.a.                               | 2                                                             |                 |
|                               | Logging tool                         | 3.b.                               | 2                                                             |                 |
|                               | Personal supervision                 | 3.b.                               | 2                                                             |                 |
|                               | Radioactive marker                   | 3.b.                               | 2                                                             |                 |
|                               | Safety review                        | 3.b.                               | 3                                                             |                 |



| REGULATION<br>SECTION | SECTION<br>TITLE                                          | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
|                       | Scaled source                                             | See 10 CFR §30.4           | 2                                                    |          |
|                       | Source holder                                             | 3.b.                       | 2                                                    |          |
|                       | Subsurface tracer study                                   | 3.b.                       | 2                                                    |          |
|                       | Surface casting for<br>protecting fresh water<br>aquifers | 3.b.                       | 2                                                    |          |
|                       | Temporary jobsite                                         | 3.b.                       | 3                                                    |          |
|                       | Uranium sinker bar                                        | 3.b.                       | 2                                                    |          |
|                       | Well                                                      | 3.b.                       | 3                                                    |          |
|                       | Well logging                                              | 3.a.                       | 3                                                    |          |
| §39.5                 | Interpretations                                           | 3.b.                       | 3                                                    |          |
| §39.8                 | Information collection<br>requirements: OMB<br>approval   | 3.b.                       | 4                                                    |          |
| §39.11                | Application for a specific<br>license                     | 3.b.                       | 3                                                    |          |



| REGULATION<br>SECTION | SECTION<br>TITLE                                                  | CLASSIFICATION<br>ASSIGNED                  | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-------------------------------------------------------------------|---------------------------------------------|------------------------------------------------------|----------|
| §39.13                | Specific licenses for well logging                                | 3.b.*                                       | 3                                                    |          |
| §39.15                | Agreement with well owner or operator                             | 3.a.                                        | 2                                                    |          |
| §39.17                | Request for written statements                                    | 3.b.                                        | 3                                                    |          |
| §39.31                | Labels, Security, and Transportation precautions                  | (a) is 3.b.; and<br>(b) is 3.a              | 2                                                    |          |
| §39.33                | Radiation detection instruments                                   | (a), (c) and (d) are 3.b.; and (b) is 3.b.* | 2                                                    |          |
| §39.35                | Leak testing of sealed sources                                    | 3.a.                                        | 2                                                    |          |
| §39.37                | Physical inventory                                                | 3.b.*                                       | 2                                                    |          |
| §39.39                | Records of material use                                           | 3.a.                                        | 2                                                    |          |
| §39.41                | Design and performance criteria for sealed sources                | 2                                           | 1                                                    |          |
| §39.43                | Inspection, maintenance, and opening of a source or source holder | 3.a.                                        | 2                                                    |          |

| REGULATION<br>SECTION | SECTION<br>TITLE                                         | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------|----------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §39.45                | Subsurface tracer studies                                | 3.a.                       | 2                                                    |                                                                                                                                                                                                                                           |
| §39.47                | Radioactive markers                                      | 3.b.                       | 3                                                    |                                                                                                                                                                                                                                           |
| §39.49                | Uranium sinker bars                                      | 3.b                        | 2                                                    |                                                                                                                                                                                                                                           |
| §39.51                | Use of sealed source in a<br>well without surface casing | 3.b.                       | 2                                                    |                                                                                                                                                                                                                                           |
| §39.61                | Training                                                 | 3.a.                       | 2                                                    | These provisions<br>should be adopted<br>by States because<br>they contain<br>training<br>requirements not<br>contained in §19.12<br>or other sections<br>and apply to<br>persons who<br>frequently work in<br>multiple<br>juristictions. |
| §39.63                | Operating & Emergency<br>procedures                      | 3.a.                       | 2                                                    |                                                                                                                                                                                                                                           |

| REGULATION<br>SECTION | SECTION<br>TITLE                                                                         | CLASSIFICATION<br>ASSIGNED                | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------------|----------|
| §39.65                | Personnel monitoring                                                                     | (a) is 3.a.; (b) and<br>(c) are 3.b.      | 2                                                    |          |
| §39.67                | Radiation surveys                                                                        | 3.a.                                      | 2                                                    |          |
| §39.69                | Radioactive con-tamination<br>control                                                    | 3.a.                                      | 2                                                    |          |
| §39.71                | Security                                                                                 | 3.a.                                      | 2                                                    |          |
| §39.73                | Documents & Records<br>required at field stations                                        | 3.a.                                      | 3                                                    |          |
| §39.75                | Documents & records<br>required at temporary job<br>sites                                | 3.a.                                      | 2                                                    |          |
| §39.77                | Notification of incidents:<br>aban-donment proced-ures<br>for irretrie-<br>vable sources | (a), (c) and (d) are<br>3.a.; (b) is 3.b. | 2                                                    |          |
| §39.91                | Applications for<br>exemptions                                                           | 3.b.                                      | 3                                                    |          |
| §39.101               | Violations                                                                               | 3.b.                                      | 3                                                    |          |

| REGULATION<br>SECTION | SECTION<br>TITLE   | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------|----------------------------|------------------------------------------------------|----------|
| §39.103               | Criminal penalties | 3.b.                       | 3                                                    |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>                | <b>CLASSIFICATION<br/>ASSIGNED</b>                                                                                         | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b>                                                                                 |
|-------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| §40.1                         | Purpose                             | 3. b.                                                                                                                      | 3                                                             |                                                                                                 |
| §40.2                         | Scope                               | 3. b.                                                                                                                      | 3                                                             |                                                                                                 |
| §40.2a                        | Coverage of inactive tailings sites | 1 for States with authority to regulate U-mill activities. (11.e.2 byproduct material or 3.b. for States without authority | (a) is 4 and (b) is 2 for 11e.(2) States                      | Agreement States with authority to regulate uranium mill should adopt this term and definition. |
| §40.3                         | License requirements                | 3. a.                                                                                                                      | 3                                                             |                                                                                                 |
| §40.4                         | Definitions                         |                                                                                                                            | 1                                                             |                                                                                                 |
|                               | Act                                 | 3. b.                                                                                                                      | 3                                                             |                                                                                                 |
|                               | Agreement State                     | See 10 CFR §150.3(b)                                                                                                       | 1                                                             |                                                                                                 |
|                               | Alert                               | See 10 CFR §30.4                                                                                                           | 1                                                             |                                                                                                 |
|                               | Byproduct material                  | See 10 CFR §150.3(c), applies if UMTRAC State                                                                              | 1                                                             |                                                                                                 |

| REGULATION<br>SECTION | SECTION TITLE                | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|------------------------------|----------------------------|------------------------------------------------------|----------|
|                       | Commencement of construction | See 10 CFR §30.4           | 1                                                    |          |
|                       | Commission                   | 3.b.                       | 3                                                    |          |
|                       | Decommission                 | See 10 CFR §30.4           | 1                                                    |          |
|                       | Department of Energy         | See 10 CFR §20.1003        | 1                                                    |          |
|                       | Depleted uranium             | 1                          | 1                                                    |          |
|                       | Effective kilogram           | 3.b.                       | 1                                                    |          |
|                       | Government agency            | 3.b.                       | 3                                                    |          |
|                       | License                      | 3.b.                       | 3                                                    |          |
|                       | Persons                      | See 10 CFR §20.1003        | 1                                                    |          |
|                       | Pharmacist                   | See 10 CFR §35.2           | 1                                                    |          |
|                       | Physician                    | See 10 CFR §35.2           | 3                                                    |          |
|                       | Principle activities         | See 10 CFR §30.4           | 1                                                    |          |



| REGULATION<br>SECTION | SECTION TITLE                 | CLASSIFICATION<br>ASSIGNED                                                                                                 | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                        |
|-----------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------|
|                       | Residual radioactive material | 1 for States with authority to regulate U-mill activities. (11.e.2 byproduct material or 3.b. for States without authority | 1                                                    | Agreement States with authority to regulate uranium mill should adopt this term and definition. |
|                       | Site area emergency           | See 10 CFR §30.4                                                                                                           | 1                                                    |                                                                                                 |
|                       | Source material               | See 10 CFR §150.3                                                                                                          | 1                                                    |                                                                                                 |
|                       | Special nuclear material      | See 10 CFR §150.3                                                                                                          | 1                                                    |                                                                                                 |
|                       | Transient shipment            | 3.b.                                                                                                                       | 1                                                    |                                                                                                 |
|                       | United States                 | 3.b.                                                                                                                       | 1                                                    |                                                                                                 |
|                       | Unrefined and unprocessed     | 2                                                                                                                          | 1                                                    |                                                                                                 |
|                       | Uranium enrichment facility   | 3.b.                                                                                                                       | 1                                                    |                                                                                                 |
|                       | Uranium milling               | 3. a. for States with authority to regulate uranium mill activities or 3. b. or States without this authority              | 1                                                    |                                                                                                 |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                            | CLASSIFICATION<br>ASSIGNED            | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------------------------------------|----------|
| §40.5                 | Communications                                                                                                           | 3.b.                                  | 3                                                    |          |
| §40.6                 | Interpretations                                                                                                          | 3.b.                                  | 3                                                    |          |
| §40.7                 | Employee protection                                                                                                      | 3.b.                                  | 3                                                    |          |
| §40.8                 | Information collection<br>requirements: OMB approval                                                                     | 3.b.                                  | 4                                                    |          |
| §40.9                 | Completeness and accuracy of<br>information                                                                              | 3.b.                                  | 3                                                    |          |
| §40.10                | Deliberate misconduct                                                                                                    | 3.a.                                  | 3                                                    |          |
| §40.11                | Persons using source material<br>under certain Department of<br>Energy and Nuclear<br>Regulatory Commission<br>contracts | 2                                     | 1                                                    |          |
| §40.12                | Carriers                                                                                                                 | 2                                     | 2                                                    |          |
| §40.13                | Unimportant quantities of<br>source material                                                                             | 2                                     | 1                                                    |          |
| §40.14                | Specific exemptions                                                                                                      | (a) is 3. b.; (c), and (d)<br>are NRC | 1                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                       | CLASSIFICATION<br>ASSIGNED                                 | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------|----------|
| §40.20                | Types of licenses                                                                                                   | 3.b.                                                       | (a) is 2; (b) and (c) are 4                          |          |
| §40.21                | General license to receive title to source or byproduct material                                                    | 3.a.                                                       | 3 for 11.e(2) States                                 |          |
| §40.22                | Small quantities of source material                                                                                 | 2                                                          | 1                                                    |          |
| §40.23                | General license for carriers of transient shipments of natural uranium other than in the form of ore or ore residue | NRC                                                        | 4                                                    |          |
| §40.25                | General license for use of certain industrial products or devices                                                   | 3.a.                                                       | 3                                                    |          |
| §40.26                | General license for possession and storage of byproduct material as defined in this part                            | 3. a. for States with 11e.(2) byproduct material authority | 2 for 11e.(2) States                                 |          |
| §40.27                | General license for custody and long-term care of residual radioactive material disposal sites                      | NRC                                                        | 4                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                           | CLASSIFICATION<br>ASSIGNED                                       | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------------------------------------|----------|
| §40.28                | General license for custody and long-term care of uranium or thorium byproduct materials disposal sites | NRC                                                              | 4                                                    |          |
| §40.31                | Application for specific licenses                                                                       | All sections are 3. b., except (i) is 3b*                        |                                                      |          |
| §40.32                | General requirements for issuance of specific licenses                                                  | All sections are 3. a., except (d) and (e) are NRC               | 2                                                    |          |
| §40.33                | Issuance of a license for a uranium enrichment facility                                                 | NRC                                                              | 4                                                    |          |
| §40.34                | Special requirements for issuance of specific licenses                                                  | (a)(2) and (a)(3) are 2; and (b) and (c) are 3.b.                | 2                                                    |          |
| §40.35                | Conditions of specific licenses issued pursuant to §40.34                                               | (b) and (c) are 2; (a) is 3. a.; and (c), (e), and (f) are 3. b. | 2                                                    |          |
| §40.36                | Financial assurance and recordkeeping for decommissioning                                               | (a), (b), and (d) are 3.b.*; (c), (e), and (f) are 3.b.          | 2                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                               | CLASSIFICATION<br>ASSIGNED                                                                     | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------|----------|
| §40.41                | Terms and conditions of licenses                                                                            | 3.b.                                                                                           | 2                                                    |          |
| §40.42                | Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas | (c), (d), (e), (g), (h), (i), (j), and (k) are 3.b.; (l) is 3.a.s; (a), (b), (f), (k) are 3.b. | 3                                                    |          |
| §40.43                | Renewal of licenses                                                                                         | 3.b.                                                                                           | 3                                                    |          |
| §40.44                | Amendment of licenses at request of licensee                                                                | 3.b.                                                                                           | 3                                                    |          |
| §40.45                | Commission action on application to renew or amend                                                          | 3.b.                                                                                           | 3                                                    |          |
| §40.46                | Inalienability of licenses                                                                                  | 3.a.                                                                                           | 3                                                    |          |
| §40.51                | Transfer of source or byproduct material                                                                    | 2                                                                                              | 2                                                    |          |
| §40.60                | Reporting requirements                                                                                      | 3.a.                                                                                           | 2                                                    |          |
| §40.61                | Records                                                                                                     | 3.a. for all sections, except (c) is 3.b.                                                      | 2                                                    |          |
| §40.62                | Inspections                                                                                                 | 3.b.                                                                                           | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                                                         | CLASSIFICATION<br>ASSIGNED                         | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|----------|
| §40.63                | Tests                                                                                                                                                                                 | 3.b.                                               | 3                                                    |          |
| §40.64                | Reports                                                                                                                                                                               | NRC                                                | 3                                                    |          |
| §40.65                | Effluent monitoring reporting<br>requirements                                                                                                                                         | 3. a. S. for States with<br>uranium mill authority | 2                                                    |          |
| §40.66                | Requirements for advance<br>notice of export shipments of<br>natural uranium                                                                                                          | NRC                                                | 4                                                    |          |
| §40.67                | Requirement for advance<br>notice of importation of<br>natural uranium from<br>countries that are not party to<br>the Convention on the<br>Physical Protection of Nuclear<br>Material | NRC                                                | 4                                                    |          |
| §40.71                | Modification and revocation<br>of licenses                                                                                                                                            | 3.b.                                               | 3                                                    |          |
| §40.81                | Violations                                                                                                                                                                            | 3.b.                                               | 3                                                    |          |
| §40.42                | Criminal penalties                                                                                                                                                                    | 3.b.                                               | 3                                                    |          |



| REGULATION<br>SECTION | SECTION TITLE | CLASSIFICATION<br>ASSIGNED                                                                                  | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------|
| APPENDIX A            |               | 3.a. S. for States with<br>11e.2 byproduct<br>material authority or<br>3.b. for States without<br>authority | 2 for 11e.(2) States                                 |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>            | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b> |
|-------------------------------|---------------------------------|------------------------------------|---------------------------------------------------------------|-----------------|
| §61.1                         | Purpose & Scope                 | 3.b.                               | 3                                                             |                 |
| §61.2                         | Definitions                     |                                    | 1 (exceptions noted<br>below)                                 |                 |
|                               | Active maintenance              | 3.b.*                              | 1                                                             |                 |
|                               | Buffer zone                     | 3.b.                               | 1                                                             |                 |
|                               | Chelating agent                 | 3.b.                               | 1                                                             |                 |
|                               | Commencement of<br>construction | 3.b.                               | 1                                                             |                 |
|                               | Commission                      | 3.b.                               | 3                                                             |                 |
|                               | Custodial Agency                | 3.b.                               | 1                                                             |                 |
|                               | Director                        | 3.b.                               | 3                                                             |                 |
|                               | Disposal                        | 3.a.                               | 1                                                             |                 |
|                               | Disposal site                   | 3.a.                               | 1                                                             |                 |
|                               | Disposal unit                   | 3.b.                               | 1                                                             |                 |
|                               | Engineered barrier              | 3.b.                               | 1                                                             |                 |
|                               | Explosive material              | 3.b.                               | 1                                                             |                 |

| REGULATION<br>SECTION | SECTION TITLE                  | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------|----------------------------|------------------------------------------------------|----------|
|                       | Government agency              | 3.b.                       | 3                                                    |          |
|                       | Hazardous waste                | 3.a.                       | 1                                                    |          |
|                       | Hydrogeologic unit             | 3.b.                       | 1                                                    |          |
|                       | Inadvertent intruder           | 3.a.                       | 1                                                    |          |
|                       | Indian Tribe                   | 3.b.                       | 1                                                    |          |
|                       | Intruder barrier               | 3.a.                       | 1                                                    |          |
|                       | Land disposal facility         | 3.b.                       | 1                                                    |          |
|                       | License                        | See 10 CFR §20.1003        | 1                                                    |          |
|                       | Monitoring                     | 3.a.                       | 1                                                    |          |
|                       | Near-surface disposal facility | 3.b.                       | 1                                                    |          |
|                       | Person                         | See 10 CFR §20.1003        | 1                                                    |          |
|                       | Pyrophoric liquid              | 3.b.                       | 1                                                    |          |
|                       | Site closure and stabilization | 3.b.                       | 1                                                    |          |
|                       | State                          | 3.b.                       | 1                                                    |          |
|                       | Stability                      | 3.b.                       | 1                                                    |          |
|                       | Surveillance                   | 3.b.                       | 1                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                        | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
|                       | Tribal governing body                                | 3.b.                       | 1                                                    |          |
|                       | Waste                                                | 2                          | 1                                                    |          |
| §61.3                 | License required                                     | 3.a.                       | 2                                                    |          |
| §61.4                 | Communications                                       | 3.b.                       | 3                                                    |          |
| §61.5                 | Interpretations                                      | 3.b.                       | 3                                                    |          |
| §61.6                 | Exemptions                                           | 3.b.                       | 3                                                    |          |
| §61.7                 | Concepts                                             | 3.b.*                      | 3                                                    |          |
| §61.8                 | Information collection<br>requirements: QMB approval | 3.b.                       | 4                                                    |          |
| §61.9                 | Employee protection                                  | 3.b.                       | 3                                                    |          |
| §61.9a                | Completeness and accuracy of<br>information          | 3.b.                       | 3                                                    |          |
| §61.9b                | Deliberate misconduct                                | 3.b.                       | 3                                                    |          |
| §61.10                | Content of application                               | 3.b.                       | 2                                                    |          |
| §61.11                | General information                                  | 3.b.                       | 2                                                    |          |
| §61.12                | Specific technical information                       | 3.b.                       | 2                                                    |          |
| §61.13                | Technical analysis                                   | 3.b.*                      | 2                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                               | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §61.14                | Institutional information                   | 3.b.*                      | 2                                                    |          |
| §61.15                | Financial information                       | 3.b.                       | 2                                                    |          |
| §61.16                | Other information                           | NRC                        | 4                                                    |          |
| §61.20                | Filing and distribution of<br>application   | 3.b.                       | 3                                                    |          |
| §61.21                | Elimination of repetition                   | 3.b.                       | 3                                                    |          |
| §61.22                | Updating of application                     | 3.b.                       | 3                                                    |          |
| §61.23                | Standards for issuance of a<br>license      | 3.b.                       | 2                                                    |          |
| §61.24                | Conditions of licenses                      | 3.b.                       | 2                                                    |          |
| §61.25                | Changes                                     | 3.b.                       | 3                                                    |          |
| §61.26                | Amendment of license                        | 3.b.                       | 3                                                    |          |
| §61.27                | Application for renewal or<br>closure       | 3.b.                       | 2                                                    |          |
| §61.28                | Contents of application for<br>closure      | 3.b.                       | 2                                                    |          |
| §61.29                | Post-closure observation and<br>maintenance | 3.b.                       | 2                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                             | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §61.30                | Transfer of license                                                       | 3.b.                       | 2                                                    |          |
| §61.31                | Termination of license                                                    | 3.b.                       | 2                                                    |          |
| §61.40                | General requirement                                                       | 3.b.                       | 2                                                    |          |
| §61.41                | Protection of the general<br>population from releases of<br>radioactivity | 1                          | 1                                                    |          |
| §61.42                | Protection of individuals from<br>inadvertent intrusion                   | 3.b.                       | 2                                                    |          |
| §61.43                | Protection of individuals<br>during operations                            | 3.b.                       | 2                                                    |          |
| §61.44                | Stability of the disposal site<br>after closure                           | 3.b.*                      | 2                                                    |          |
| §61.50                | Disposal site suitability<br>requirements for land disposal               | 3.b.*                      | 2                                                    |          |
| §61.51                | Disposal site design for land<br>disposal                                 | 3.b.*                      | 2                                                    |          |
| §61.52                | Land disposal facility operation<br>and disposal site closure             | 3.b.*                      | 2                                                    |          |
| §61.53                | Environmental monitoring                                                  | 3.b.*                      | 2                                                    |          |



| REGULATION<br>SECTION | SECTION TITLE                                                         | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                        |
|-----------------------|-----------------------------------------------------------------------|----------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| §61.54                | Alternative requirements for design and operations                    | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §61.55                | Waste classification                                                  | 2                          | 1                                                    |                                                                                                                                 |
| §61.56                | Waste characteristics                                                 | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §61.57                | Labeling                                                              | 3.b.*                      | 2                                                    | States are required to adopt this provision for safety to prevent overexposure from mishandling of wastes with high activities. |
| §61.58                | Alternative requirements for waste classification and characteristics | 3.b.                       | 4                                                    |                                                                                                                                 |
| §61.59                | Institutional requirements                                            | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §61.61                | Applicant qualifications and assurances                               | 3.b.                       | 2                                                    |                                                                                                                                 |
| §61.62                | Funding for disposal site closure and stabilization                   | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §61.63                | Financial assurances for institutional controls                       | 3.b.*                      | 2                                                    |                                                                                                                                 |
| §61.70                | Scope                                                                 | 3.b.                       | 4                                                    |                                                                                                                                 |

| REGULATION<br>SECTION | SECTION TITLE                                          | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §61.71                | State and Tribal government consultation               | 3.b.                       | 4                                                    |          |
| §61.72                | Filing of proposals for State and Tribal participation | 3.b.                       | 4                                                    |          |
| §61.73                | Commission approval of proposals                       | 3.b.                       | 4                                                    |          |
| §61.80                | Maintenance of records, reports, and transfers         | 3.a.                       | 3                                                    |          |
| §61.81                | Tests at land disposal facilities                      | 3.b.                       | 2                                                    |          |
| §61.82                | Commission inspections of land disposal facilities     | 3.b.                       | 2                                                    |          |
| §61.83                | Violations                                             | 3.b.                       | 3                                                    |          |
| §61.84                | Criminal penalties                                     | 3.b.                       | 3                                                    |          |

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

| <b>REGULATION<br/>SECTION</b> | <b>SECTION TITLE</b>            | <b>CLASSIFICATION<br/>ASSIGNED</b> | <b>ORIGINAL<br/>CLASSIFICATION<br/>(As determined by B.7)</b> | <b>COMMENTS</b> |
|-------------------------------|---------------------------------|------------------------------------|---------------------------------------------------------------|-----------------|
| §70.1                         | Purpose                         | 3.b.                               | 3                                                             |                 |
| §70.2                         | Scope                           | 3.b.                               | 3                                                             |                 |
| §70.3                         | License requirements            | 3.a.                               | 3                                                             |                 |
| §70.4                         | Definitions                     |                                    | 1 (Exemptions noted<br>below)                                 |                 |
|                               | Act                             | 3.b.                               | 3                                                             |                 |
|                               | Agreement State                 | See 10 CFR §150.3(b)               | 1                                                             |                 |
|                               | Alert                           | See 10 CFR §30.4                   | 1                                                             |                 |
|                               | Atomic Energy                   | 3.b.                               | 3                                                             |                 |
|                               | Atomic Weapon                   | 3.b.                               | 3                                                             |                 |
|                               | Commencement of<br>construction | See 10 CFR §30.4                   | 1                                                             |                 |
|                               | Commission                      | 3.b.                               | 3                                                             |                 |
|                               | Common defense and security     | 3.b.                               | 3                                                             |                 |
|                               | Contiguous sites                | 3.b.                               | 1                                                             |                 |
|                               | Decommission                    | See 10 CFR §30.4                   | 1                                                             |                 |

| REGULATION<br>SECTION | SECTION TITLE                                      | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|----------------------------------------------------|----------------------------|------------------------------------------------------|----------|
|                       | Department or Department of<br>Energy              | See 10 CFR §30.4           | 1                                                    |          |
|                       | Effective dose equivalent                          | See 10 CFR §20.1003        | 1                                                    |          |
|                       | Effective kilograms of special<br>nuclear material | 3.b.                       | 1                                                    |          |
|                       | Formula quantity                                   | 3.b.                       | 1                                                    |          |
|                       | Government agency                                  | 3.b.                       | 3                                                    |          |
|                       | License                                            | See 10 CFR §20.1003        | 1                                                    |          |
|                       | Persons                                            | See 10 CFR §20.1003        | 1                                                    |          |
|                       | Plutonium processing and fuel<br>fabrication plant | 3.b.                       | 1                                                    |          |
|                       | Principal activities                               | See 10 CFR §30.4           |                                                      |          |
|                       | Produce                                            | 3.b.                       | 1                                                    |          |
|                       | Research and development                           | 3.b.                       | 1                                                    |          |
|                       | Restricted data                                    | 3.b.                       | 1                                                    |          |
|                       | Sealed source                                      | See 10 CFR §30.4           | 1                                                    |          |
|                       | Site area emergency                                | See 10 CFR §30.4           | 1                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                  | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|----------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
|                       | Source material                                                | See 10 CFR §150(i)         | 1                                                    |          |
|                       | Special nuclear material                                       | See 10 CFR §150(i)         | 1                                                    |          |
|                       | Special nuclear material of low<br>strategic significance      | NRC                        | 1                                                    |          |
|                       | Special nuclear material of<br>moderate strategic significance | NRC                        | 1                                                    |          |
|                       | Special nuclear material scrap                                 | 3.b.                       | 1                                                    |          |
|                       | Strategic special nuclear<br>material                          | NRC                        | 1                                                    |          |
|                       | Transient shipment                                             | NRC                        | 1                                                    |          |
|                       | United States                                                  | 3.b.                       | 1                                                    |          |
|                       | Uranium enrichment facility                                    | NRC                        | 1                                                    |          |
| §70.5                 | Communications                                                 | 3.b.                       | 3                                                    |          |
| §70.6                 | Interpretations                                                | 3.b.                       | 3                                                    |          |
| §70.7                 | Employee protection                                            | 3.b.                       | 3                                                    |          |
| §70.8                 | Information collection<br>requirements: OMB approval           | 3.b.                       | 4                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                    | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|----------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §70.9                 | Completeness and accuracy of<br>information                                      | 3.b.                       | 3                                                    |          |
| §70.10                | Deliberate misconduct                                                            | 3.b.                       | 3                                                    |          |
| §70.11                | Persons using special nuclear<br>material under certain DOE<br>and NRC contracts | 1                          | 1                                                    |          |
| §70.12                | Carriers                                                                         | 2                          | 2                                                    |          |
| §70.13                | Department of Defense                                                            | NRC                        | 4                                                    |          |
| §70.13a               | Foreign military aircraft                                                        | NRC                        | 4                                                    |          |
| §70.14                | Specific exemption                                                               | 3.b.                       | 1                                                    |          |
| §70.18                | Types of licenses                                                                | 3.b.                       | 2                                                    |          |
| §70.19                | General license for calibration<br>or reference sources                          | 3.a.                       | 3                                                    |          |
| §70.20                | General license to own special<br>nuclear material                               | 3.a.                       | 3                                                    |          |
| §70.20a               | General license to possess<br>special nuclear material for<br>transport          | NRC                        | 4                                                    |          |



| REGULATION<br>SECTION | SECTION TITLE                                                                                                                                                                                                                                                     | CLASSIFICATION<br>ASSIGNED                                                                                                        | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------|
| §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                                                                                                                               | 4                                                    |          |
| §70.21                | Filing                                                                                                                                                                                                                                                            | (a)(1), (a)(2), (a)(3), (b) and (d) are 3.a.; (c), (f), (g), and (h) are NRC; (e) is 3.b.                                         | 3                                                    |          |
| §70.22                | Contents of application                                                                                                                                                                                                                                           | (a), (d) and (e) are 3.b.; (b), (c), (f), (g), (h), (i), (j), (k), (l), (m), and (n) are NRC                                      | (a) thru (e) are 3; (f) thru (n) are 4               |          |
| §70.23                | Requirements for the approval of applications                                                                                                                                                                                                                     | (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) and (a)(6) are 3.b.; (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), and (a)(12) and (b) are NRC | (a)(1) thru (a)(7) are 2; and remainder of rule is 4 |          |
| §70.23a               | Hearing required for uranium enrichment facility                                                                                                                                                                                                                  | NRC                                                                                                                               | 2                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                                        | CLASSIFICATION<br>ASSIGNED                                                       | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------|----------|
| §70.24                | Critically accident<br>requirements                                                                                  | NRC                                                                              | 4                                                    |          |
| §70.25                | Financial assurance and<br>recordkeeping for<br>decommissioning                                                      | 3.b*                                                                             | 3*                                                   |          |
| §70.31                | Issuance of licenses                                                                                                 | 3.b.                                                                             | 3                                                    |          |
| §70.32                | Conditions of licenses                                                                                               | NRC for all sections<br>except (a)(2), (a)(3),<br>(a)(8), and (a)(9) are<br>3.b. | 3                                                    |          |
| §70.33                | Renewal of licenses                                                                                                  | 3.b.                                                                             | 3                                                    |          |
| §70.34                | Amendment of licenses                                                                                                | 3.b.                                                                             | 3                                                    |          |
| §70.35                | Commission action on<br>applications to renew or amend                                                               | 3.b.                                                                             | 3                                                    |          |
| §70.36                | Inalienability of licenses                                                                                           | 3.a.                                                                             | 3                                                    |          |
| §70.37                | Disclaimer of warranties                                                                                             | NRC                                                                              | 3                                                    |          |
| §70.38                | Expiration and termination of<br>licenses and decommissioning<br>of sites and separate buildings<br>or outdoor areas | 3.a.                                                                             | 2                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                                             | CLASSIFICATION<br>ASSIGNED         | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-----------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------|----------|
| §70.39                | Specific licenses for the<br>manufacture or initial transfer<br>of calibration sources                    | 3.a.                               | 2                                                    |          |
| §70.41                | Authorized use of special<br>nuclear material                                                             | 3.b.                               | 3                                                    |          |
| §70.42                | Transfer of special nuclear<br>material                                                                   | 2                                  | 2                                                    |          |
| §70.44                | Creditor regulations                                                                                      | NRC                                | 4                                                    |          |
| §70.50                | Reporting requirements                                                                                    | See 10 CFR §20.0001<br>thru 20.006 | 3                                                    |          |
| §70.51                | Material balance, inventory,<br>and records requirements                                                  | NRC                                | 4                                                    |          |
| §70.52                | Reports of accidental critically<br>or loss or theft or attempted<br>theft of special nuclear<br>material | NRC                                | 4                                                    |          |
| §70.53                | Material status reports                                                                                   | NRC                                | 4                                                    |          |
| §70.54                | Nuclear material transfer<br>reports                                                                      | NRC                                | 4                                                    |          |
| §70.55                | Inspections                                                                                               | NRC                                | 3                                                    |          |

| REGULATION<br>SECTION | SECTION TITLE                                                                         | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §70.56                | Tests                                                                                 | NRC                        | 3                                                    |          |
| §70.57                | Measurement control program<br>for special nuclear material<br>accounting and control | NRC                        | 4                                                    |          |
| §70.58                | Fundamental nuclear material<br>controls                                              | NRC                        | 4                                                    |          |
| §70.59                | Effluent monitoring reporting<br>requirements                                         | NRC                        | 4                                                    |          |
| §70.61                | Modification and revocation of<br>licenses                                            | 3.b.                       | 3                                                    |          |
| §70.62                | Suspension and operation in<br>war or national emergency                              | NRC                        | 4                                                    |          |
| §70.71                | Violations                                                                            | 3.b.                       | 3                                                    |          |
| §70.72                | Criminal penalties                                                                    | 3.b.                       | 3                                                    |          |

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

| REGULATION<br>SECTION | SECTION<br>TITLE           | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                             |
|-----------------------|----------------------------|----------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------|
| §71.0                 | Purpose and Scope          | 3.b                        | 3                                                    |                                                                                      |
| §71.1                 | Communications and Records | 3.b                        | 3                                                    |                                                                                      |
| §71.2                 | Interpretations            | 3.b                        | 3                                                    |                                                                                      |
| §71.3                 | Requirements for license   | 3.b                        | 3                                                    |                                                                                      |
| §71.4                 | Definitions                |                            |                                                      |                                                                                      |
|                       | A <sub>1</sub>             | 2                          | 1                                                    |                                                                                      |
|                       | Carrier                    | 2                          | 1                                                    |                                                                                      |
|                       | Certificate holder         | 2                          | 1                                                    |                                                                                      |
|                       | Close reflection by water  | 3.b                        | 1                                                    | States not required to adopt,<br>but if they do, should be<br>essentially identical. |
|                       | Containment System         | 2                          | 1                                                    |                                                                                      |
|                       | Conveyance                 | 2                          | 1                                                    |                                                                                      |
|                       | Exclusive use              | 2                          | 1                                                    |                                                                                      |
|                       | Fissile material           | 3.b                        | 1                                                    | States not required to adopt,<br>but if they do, should be<br>essentially identical. |
|                       | Licensed material          | 2                          | 1                                                    |                                                                                      |

| REGULATION<br>SECTION | SECTION<br>TITLE                               | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                             |
|-----------------------|------------------------------------------------|----------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------|
|                       | Low Specific Activity (LSA)<br>material        | 2                          | 1                                                    |                                                                                      |
|                       | Low toxicity alpha emitters                    | 2                          | 1                                                    |                                                                                      |
|                       | Maximum normal operating<br>pressure           | 2                          | 1                                                    |                                                                                      |
|                       | Natural thorium                                | 2                          | 1                                                    |                                                                                      |
|                       | Normal form radioactive<br>material            | 3.b                        | 1                                                    | States not required to adopt,<br>but if they do, should be<br>essentially identical. |
|                       | Optimum interspersed<br>hydrogenous moderation | 3.b                        | 1                                                    | States not required to adopt,<br>but if they do, should be<br>essentially identical. |
|                       | Package                                        | 2                          | 1                                                    |                                                                                      |
|                       | Fissile material package                       | 2                          | 1                                                    |                                                                                      |
|                       | Type B package                                 | 2                          | 1                                                    |                                                                                      |
|                       | Packaging                                      | 2                          | 1                                                    |                                                                                      |
|                       | Special form radioactive<br>material           | 2                          | 1                                                    |                                                                                      |
|                       | Specific activity                              | 2                          | 1                                                    |                                                                                      |
|                       | State                                          | 3.b                        | 1                                                    |                                                                                      |
|                       | Surface Contaminated Object<br>(SCO)           | 2                          | 1                                                    |                                                                                      |



| REGULATION<br>SECTION | SECTION<br>TITLE                                     | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
|                       | Transport Index                                      | 2                          | 1                                                    |          |
|                       | Type A quantity                                      | 2                          | 1                                                    |          |
|                       | Type B quantity                                      | 2                          | 1                                                    |          |
|                       | Natural Uranium                                      | 2                          | 1                                                    |          |
|                       | Depleted Uranium                                     | 2                          | 1                                                    |          |
|                       | Enriched Uranium                                     | 2                          | 1                                                    |          |
| §71.5                 | Transportation of Licensed<br>Material               | 2                          | 1                                                    |          |
| §71.6                 | Information collection<br>requirements: OMB approval | 3.b                        | 4                                                    |          |
| §71.7                 | Completeness and accuracy<br>of Information          | 3.b                        | 3                                                    |          |
| §71.8                 | Specific exemptions                                  | 3.b                        | 3                                                    |          |
| §71.9                 | Exemption for physicians                             | 3.b                        | 3                                                    |          |
| §71.10                | Exemptions for low level<br>material                 | 2                          | 1                                                    |          |
| §71.12                | General license: NRC-<br>approved package            | 2                          | 2                                                    |          |
| §71.13                | Previously approved package                          | 2                          | 2                                                    |          |

| REGULATION<br>SECTION | SECTION<br>TITLE                                                                | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|---------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §71.14                | General license: DOT<br>specification container<br>material                     | 2                          | 2                                                    |          |
| §71.16                | General license: Use of<br>foreign approved package                             | 2                          | 2                                                    |          |
| §71.18                | General license: Fissile<br>material, limited quantity of<br>package            | NRC                        | 4                                                    |          |
| §71.20                | General license: Fissile<br>material, limited moderator<br>per package          | NRC                        | 4                                                    |          |
| §71.22                | General license: Fissile<br>material, limited quantity,<br>Controlled Shipment  | NRC                        | 4                                                    |          |
| §71.24                | General license: Fissile<br>material, limited moderator,<br>controlled shipment | NRC                        | 4                                                    |          |
| §71.31                | Contents of Application                                                         | NRC                        | 4                                                    |          |
| §71.33                | Package description                                                             | NRC                        | 4                                                    |          |
| §71.35                | Package evaluation                                                              | NRC                        | 4                                                    |          |
| §71.37                | Quality Assurance                                                               | NRC                        | 4                                                    |          |
| §71.39                | Requirements for additional<br>information                                      | NRC                        | 4                                                    |          |

| REGULATION<br>SECTION | SECTION<br>TITLE                                           | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §71.41                | Demonstration of Compliance                                | NRC                        | 4                                                    |          |
| §71.43                | General Standards for all packages                         | NRC                        | 4                                                    |          |
| §71.45                | Lifting and tie-down Standards for all packages            | NRC                        | 4                                                    |          |
| §71.47                | External radiation Standards for all packages              | NRC                        | 4                                                    |          |
| §71.51                | Additional Requirements for Type B packages                | NRC                        | 4                                                    |          |
| §71.52                | Exemption for low-specific-activity (LSA) packages         | NRC                        | 4                                                    |          |
| §71.53                | Fissile material exemptions                                | NRC                        | 4                                                    |          |
| §71.55                | General Requirements for fissile material packages         | NRC                        | 4                                                    |          |
| §71.57                | Reserved                                                   |                            |                                                      |          |
| §71.59                | Standards for arrays of fissile material packages          | NRC                        | 4                                                    |          |
| §71.61                | Special requirements for irradiated nuclear fuel shipments | NRC                        | 4                                                    |          |
| §71.63                | Special requirements for plutonium shipments               | NRC                        | 4                                                    |          |

| REGULATION<br>SECTION | SECTION<br>TITLE                                   | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|----------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §71.64                | Special requirements for plutonium air shipments   | NRC                        | 4                                                    |          |
| §71.65                | Additional Requirements                            | NRC                        | 4                                                    |          |
| §71.71                | Normal conditions of transport                     | NRC                        | 4                                                    |          |
| §71.73                | Hypothetical accident conditions                   | NRC                        | 4                                                    |          |
| §71.74                | Accident conditions for air transport of plutonium | NRC                        | 4                                                    |          |
| §71.75                | Qualification of special form radioactive material | NRC                        | 4                                                    |          |
| §71.77                | Qualification of LSA-III material                  | NRC                        | 4                                                    |          |
| §71.81                | Applicability of operating controls                | 2                          | 2                                                    |          |
| §71.83                | Assumptions as to unknown properties               | NRC                        | 4                                                    |          |
| §71.85                | Preliminary determinations                         | 2                          | 2                                                    |          |
| §71.87                | Routine determinations                             | 2                          | 2                                                    |          |
| §71.88                | Air Transportation of plutonium                    | 2                          | 2                                                    |          |
| §71.89                | Opening instructions                               | 2                          | 2                                                    |          |

| REGULATION<br>SECTION | SECTION<br>TITLE                                                                    | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|-------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §71.91                | Records                                                                             | 3.b                        | 3                                                    |          |
| §71.93                | Inspection and tests                                                                | 3.b                        | 3                                                    |          |
| §71.95                | Reports                                                                             | 3.b                        | 3                                                    |          |
| §71.97                | Advance notification of<br>shipment of irradiated reactor<br>fuel and nuclear waste | 2                          | 2                                                    |          |
| §71.99                | Violations                                                                          | 3.b                        | 3                                                    |          |
| §71.100               | Criminal penalties                                                                  | 3.b                        | 4                                                    |          |
| §71.101               | Quality assurance<br>requirements                                                   | 3.b                        | 3                                                    |          |
| §71.103               | Quality assurance<br>organization                                                   | 3.b                        | 3                                                    |          |
| §71.105               | Quality assurance program                                                           | 3.b                        | 3                                                    |          |
| §71.107               | Package design control                                                              | 3.b                        | 3                                                    |          |
| §71.109               | Procurement document<br>control                                                     | 3.b                        | 3                                                    |          |
| §71.111               | Instructions, procedures, and<br>drawings                                           | 3.b                        | 3                                                    |          |
| §71.117               | Identification and control of<br>materials, parts, and<br>components                | 3.b                        | 3                                                    |          |
| §71.119               | Control of special processes                                                        | 3.b                        | 3                                                    |          |

| REGULATION<br>SECTION | SECTION<br>TITLE                                 | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS |
|-----------------------|--------------------------------------------------|----------------------------|------------------------------------------------------|----------|
| §71.121               | Internal Inspection                              | 3.b                        | 3                                                    |          |
| §71.123               | Test control                                     | 3.b                        | 3                                                    |          |
| §71.125               | Control of measuring and test<br>equipment       | 3.b                        | 3                                                    |          |
| §71.127               | Handling, storage, and<br>shipping control       | 3.b                        | 3                                                    |          |
| §71.129               | Inspection, test, and operating<br>status        | 3.b                        | 3                                                    |          |
| §71.131               | Nonconforming materials,<br>parts, or components | 3.b                        | 3                                                    |          |
| 71.133                | Corrective action                                | 3.b                        | 3                                                    |          |
| §71.135               | Quality assurance records                        | 3.b                        | 3                                                    |          |
| §71.137               | Audits                                           | 3.b                        | 3                                                    |          |
| Appendix A            | Determination of A1 and A2                       | 2                          | 1                                                    |          |



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

| REGULATION<br>SECTION | SECTION TITLE       | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                    |
|-----------------------|---------------------|----------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §150.1                | Purpose             | 3.b                        | 3                                                    |                                                                                                                                                                             |
| §150.2                | Scope               | 3.b                        | 3                                                    |                                                                                                                                                                             |
| §150.3                | Definitions         |                            |                                                      |                                                                                                                                                                             |
| §150.3(a)             | Act                 | 3.b                        | 3                                                    |                                                                                                                                                                             |
| §150.3(b)             | Agreement State     | 2                          | 1                                                    | Definition has significant<br>national and transboundary<br>implications                                                                                                    |
| §150.3(c)             | Byproduct Material  | 1                          | 1                                                    |                                                                                                                                                                             |
| §150.3(d)             | Commission          | 3.b                        | 3                                                    |                                                                                                                                                                             |
| §150.3(e)             | Government Agency   | 3.b                        | 3                                                    |                                                                                                                                                                             |
| §150.3(f)             | Offshore Waters     | 2                          | 3                                                    | Essential to the reciprocity<br>provisions in §150.20                                                                                                                       |
| §150.3(g)             | Person              | See 10 CFR<br>§20.1003     | 1                                                    |                                                                                                                                                                             |
| §150.3(h)             | Production facility | NRC                        | 3                                                    | Such facilities are outside<br>Agreement State jurisdiction;<br>however, if the State chooses<br>to define this term, the<br>definition should be<br>essentially identical. |

| REGULATION<br>SECTION | SECTION TITLE                                     | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                     |
|-----------------------|---------------------------------------------------|----------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §150.3(i)             | Source material                                   | 1                          | 1                                                    |                                                                                                                                                              |
| §150.3(j)             | Special nuclear material                          | 1                          | 1                                                    |                                                                                                                                                              |
| §150.3(k)             | State                                             | 3. b                       | 3                                                    |                                                                                                                                                              |
| §150.3(l)             | Utilization facility                              | NRC                        | 3                                                    | Such facilities are outside Agreement State jurisdiction; however, if the State chooses to define this term, the definition should be essentially identical. |
| §150.3(m)             | Uranium enrichment facility                       | NRC                        | 3                                                    | Such facilities are outside Agreement State jurisdiction; however, if the State chooses to define this term, the definition should be essentially identical. |
| §150.4                | Communications                                    | 3.b                        | 3                                                    |                                                                                                                                                              |
| §150.5                | Interpretations                                   | 3.b                        | 3                                                    |                                                                                                                                                              |
| §150.7                | Persons in offshore waters not exempt             | NRC                        | 4                                                    | Not within Agreement State jurisdiction.                                                                                                                     |
| §150.8                | Information collection requirements: OMB approval | 3.b                        | 4                                                    |                                                                                                                                                              |

| REGULATION<br>SECTION | SECTION TITLE                                                   | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------|----------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| §150.10               | Persons exempt                                                  | NRC                        | 4                                                    | Exemption addresses discontinuance of NRC authority in an Agreement State                                                                        |
| §150.11               | Critical mass                                                   | 1                          | 1                                                    | Definition essential to identifying scope of Agreement State authority pursuant to Section 274b of the AEA, thus ensuring a common understanding |
| §150.14               | Commission regulatory authority for physical protection         | NRC                        | 4                                                    | Provision addresses continuing NRC authority over special nuclear material.                                                                      |
| §150.15               | Persons not exempt                                              | NRC                        | 4                                                    | Provision addresses continuing NRC authority over certain activities in Agreement States.                                                        |
| §150.15a              | Continued Commission authority pertaining to byproduct material | NRC                        | 4                                                    | Provision addresses continuing NRC authority over certain activities in Agreement States.                                                        |

| REGULATION<br>SECTION | SECTION TITLE                                                       | CLASSIFICATION<br>ASSIGNED | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                 |
|-----------------------|---------------------------------------------------------------------|----------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| §150.16               | Submission to<br>Commission of nuclear<br>material transfer reports | NRC                        | 4                                                    | Although an issue within<br>NRC exclusive jurisdiction,<br>States should adopt some<br>method to advise their<br>licensees of these NRC<br>requirements. |
| §150.17               | Submission to<br>Commission of source<br>material reports           | NRC                        | 4                                                    | Although an issue within<br>NRC exclusive jurisdiction,<br>States should adopt some<br>method to advise their<br>licensees of these NRC<br>requirements. |
| §150.17a              | Compliance with<br>requirements of US/IAEA<br>safeguards agreement  | NRC                        | 4                                                    |                                                                                                                                                          |
| §150.19               | Submission to<br>Commission of tritium<br>reports                   | NRC                        | 4                                                    | Although an issue within<br>NRC exclusive jurisdiction,<br>States should adopt some<br>method to advise their<br>licensees of these NRC<br>requirements. |

| REGULATION<br>SECTION | SECTION TITLE                                                              | CLASSIFICATION<br>ASSIGNED             | ORIGINAL<br>CLASSIFICATION<br>(As determined by B.7) | COMMENTS                                                                                                                                                                                                               |
|-----------------------|----------------------------------------------------------------------------|----------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| §150.20               | Recognition of Agreement<br>State licenses                                 | (a) & (b) are 3.a<br>(c) & (d) are NRC | 1                                                    | Provisions in (a) & (b) are<br>important for coherent<br>regulation of agreement<br>materials on a national basis.<br>Provisions in (c) & (d) relate<br>to NRC authority to regulate<br>activities in offshore waters. |
| §150.21               | Transportation of special<br>nuclear material by<br>aircraft               | NRC                                    | 4                                                    | Provision addresses<br>continuing NRC authority<br>over certain activities in<br>Agreement States.                                                                                                                     |
| §150.30               | Violations                                                                 | 3.b                                    | 3                                                    |                                                                                                                                                                                                                        |
| §150.31               | Requirements for<br>Agreement State<br>regulation of byproduct<br>material | 3.a.S                                  | 2                                                    | UMTRCA requirements.                                                                                                                                                                                                   |
| §150.32               | Funds for reclamation or<br>maintenance of byproduct<br>material           | 3.a.S                                  | 2                                                    | UMTRCA requirements.                                                                                                                                                                                                   |
| §150.33               | Criminal penalties                                                         | 3. b                                   | 3                                                    |                                                                                                                                                                                                                        |