

September 17, 2008

10 CFR PART 40

Please Note: The bracket "[]" around a compatibility category designation means that the Section may have been adopted elsewhere in a State rules and it is not necessary to adopt it again.

NRC Regulation Section	Section Title	State Section	Compatibility Category	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not was a Comment Generated
§40.1	Purpose		D	N/A		
§40.2	Scope		D	N/A		
§40.2a ¹	Coverage of inactive tailings sites		A- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority			
§40.3	License requirements		C			
§40.4	Definitions					
	Act		D	N/A		
	Agreement State		[B]			
	Alert		[A]			
	Byproduct material		H&S			

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	Commencement of construction		C for States with uranium mill authority D-States without uranium mill authority			
	Commission		D	N/A		
	Corporation		D	N/A		
	Decommission		[C]			
	Department of Energy		[D]	N/A		
	Depleted uranium		A			
	Effective kilogram		D	N/A		
	Government agency		D	N/A		
	License		[D]	N/A		
	Persons		[C]			
	Pharmacist		[D]	N/A		

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	Physician		[D]	N/A		
	Principle activities		[D]	N/A		
	Residual radioactive material		A- States with authority to regulate uranium mill activities (11.e(2) byproduct material) D- States without authority			
	Site area emergency		[A]			
	Source material		[A]			
	Special nuclear material		[A]			
	Transient shipment		[D]	N/A		
	United States		[D]	N/A		
	Unrefined and unprocessed ore		B			
	Uranium enrichment facility		[D]	N/A		

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	Uranium milling		<p>A States with authority to regulate uranium mill activities (11.e(2) byproduct material)</p> <p>D- States without this authority</p>			
§40.5	Communications		D	N/A		
§40.6	Interpretations		D	N/A		
§40.7	Employee protection		D	N/A		
§40.8	Information collection requirements: OMB approval		D	N/A		
§40.9	Completeness and accuracy of information		D	N/A		
§40.10	Deliberate misconduct		C			
§40.11	Persons using source material under certain Department of Energy and Nuclear Regulatory Commission contracts		B			

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NRC Regulation Section	Section Title	State Section	Compatibility Category	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not was a Comment Generated
§40.12 (a)	Carriers		B			
§40.12 (b)	Carriers		NRC			
§40.13	Unimportant quantities of source material		B			
§40.14	Specific exemptions		D	N/A		
§40.20 ² (a)	Types of licenses		C			
§40.20 (b) & (c)	Types of licenses		D	N/A		
§40.21	General license to receive title to source or byproduct material		C			
§40.22	Small quantities of source material		B			
§40.23	General license for carriers of transient shipments of natural uranium other than in the form of ore or ore residue		NRC			

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NRC Regulation Section	Section Title	State Section	Compatibility Category	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not was a Comment Generated
§40.24	Reserved					
§40.25	General license for use of certain industrial products or devices		C			
§40.26	General license for possession and storage of byproduct material as defined in this part		C- States with authority to regulate uranium mill activities (11e.(2) byproduct material) D- States without authority			
§40.27	General license for custody and long-term care of residual radioactive material disposal sites		NRC			
§40.28	General license for custody and long-term care of uranium or thorium byproduct materials disposal sites		NRC			

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§40.31 (a), (b), (c), (d), (e), (f), (g), & (h)	Application for specific licenses		D			
§40.31 (i)	Application for specific licenses		H&S			
§40.31 (j)(k)(l)	Application for specific licenses		NRC			
§40.32 (a)(f)	General requirements for issuance of specific licenses		D	N/A		
§40.32 (b), (c), and the portions of paragraph (e) which apply to uranium mills for States with uranium mill authority	General requirements for issuance of specific licenses		H&S			
§40.32 (d), (g), and those portions of	General requirements for issuance of specific licenses		NRC			

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paragraph (e) which apply to uranium enrichment and uranium hexafluoride facilities						
§40.33	Issuance of a license for a uranium enrichment facility		NRC			
§40.34 (a)(1),(b)(c)	Special requirements for issuance of specific licenses		D	N/A		
§40.34 (a)(2)&(a)(3)	Special requirements for issuance of specific licenses		B			
§40.35 (a)	Conditions of specific licenses issued pursuant to §40.34		C			
§40.35 (b) & (c)	Conditions of specific licenses issued pursuant to §40.34		B			

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§40.35 (d), (e), & (f)	Conditions of specific licenses issued pursuant to §40.34		D	N/A		
§40.36 (a), (b), (d), & (f)	Financial assurance and recordkeeping for decommissioning		H&S			
§40.36 (c) & (e)	Financial assurance and recordkeeping for decommissioning		D	N/A		
§40.38	Ineligibility of certain applicants		NRC			
§40.41 (a)(b)(c)	Terms and conditions of licenses		C			
§40.41 (d),(e)(1),(e)(3)&(g)	Terms and conditions of licenses		NRC			
§40.41 (e)(2)&(e)(4)	Terms and conditions of licenses		D	N/A		
§40.41 (f)	Terms and conditions of licenses		H&S			

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§40.42 (a), (b) & (k)(4)	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas		D	N/A		
§40.42 (c), (d), (e), (f), (g), (h), (i),(j), (k)(1), (k)(2), & (k)(3)	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas		H&S			
§40.43	Renewal of licenses		D	N/A		
§40.44	Amendment of licenses at request of licensee		D	N/A		
§40.45	Commission action on application to renew or amend		D	N/A		
§40.46	Inalienability of licenses		C			
§40.51 (a),(b)(1)-(5), (b)(7), (c),(d)	Transfer of source or byproduct material		C			

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§40.51 (b)(6)	Transfer of source or byproduct material		NRC			
§40.60 (a),(b),(c)(1) &(2)	Reporting requirements		C			
§40.60 (c)(3)	Reporting requirements		D	N/A		
§40.61 (a)(b)	Records		C			
§40.61 (c)(f)	Records		D	N/A		
§40.61 (d)(e)	Records		H&S			
§40.62	Inspections		D	N/A		
§40.63	Tests		D	N/A		
§40.64	Reports		NRC			

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§40.65	Effluent monitoring reporting requirements		C - States with authority to regulate uranium mill activities (11e.(2) byproduct material) D - States without authority			
§40.66	Requirements for advance notice of export shipments of natural uranium		NRC			
§40.67	Requirement for advance notice of importation of natural uranium from countries that are not party to the Convention on the Physical Protection of Nuclear Material		NRC			
§40.71	Modification and revocation of licenses		D	N/A		
§40.81	Violations		D	N/A		
§40.82	Criminal penalties		D	N/A		

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APPENDIX A			<p>Definitions -A for States with authority to regulate uranium mill activities (11e.(2) byproduct material)</p> <p>Criterion 11A.thru F and Criterion 12 are NRC.</p> <p>All of the remaining portions of the section are C-for States with authority to regulate uranium mill activities</p> <p>D- States without authority</p>			

¹ If a State is pursuing an Agreement with the NRC to assume 11e.(2) byproduct material authority, these provisions can be adopted in preparation for that Agreement.

² States may adopt a single provision that incorporates those requirements in 10 CFR 30.31, 40.20, and 70.18.