

**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.

<b>NRC Regulation Section</b>	<b>Section Title</b>	<b>State Section</b>	<b>Compatibility Category</b>	<b>Difference Yes/No</b>	<b>Significant Yes/No</b>	<b>If Difference, Why or Why Not was a Comment Generated</b>
§40.1	Purpose		D	N/A		
§40.2	Scope		D	N/A		
§40.2a <sup>1</sup>	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					

September 15, 2011

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
	Act		D	N/A		
	Agreement State		[B]			
	Alert		[A]			
	Byproduct material		H&S			
	Commencement of construction Paragraph 1		C for States authority to regulate uranium mill activities (11e.(2))  D-States without uranium mill authority			
	Commencement of construction Paragraph 2		NRC			
	Commission		D	N/A		

September 15, 2011

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	Construction Paragraph 1-8, 9i		C for States authority to regulate uranium mill activities (11e.(2))  D-States without uranium mill authority			
	Construction, Paragraph 9ii		NRC			
	Corporation		D	N/A		
	Decommission		[C]			
	Department of Energy		[D]	N/A		
	Depleted uranium		A			
	Effective kilogram		D	N/A		

September 15, 2011

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
	Foreign obligations		NRC			
	Government agency		D	N/A		
	License		[D]	N/A		
	Persons		[C]			
	Pharmacist		[D]	N/A		
	Physician		[D]	N/A		
	Principle activities		[D]	N/A		
	Reconciliation		NRC			
	Residual radioactive material		A- States with authority to regulate uranium mill activities (11.e(2))			

September 15, 2011

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			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		

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
	Uranium milling		A States with authority to regulate uranium mill activities (11.e(2) byproduct material)  D- States without this authority			
§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		D	N/A		

September 15, 2011

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
	information					
§40.10	Deliberate misconduct		C			
§40.11	Persons using source material under certain Department of Energy and Nuclear Regulatory Commission contracts		B			
§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		

September 15, 2011

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
§40.20 <sup>2</sup> (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			
§40.24	Reserved					
§40.25	General license for use of certain		C			

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
	industrial products or devices					
§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			

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§40.28	General license for custody and long-term care of uranium or thorium byproduct materials disposal sites		NRC			
§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), & (m)	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	General requirements for issuance of		H&S			

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
of paragraph (e) which apply to uranium mills for States with uranium mill authority	specific licenses					
§40.32 (d), (g), and those portions of paragraph (e) which apply to uranium enrichment and uranium hexafluoride facilities	General requirements for issuance of specific licenses		NRC			
§40.33	Issuance of a license for a uranium enrichment facility		NRC			

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
§40.34 (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			
§40.35 (d), (e), & (f)	Conditions of specific licenses issued pursuant to §40.34		D	N/A		

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§40.36 (a), (b), (d), (f) & (g)	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) & (h)	Terms and conditions of licenses		NRC			
§40.41 (e)(2)&(e)(4)	Terms and conditions of licenses		D	N/A		

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§40.41 (f)	Terms and conditions of licenses		H&S			
§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		

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§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			
§40.51 (b)(6)	Transfer of source or byproduct material		NRC			
§40.60 (a),(b),(c)(1) &(2)	Reporting requirements		C			

September 15, 2011

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§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			
§40.65	Effluent monitoring reporting requirements		C - States with authority to regulate uranium mill activities			

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			(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		D	N/A		

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	revocation of licenses					
§40.81	Violations		D	N/A		
§40.82	Criminal penalties		D	N/A		
APPENDIX A	Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content		<p align="center"><b>Definitions -A for States with authority to regulate uranium mill activities (11e.(2) byproduct material)</b></p> <p align="center"><b>Criterion 11A.thru F and Criterion 12 are NRC.</b></p> <p align="center"><b>All of the remaining portions of the section are C-for States with authority to regulate uranium mill activities</b></p> <p align="center"><b>D- States without authority</b></p>			
APPENDIX A	Introduction		C			
APPENDIX A	Aquifer		A			
APPENDIX A	As expeditiously as practicable considering		A			

September 15, 2011

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	technological feasibility					
APPENDIX A	Available technology		A			
APPENDIX A	Closure		A			
APPENDIX A	Closure plan		A			
APPENDIX A	Compliance period		A			
APPENDIX A	Dike		A			
APPENDIX A	Disposal area		A			
APPENDIX A	Existing portion		A			
APPENDIX A	Factors beyond the control of the licensee		A			
APPENDIX A	Final radon barrier		A			
APPENDIX A	Ground water		A			
APPENDIX A	Leachate		A			
APPENDIX A	Licensed site		A			

September 15, 2011

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APPENDIX A	Liner		A			
APPENDIX A	Milestone		A			
APPENDIX A	Operation		A			
APPENDIX A	Point of compliance		A			
APPENDIX A	Reclamation plan		A			
APPENDIX A	Surface impoundment		A			
APPENDIX A	Uppermost aquifer		A			
APPENDIX A, I. Technical Criteria	Criterion 1		C			
APPENDIX A, I. Technical Criteria	Criterion 2		C			
APPENDIX A, I. Technical Criteria	Criterion 3		C			
APPENDIX	Criterion 4		C			

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A, I. Technical Criteria						
APPENDIX A, I. Technical Criteria	Criterion 5		C			<b>Criteria 5A-5D and new Criterion 13 incorporate the basic ground-water protection standards imposed by the Environmental Protection Agency in 40 CFR Part 192, Subparts D and E (48 FR 45926; October 7, 1983) which apply during operations and prior to the end of closure. Ground-water monitoring to comply with these standards is required by Criterion 7A.</b>
APPENDIX A, I. Technical Criteria	Criterion 5A		C			
APPENDIX A, I. Technical Criteria	Criterion 5B		C			
APPENDIX A, I. Technical Criteria	Criterion 5C		C			
APPENDIX A,	Criterion 5D		C			

September 15, 2011

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I. Technical Criteria						
APPENDIX A, I. Technical Criteria	Criterion 5E		C			
APPENDIX A, I. Technical Criteria	Criterion 5F		C			
APPENDIX A, I. Technical Criteria	Criterion 5G		C			
APPENDIX A, I. Technical Criteria	Criterion 5H		C			
APPENDIX A, I. Technical Criteria	Criterion 6		C			
APPENDIX A, I. Technical Criteria	Criterion 6A		C			
APPENDIX A, I. Technical Criteria	Criterion 7		C			

September 15, 2011

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I. Technical Criteria						
APPENDIX A, I. Technical Criteria	Criterion 7A		C			
APPENDIX A, I. Technical Criteria	Criterion 8		C			
APPENDIX A, I. Technical Criteria	Criterion 8A		C			
APPENDIX A, II. Financial Criteria	Criterion 9		C			
APPENDIX A, II. Financial Criteria	Criterion 10		C			
APPENDIX A, III. Site and Byproduct Material Ownership	Criterion 11A-F		NRC			

September 15, 2011

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APPENDIX A, IV. Long-Term Site Surveillance	Criterion 12		NRC			
APPENDIX A, V. Hazardous Constituents	Criterion 13		C			

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<sup>1</sup> 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.

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