

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 | | | | | |

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|------------------------|--|---------------|---|-------------------|--------------------|---|
| | 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 | | |

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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 | | |

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

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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 | | |

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| | 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 | | | D | N/A | | |

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| | Completeness and accuracy of 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 (a), (b), (c), (d) except for (c)(5)(iv) | Unimportant quantities of source material | | B | | | |

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| §40.13 (c)(5)(iv) | Unimportant quantities of source material | | NRC | | | |
| §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 (a), (b)(1)-(3), (b)(5) | Small quantities of source material | | B | | | |
| §40.22 (b)(4) | Small quantities of source material | | D | | | |
| §40.22 (c) | | | C | | | |

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| | Small quantities of source material | | | | | |
| §40.22 (d) | Small quantities of source material | | B | | | |
| §40.22 (e) | 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 | | | |
| §40.25 | General license for use of certain industrial products or devices | | C | | | |
| §40.26 | General license for possession and storage of byproduct | | C- States with authority to regulate uranium mill | | | |

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| | material as defined in this part | | 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), & (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 of paragraph (e) which apply to uranium mills for States with | General requirements for issuance of specific licenses | | H&S | | | |

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| uranium mill authority | | | | | | |
| §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 | | | |
| §40.34 (a)(1),(b)(c) | Special requirements for issuance of specific licenses | | D | N/A | | |

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| §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 | | |
| §40.36 (a), (b), & (d), (f) | Financial assurance and recordkeeping for decommissioning | | H&S | | | |
| §40.36 | | | D | N/A | | |

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| (c), (e) & (g) | Financial assurance and recordkeeping for decommissioning | | | | | |
| §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 | | |
| §40.41 (f) | Terms and conditions of licenses | | H&S | | | |
| §40.42 | | | D | N/A | | |

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| (a), (b) & (k)(4) | Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas | | | | | |
| §40.42 (c), (d), (e), (f), (g), (h), (i), (j), (k)(1), (k)(2), (k)(3), (l) | 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 | | |
| | | | | | | |

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| §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 | | | |
| §40.52 | Certain items containing source material; requirements for license to apply or initially transfer | | NRC | | | |
| §40.53 | Conditions for licenses issued | | NRC | | | |

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| | for initial transfer of certain items containing source material: Quality control, labeling, and records and reports | | | | | |
| §40.54 | Requirements for license to initially transfer source material for use under the 'small quantities of source material' general license | | B | | | |
| §40.55 (a), (b), (c), (d) | Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and | | B | | | |

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| | records and reports | | | | | |
| §40.55 (e) | Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports | | C | | | |
| | | | | | | |
| §40.56 | Restrictions on the use of Australian-obligated source materials | | NRC | | | |
| §40.60 (a),(b),(c)(1) &(2) | Reporting requirements | | C | | | |
| | | | | | | |

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| §40.60 (c)(3) | Reporting requirements | | D | N/A | | |
| §40.61 (a)(b) | Records | | C | | | |
| §40.61 (c) | Records | | D | N/A | | |
| §40.61 (d)(e)(f) | 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 (11e.(2)) | | | |

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| | | | 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 | | | D | N/A | | |

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| | Modification and 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">Definitions -A for States with authority to regulate uranium mill activities (11e.(2) byproduct material)</p> <p align="center">Criterion 11A.thru F and Criterion 12 are NRC.</p> <p align="center">All of the remaining portions of the section are C-for States with authority to regulate uranium mill activities</p> <p align="center">D- States without authority</p> | | | |
| APPENDIX A | Introduction | | C | | | |
| APPENDIX A | Aquifer | | A | | | |
| APPENDIX A | As expeditiously as practicable | | A | | | |

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| | considering 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 | Licensed site | | A | | | |

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| A | | | | | | |
| 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 | | | |

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| APPENDIX A, I. Technical Criteria | Criterion 4 | | C | | | |
| APPENDIX A, I. Technical Criteria | Criterion 5 | | C | | | 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. |
| APPENDIX A, I. Technical Criteria | Criterion 5A | | C | | | |
| APPENDIX A, I. Technical Criteria | Criterion 5B | | C | | | |
| APPENDIX A, I. Technical Criteria | Criterion 5C | | C | | | |

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| APPENDIX A, I. Technical Criteria | Criterion 5D | | C | | | |
| 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 | | | |

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| APPENDIX A, I. Technical Criteria | Criterion 7 | | C | | | |
| 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 | Criterion 11A-F | | NRC | | | |

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

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.