

STATE REGULATION STATUS

State: New York State Department of Health

Tracking Ticket Number: NY DOH 18-42(corrected)
Date: 9/19/2018

[# amendment(s) reviewed identified by a *at the beginning of the equivalent NRC requirement.]

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|-----------------|---------------------------|--|
| 1991-1 | Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5) | 01/10/1994 | Final | No Comments | NYSHD has not yet adopted Final Regulations equivalent to RATS ID: 1997-5 Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1991-2 | ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5) | none | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1991-3 | Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183 | 01/01/1994 | Final | Comments 12/24/1997 | Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1991-4 | Notification of Incidents Parts 20, 30, 31, 34, 39, 40 and 70 56 FR 64980 | 10/15/1994 | Final | No Comments 01/28/2000 | Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1992-1 | Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2) | 01/27/1995 | | | |
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 35 57 FR 45566 | none | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |

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| 1993-1 | Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628 | 10/25/1996 | Final | No Comments 01/28/2000 | Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1993-2 | Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715 | 07/01/1996 | Final | No Comments 01/28/2000 | Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1993-3 | Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886 | 07/22/1996 | Not Applicable | Not Applicable | NYSHD does not have authority to regulate this material under its portion of the Agreement. (NYDEC) |
| 1994-1 | Self-Guarantee as an Additional Financial Mechanism Parts 30, 40 and 70 58 FR 68726; 59 FR 1618 | none | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1994-2 | Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220 | 07/01/1997 | Not Applicable | Not Applicable | NYSHD does not have authority to regulate this material under its portion of the Agreement. |
| 1994-3 | Timeliness in Decommissioning Material Facilities Parts 30, 40 and 70 59 FR 36026 | 08/15/1997 | Final | No Comments 01/28/2000 | Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1995-1 | Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32 and 35 59 FR 61767; 59 FR 65243; 60 FR 322 | 01/01/1998 | Final | No Comments 01/28/2000 | Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |

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| 1995-2 | Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900 | 03/13/1998 | Final | No Comments 01/28/2000 | Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1995-3 | Low-Level Waste Shipment Manifest Information and Reporting Parts 20 and 61 60 FR 15649; 60 FR 25983 | 03/01/1998 | Not Applicable | Not Applicable | NYSHD does not have authority to regulate this material under its portion of the Agreement. |
| 1995-4 | Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5) | 06/30/1998 | Final | No Comments 01/28/2000 | NYSHD has not yet adopted Final Regulations equivalent to RATS ID: 1997-5 Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1995-5 | Radiation Protection Requirements: Amended Definitions and Criteria Parts 19 and 20 60 FR 36038 | 08/14/1998 | Final Proposed ML18156A604 | No Comments 01/28/2000 Comments 9/13/2018 ML18156A593 | Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1995-6 | Clarification of Decommissioning Funding Requirements Parts 30, 40 and 70 60 FR 38235 | 11/24/1998 | Final | No Comments 01/28/2000 | Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1995-7 | Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 (Superceded by 2002-2 and 2005-2) | 10/20/1998 | | | Only Part 20 provisions need to be adopted. See ML13197A356 |

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| 1996-1 | Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1) | 04/01/1999 | Final | No Comments 01/28/2000 | NYSHD has not yet adopted Final Regulations equivalent to RATS ID: 2004-1. Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 1996-2 | One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40 and 70 61 FR 1109 | 02/15/1999 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1996-3 | Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61 and 70 61 FR 24669 | 06/17/1999 | License Condition ML14007A059 | No Comments 02/20/2014 ML14007A056 | |
| 1997-1 | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120 | 01/9/2000 | Not Applicable | Not Applicable | NYSHD does not have authority to regulate this material under its portion of the Agreement. |
| 1997-2 | Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662 | 02/27/2000 | Final ML092260295 License Condition ML092260295 | No Comments 09/08/2009 ML092310687 No Comments 09/08/2009 ML092310687 | |
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120 | 05/29/2000 | Final ML100120050 | Comments 03/08/2010 ML100330046 | |

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| 1997-4 | Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1) | 02/10/2000 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078) |
| 1997-5 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71 and 150 62 FR 28947 | 06/27/2000 | Proposed ML100600746 License Condition ML100600746 | Comments 05/06/2010 ML100890066 Comments 05/06/2010 ML100890066 | NYSHD are not authorizing laybarga, underwater or offshore radiography in these regulations. |
| 1997-6 | Radiological Criteria for License Termination Parts 20, 30, 40 and 70 62 FR 39057 | 08/20/2000 | License Condition ML14007A059 | No Comments 02/20/2014 ML14007A056 | |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634 | 01/02/2001 | License Condition ML080170561 | No Comments 03/20/2008 ML080800306 | |
| 1998-1 | Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71 and 150 63 FR 1890; 63 FR 13773 | 02/12/2001 | Legally Binding Requirements ML13121A233 Proposed ML18156A604 | Comments 06/19/2013 ML13150A207 No Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 30, 40, 70, and 71 by reference |

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|---------|--|-----------------------------|--|---|---|
| 1998-2 | Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40 and 70 63 FR 29535 | 07/01/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1998-3 | License Term for Medical Use Licenses Part 35 63 FR 31604 (Superseded by 2002-2) | 07/10/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) |
| 1998-4 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059 | 07/09/2001 | Proposed ML100600746 License Condition ML100600746 Proposed ML18156A604 | Comments 05/06/2010 ML100890066 Comments 05/06/2010 ML100890066 No Comments 9/13/2018 ML18156A593 | NYSHD are not authorizing laybarge, underwater or offshore radiography in these regulations New York submitted proposed regulations that adopt 10 CFR Part 34 by reference |
| 1998-5 | Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36 and 39 63 FR 39477; 63 FR 45393 | 10/26/2001 | Proposed ML101310506 Proposed ML18156A604 | Comments 07/07/2010 ML101580277 Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 32, 36, and 39 by reference |
| 1998-6 | Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127 | 11/20/2001 | Not Applicable | Not Applicable | NYSHD does not have authority to regulate this material under its portion of the Agreement. |

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| 1999-1 | Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506 | 06/11/2002 | Not Applicable | Not Applicable | NYSHD does not have authority to regulate this material under its portion of the Agreement. |
| 1999-2 | Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269 | 10/04/2002 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1999-3 | Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524 | 02/02/2003 | License Condition ML092260298 | No Comments 09/03/2009 ML092320011 | |
| 2000-1 | Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337 | 05/17/2003 | License Condition ML100120053 | No Comments 02/23/2010 ML100350697 | |
| 2000-2 | New Dosimetry Technology Parts 34, 36 and 39 65 FR 63750 | 01/08/2004 | Final ML100050662 | No Comments 03/08/2010 ML100321001 | |
| 2001-1 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31 and 32 65 FR 79162 | 02/16/2004 | License Condition for 32.52 (a) & (b) only ML040770455 | No Comments 04/02/2004 ML040930388 | Adopted by NYS DOL which has since merged with the NYS DOH ML092190342. |
| 2002-1 | Revision of the Skin Dose Limit Part 20 67 FR 16298 | 04/05/2005 | Proposed ML101310506 | No Comments 07/07/2010 ML101580277 | |

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| 2002-2 | Medical Use of Byproduct Material Parts 20, 32 and 35 67 FR 20249 | 10/24/2005 | Proposed ML100600745 | Comments 05/18/2010 ML100890015 | Part 35 with respect to gamma stereotactic radiosurgery and HDR only Part 35 only New York submitted proposed regulations that adopt 10 CFR Part 32 by reference |
| | | | License Condition ML080170561 | No Comments 03/20/2008 ML080800306 | |
| | | | Final ML13150A109 | Comments 08/08/2013 ML13197A356 | |
| | | | Proposed ML18156A604 | No Comments 9/13/2018 ML18156A593 | |
| 2003-1 | Financial Assurance for Materials Licensees Parts 30, 40 and 70 68 FR 57327 | 12/03/2006 | License Condition ML14007A059 | No Comments 02/20/2014 ML14007A056 | New York submitted proposed regulations that adopt 10 CFR Part 30, 40, and 70 by reference |
| | | | Proposed ML18156A604 | Comments 9/13/2018 ML18156A593 | |
| 2004-1 | Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697 | 10/01/2007 | Final ML092590171 | Comments 10/23/2009 ML092710056 | New York submitted proposed regulations that adopt 10 CFR Part 71 by reference |
| | | | Proposed ML18156A604 | Comments 9/13/2018 ML18156A593 | |
| 2005-1 | Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001 | 07/11/2008 | License Condition ML092590174 | No Comments 10/07/2009 ML092710325 | New York submitted proposed regulations that adopt 10 CFR Part 30 by reference |
| | | | Proposed ML18156A604 | Comments 9/13/2018 ML18156A593 | |

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| 2005-2 | Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926 | 04/29/2008 | Final ML13150A107 | No Comments 08/08/2013 ML13197A356 | |
| 2005-3 | Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128 | 12/01/2005 | License Condition ML053120138 | No Comments 11/10/2005 ML053180041 | |
| 2006-1 | Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005 | 03/27/2009 | Proposed ML100600745 Final ML13150A107 Proposed ML18156A604 | Comments 05/18/2010 ML100890015 Comments 08/08/2013 ML13197A356 Comments 9/13/2018 ML18156A593 | Part 35 only New York submitted proposed regulations that adopt 10 CFR Part 30, 32, 40, and 70 by reference |
| 2006-2 | National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685 | 02/06/2007 | Not Applicable ¹ | Not Applicable | NYSHD responded on 02/02/2007 to FSME-06-110 stating that they currently had no licensees applicable to this rule. ML070330060 |
| 2006-3 | National Source Tracking System Part 20 71 FR 65685, 72 FR 59162 | 01/31/2009 | License Condition ML083240082 | No Comments 12/11/2008 ML083390393 | |

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| 2007-1 | Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207 | 10/29/2010 | Proposed ML100600745 Final ML13150A107 Proposed ML18156A604 | Comments 05/18/2010 ML100890015 No Comments 08/08/2013 ML13197A356 No Comments 9/13/2018 ML18156A593 | Part 35 only New York submitted proposed regulations that adopt 10 CFR Part 32 by reference |
| 2007-2 | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32 and 150 72 FR 58473 | 12/17/2010 | Proposed ML18156A604 | Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 30, 31, and 32 by reference |
| 2007-3 | Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61 and 150 72 FR 55864 | 11/30/2010 | Final ML13150A107 Proposed ML18156A604 | No Comments 08/08/2013 ML13197A356 Comments 9/13/2018 ML18156A593 | Part 35 only New York submitted proposed regulations that adopt 10 CFR Part 30, 31, and 32 by reference |
| 2007-4 | Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901 | 06/05/2008 | Final ML091730154 | Comments 08/04/2009 ML091820407 | |
| 2008-1 | Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043 | 02/15/2011 | | | |

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| 2009-1 | Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901 | 09/28/2012 | Final ML13150A107 | No Comments 08/08/2013 ML13197A356 | |
| 2011-1 | Decommissioning Planning Parts 20, 30, 40 and 70 76 FR 35512 | 12/17/2015 | Proposed ML18156A604 | Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 30, 40, and 70 by reference. |
| 2011-2 | Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951 | 11/14/2014 | Proposed ML18156A604 | Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 30, 36, 39, 40, and 70 by reference. |
| 2012-1 | Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640 | 01/25/2015 | | | |
| 2012-2 | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194 | 08/10/2015 | Proposed ML18156A604 | No Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 71 by reference. |
| 2012-3 | Technical Corrections Part 30, 34, 40 and 71 77 FR 39899 | 08/06/2015 | Proposed ML18156A604 | No Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 30, 34, 40, and 71 by reference. |
| 2012-4 | Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666 | 10/23/2015 | Proposed ML18156A604 | Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 30, 32, 40, and 70 by reference. |

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| 2013-1 | Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922 | 03/19/2016 | Proposed ML15355A046 Proposed ML18156A604 | Comment 02/08/16 ML15355A039 Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 30, 32, 24, 35, 36, 37, 39, and 71 by reference. |
| 2013-2 | Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, Parts 30, 40 and 70 78 FR 32310 | 08/27/2016 | Proposed ML18156A604 | No Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 30, 40, and 70 by reference |
| 2015-1 | Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143 | 01/26/2018 | Proposed ML18156A604 | Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 70 by reference |
| 2015-2 | Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73 and 150 79 FR 58664, 80 FR 3865 | 01/28/2018 | Proposed ML15355A046 | No Comments 02/08/16 ML15355A039 | |
| 2015-3 | Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987 | 07/13/2018 *extended to 08/15/2020 See STC 17-060 | Proposed ML18156A604 | No Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 71 by reference |
| 2015-4 | Miscellaneous Corrections, Parts 37 and 40 80 FR 45841 | 09/02/2018 | Proposed ML15355A046 Proposed ML18156A604 | No Comments 02/08/16 ML15355A039 No Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 37 and 40 by reference |

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| 2015-5 | Miscellaneous Corrections, Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150 80 FR 74974 | 12/31/2018 | Proposed ML18156A604 | Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt 10 CFR Part 30, 32, 37, 40, 70, and 71 by reference. |
| 2018-1 | Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments, Parts 30, 32 and 35 | 01/14/2022 | | | |
| N/A | Parts 30, 32, 34, 36, 37, 39, 40, 70 and 71 | N/A | Proposed ML18156A604 | Comments 9/13/2018 ML18156A593 | New York submitted proposed regulations that adopt these 10 CFR Parts by reference. |

¹ IMPEP Team: verify that New York does not have any licensees subject to these regulations during each review.