

STP Procedure Approval

Review of State Regulatory Requirements SA-201

Issue Date: ~~June 19, 2003~~

Review Date: ~~June 19, 2006~~

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Director, STP *Paul H. Lohaus* Date: ~~06/19/03~~

~~Josephine M. Piccone~~ **Dennis K Rathbun** Original signed by:
Deputy Director, STP *Scott C. Flanders, Acting for* Date: ~~06/11/03~~

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NOTE

The STP Director's Secretary is responsible for the maintenance of this master copy document as part of the STP Procedure Manual. Any changes to the procedure will be the responsibility of the STP Procedure Contact. Copies of STP procedures will be distributed for information.



I. INTRODUCTION

This procedure describes the process for review and comment on proposed and final State regulations, other generic State legally binding requirements (LBR) and Suggested State Regulations (SSRs).

II. OBJECTIVES

- A. To provide guidance for use by States and the Conference of Radiation Control Program Directors, Inc. (CRCPD) on preparation and submittal of proposed and final State regulations, other generic LBR (e.g., license conditions and orders), and SSRs, for the U.S. Nuclear Regulatory Commission (NRC) staff review.
- B. To establish the procedures to be followed by NRC staff for review of State regulations or other generic LBR, and SSRs including the scope of review, staff responsibilities, timeliness, and products to be prepared and communicated to the State or CRCPD documenting the results of the review.
- C. To provide guidance to NRC staff on the significance of differences between State regulations, other generic LBR, or SSRs and NRC regulations.
- D. To meet the following performance objectives: 1) The acceptance review of incoming packages should be completed within three days of receipt at the Office of State and Tribal Programs (STP). 2) Packages that have been determined to be complete should be assigned to the reviewer within three days of the acceptance review **and the State notified accordingly**. 3) The regulation review should be completed within fourteen days of review assignment. 4) Any concurrence from other offices such as the Office of Nuclear Material Safety and Safeguard (NMSS) or the Office of the General Counsel (OGC) should be completed within two weeks of the request for concurrence. **In a case involving the concurrence of more than one other office, the process will be carried out concurrently.** 5) **A phone call will be made to the State before the final regulation review letter is sent to relay any comments resulting from the review.** 56) A final comment letter will be sent to the State within sixty days from the receipt of a complete package from the State. The STP Operating Plan goal is to complete 85% of State regulation review packages within 60 days of receipt of a complete package, and 100% within 120 days of receipt of a complete package.

III. BACKGROUND

- A. Each Agreement State has the responsibility to promulgate LBR that satisfy the compatibility requirement of Section 274 of the Atomic Energy Act of 1954, as amended. States generally fulfill that responsibility through promulgation of regulations. Because each Agreement State possesses detailed knowledge of its own requirements, Agreement States are best able to determine that their regulations or other generic LBR are compatible with NRC regulations and where there are significant differences which could affect compatibility.
- B. Agreement States, and all States seeking an Agreement with NRC, are requested to submit for NRC staff review, proposed amendments to their regulations or other proposed generic LBR. Such requests should usually be submitted when they are published for public comment.
- C. Agreement States also are requested to submit final regulations or other final generic LBR for review. The requested submittal should include requirements satisfying the compatibility and health and safety (H&S) designations associated with equivalent regulations of the Commission. ~~The STP Procedure SA-201 is used as a guide.~~
- D. To assist States in promulgating compatible regulations or other generic LBR within three years of the effective date of changes in NRC regulations, NRC staff prepares and publishes a *Chronology of NRC Amendments*. Included in the chronology is identification of each regulation, the specific sections modified or established by the regulation change, the effective date of the change, and the compatibility or health and safety designation.

IV. ROLES AND RESPONSIBILITIES

NOTE: In the following, the word, “regulations,” also refers to “other generic legally binding requirements,” “license conditions” and the SSRs. The word State also refers to the CRCPD.

- A. The Director, STP, has overall responsibility for the review and determination of the compatibility of State regulations.
- B. The Deputy Director, STP, is designated to receive State regulations and has primary responsibility for **managing, including signing the NRC regulations review letter.** ~~and coordinating the NRC staff's review.~~ This includes reviewer assignments, assignment of due dates, and changes to due dates. The Deputy

Director also keeps State Regulation Review Coordinator (SRRC) and Regulation Review Assistant informed when an Agreement State regulation is received so the status of the review can be tracked through closure. *The Deputy Director may designate the SRRC to carry out these responsibilities including signing the regulations review letter for the Deputy Director as necessary.*

- C. The SRRC is responsible for overall review project management and assuring overall quality control of the review process. As part of this responsibility, the SRRC: (1) reviews proposed comment letters to help ensure *technical and procedural* consistency of reviews among reviewers and helps address potential delays or other issues associated with specific regulation reviews; and (2) maintains the *Chronology of NRC Amendments*. *As designated by the Deputy Director, the SRRC may also initially make reviewer assignment recommendations, assignment of due dates, and changes to due dates.*
- D. The Regional State Agreements Officer (RSAO) and STP staff ~~is~~ *are* responsible for conducting reviews of State regulations as assigned *by the SRRC*.
- E. The Regulations Review Assistant *is responsible for the administrative support for the regulation reviews. This includes all processing of incoming and outgoing correspondence, enters information on the regulation review in the STP Action Item Tracking System and the Regulation Action Tracking System (RATS). Information from RATS is provided to the ~~coordinator~~ SRRC, reviewer and other Staff as needed.*

V. GUIDANCE

- A. The States
 - 1. States should submit and request *NRC* comments on proposed and final regulations to the Deputy Director, STP. States are encouraged to submit regulations electronically. In accordance with NRC procedures, all incoming regulations will be entered into the NRC's Agencywide Document Access and Management System (ADAMS).
 - 2. ~~Appendix A to this procedure provides~~ *Guidance for use by States is provided on the STP website. Sample letters on the form, content, and process to be followed for preparation and submittal of proposed and final regulations to NRC staff for review can be downloaded from the STP website for use by both the States and reviewers.*

3. The State should submit regulations to the NRC at least 60 days prior to the date by which comments are needed by the State. Before a regulation review can commence, all of the required information needs to be supplied to STP. The State, in its transmittal letter, is requested to: (1) identify the specific regulation sections that are being changed using line-in/line-out text or equivalent format; (2) identify which amendment(s) the State is submitting regulations to cover using the name ~~or~~ and RATS ID number. **Appendix A contains regulation submission guidance for NRC staff reviews.** (Sample transmittal letters ~~are shown in Attachments 1 and 2 to Appendix A~~ **can be found on the Regulation Toolbox on the STP website**); (3) indicate whether the proposed/final regulation satisfies the compatibility criteria of STP Procedure SA-200, *Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements*; and (4) identify any significant difference between the State's regulation and the NRC equivalent regulation and the rationale for the difference.
4. LBR or license conditions that a State proposes to adopt to meet the requirements of an NRC rule, should be submitted for review using the same procedures as a State regulation review. In its submittal letter the State should explain how the LBR or license condition meets the requirements of the NRC rule. States need only to submit license conditions for review that are intended to substitute for NRC rules. States ~~should do not need to~~ submit license conditions prior to implementation in the State. **The use of LBR instead of promulgating a regulation amendment is documented on a State's SRS sheet.**
5. The sixty-day review period will begin following confirmation by the SRRC that all of the required information has been provided **and the State has been notified electronically that the submission has been accepted for review.** The States should be aware that missing information may lead to delays in the review. The States are encouraged to contact the SRRC prior to submitting a package for review to ensure all required items have been addressed.

B. Regulation Review Assistant

1. Tracks the status of regulation review packages from receipt through closure.

2. Conducts a completeness review of incoming State transmittal letters and regulation packages within three days of a receipt of a review request **and notifies the State about the acceptance of the request.**
3. Enters all information supplied by the State into ADAMS. If the State has not included the information requested in Section V.A.3, will contact the State Director or designee to request the missing information.
4. Once the finished review letter is signed by the Deputy Director STP, enters the NRC review date into the enclosed State Regulation Status (SRS) Data Sheet for the amendments reviewed and enters the review results into the RATS database.
5. Transmits a copy of the final letter to the State with the results of the NRC review and closes the action in the tracking system. Updates ADAMS to reflect the final package changes.

C. Reviewer Assignment

1. The Deputy Director (**or designee**) will normally assign review of a regulation to the Regional State Agreement Officer (RSAO). If the RSAO is not available or able to meet the projected due date because of competing priority work assignments, the Deputy Director (**or designee**) will assign the review to the Agreement States Project Officer (ASPO), other STP staff or evaluate the use of contractor assistance. Reviews will normally be assigned within three days of receipt of a complete State package by STP. Reviews are generally to be completed within two weeks but allowances will be made for large regulation packages or scheduling conflicts.

D. The Reviewer

1. Conducts a comparison of the State's regulation with the equivalent NRC regulation to determine if the State's regulation is compatible. Differences that are identified, which either significantly change or affect the intent of the regulation, should be analyzed further and a determination made whether the regulation meets (or does not meet) the compatibility or health and safety objective of the equivalent NRC regulation. Guidance to assist the reviewer in determining when a difference is significant and should be included as a comment on the State's regulation can be found in

Appendix B of this document, Management Directive 5.9 and STP Procedure SA-200.

2. Prepares a review summary sheet to document the review, showing all areas where the State regulation differs from the NRC regulations and documenting the reviewer's reasoning for generating or not generating a comment on the difference. An example review summary sheet is shown in Appendix ~~C~~. This summary sheet shall be provided to OGC to expedite for their review.
3. Limits review to those portions of a State's regulation that are being added or amended by the State's rulemaking action and identified in the transmittal letter. The reviewer should also limit review to those parts or sections of the regulation that are either required for compatibility or health and safety, as set out in STP Procedure SA-200 (i.e., Categories A, B, and C or H&S).
4. Consults, as necessary, for State regulations and SSRs, with NMSS or other NRC offices to support completion of the regulation review based on issues raised during the review and their significance. If requested, NMSS or other NRC offices, review State regulations according to their own internal procedures. When reviewing the regulations for States seeking an Agreement with the NRC, the reviewer shall follow STP Procedure SA-700 for coordination with NMSS. All regulation review packages shall be provided to OGC for review and concurrence (no legal objection) within 14 days after acceptance of the regulation submittal.
5. After concurrence from other offices(s) and before a formal comment letter or "no comment" letter to the State is prepared, the reviewer should informally discuss proposed comments with the State to assure the comments will be clearly understood and to receive any information from the State that is helpful in explaining the comments.
6. The reviewer should prepare a formal comment letter or "no comment" letter to the State documenting the results of the review and prepare a hardcopy markup to update the SRS Data Sheet. The letter should be addressed to the State Radiation Control Program Director, unless State staff has specified otherwise, and should normally be prepared for signature by the Deputy Director, or designee. The standard format and content for the letter are set out in either ~~Appendix C (proposed regulations) or Appendix D (final regulations)~~. Form letters that are

partially completed are available on ~~S:\Regulations\State Regulations\ in Read-Only~~ the **Regulation Toolbox on STP's website**. (~~Regions may have these letters on the H-drive.~~) All letters should use the Regulatory Information Distribution System (RIDS) codes SP (05-08), corresponding to NRC Regions I-IV, on the concurrence sheet. ~~A sample concurrence block is shown in Appendix C.~~

7. Comments resulting from the review should be set out in an enclosure to the letter and should contain, as a minimum, the information as listed in a-e below. A blank comment table with sample comments for reviewer use is shown in Appendix **E**.
 - a. Citation of the part or section of the State regulation or SSR reviewed;
 - b. Citation of the equivalent NRC regulation;
 - c. RATS ID;
 - d. Compatibility or H&S category assigned to that section or part of the regulation;
 - e. Description of the difference identified by the Reviewer between the State (or SSR) and NRC regulation, including the significance of the difference (e.g., why it does not meet the assigned compatibility category), and description of at least one course of action the State could take to address the comment.
8. A SRS Data Sheet should be updated to reflect the current review and included as an enclosure to the comment letter. **The reviewer will markup the previous SRS Data Sheet provided by either the SRRC or Regulation Review Assistant. Only the Regulation Review Assistant will generate electronic revisions to the SRS Data Sheets. An example SRS sheet can be found in Appendix E.**
9. The reviewer should concur in the comment letter and forward it to the SRRC. The SRRC will conduct a quality assurance review and will concur on all letters within three days of receipt and will provide to the Deputy Director, STP, for review and concurrence prior to being sent out for other office concurrence.

10. All offices participating in the review should be on concurrence. The concurrence of OGC is always required.
 11. Responds to questions or issues raised by OGC or other offices.
- E. The States Regulation Review Coordinator (SRRC)
1. Upon completion of the review, conducts a quality assurance review of the comment letter and comments, serves as liaison between the State, the reviewer, the Office of General Council (OGC), and Nuclear Material Safety and Safeguards (NMSS) throughout the review process. Facilitates preparation of a final letter and comment sheet.
 2. Schedules meetings, *as needed*, with the Deputy Director and concurring offices to resolve review issues not resolved by reviewer and concurring offices. Acts as point of contact for questions on the review process.
 3. Follows any generic comments returned by the State on the subject regulations to examine how the State addressed the comments. Schedules meetings with the Deputy Director and other offices to develop answers to any State concerns, involving generic or SSR issues.
 4. If necessary, the SRRC shall coordinate the request for consultant or contractor assistance in review of proposed or final State regulations. Contractor assistance can only be initiated by the STP technical monitor of the consultant or contractor, and requires the concurrence of the Director, STP. When using such assistance, the SRRC should:
 - a. Prepare a cover letter and attach the regulations package for forwarding to the consultant or contractor following the instructions of the technical monitor, including the instruction to follow this procedure to conduct the review.
 - b. Evaluate the comments as the basis for development of a comment letter to the State upon return of the consultant's or contractor's review report.
- F. *A document review flowchart can be found in Appendix F. Appendix G contains a set of Frequently Asked Questions.*

VII. APPENDICES

Appendix A - Regulation Submission Guidance for NRC Staff Review

Appendix B - Criteria For Comparing Regulations and Identifying Differences

~~Appendix C - Sample Comment Letter for Proposed State Regulations~~

Appendix ~~C~~ **C** -Sample Review Summary Sheet

~~Appendix D - Sample Comment Letter for Final State Regulations~~

Appendix ~~D~~ **D** -Sample Comment Chart

Appendix ~~E~~ **E** -SRS[±] Data Sheet

Appendix F -Document Review Flow Chart

Appendix G Frequently Asked Questions

VIII. REFERENCES

- ~~1. STP Procedure SA-201, *Review of State Regulatory Requirements*, supersedes STP Procedure SA-201, *Review of State Regulations*, November 10, 1998.~~
- ~~41.~~ **41.** The latest *Chronology of NRC Amendments (latest)* provided electronically to the States by All Agreement States Letter and posted on the STP website. Links are provided to the Federal Register notice.
- ~~52.~~ **52.** NRC Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs*.
3. NRC Regulations Title 10-Chapter 1, *Code of Federal Regulations*, published by the Division of Freedom of Information and Publications Services, NRC, codified and reissued periodically.
- ~~24.~~ **24.** STP Procedure SA-200, *Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements*.
- ~~65.~~ **65.** STP Procedure SA-700, *Processing an Agreement*

¹The RATS Data Sheets will be phased out in lieu of the revised SRS Data Sheets as Agreement States submit new regulations for review.

APPENDIX A

REGULATION SUBMISSION GUIDANCE FOR NRC STAFF REVIEW (Includes License Conditions and Other Generic Legally Binding Requirements)

I. INTRODUCTION

This guidance to Agreement States, States seeking an Agreement, and the Conference of Radiation Control Program Directors, Inc., (CRCPD) pertains to the submittal of proposed and final State regulations to the U.S. Nuclear Regulatory Commission (NRC) staff for review. The NRC goal is to conduct a single review for proposed regulations and a single review for final promulgated regulations to confirm they are compatible with equivalent NRC regulations. **NRC will not routinely conduct more than one review of proposed regulations.** Although many States base their regulations on Suggested State Regulations (SSRs), until the SSRs are updated and reviewed with regard to compatibility and approved by NRC, the State should not assume that State regulations based on SSRs are necessarily compatible. The NRC review process compares all State regulations with the equivalent regulations of the NRC.

II. STATE SUBMITTAL GUIDANCE

- A. When regulations are at the draft stage or, preferably, the public comment stage, the Radiation Control Program Director, or designee, or CRCPD (Director) should submit the regulations to the Deputy Director, STP. In preparing and submitting proposed regulations, the Director should identify by line-in/line-out text, or similar identification, the changes to NRC's regulations that are being incorporated into the State's regulations. It is important that when the proposed regulations are finalized, that the final regulations are also submitted **to NRC promptly** following adoption ~~to NRC~~. For final promulgated regulation changes, the ~~Director~~ **RCPD** is requested to identify by line-in/line-out text, or similar identification, the changes made between the proposed regulation submitted above and the final regulation. The Director is requested to discuss how the State has addressed or incorporated NRC's comments on the proposed regulation. The Director is requested to submit an electronic version of the cover letter and regulation, whenever possible, using a word processing software that is compatible with "WordPerfect 6.1" or higher. A sample submittal letter ~~is shown in Attachments 1 and 2~~ **can be found on the STP Regulation Toolbox.**
- B. With both proposed ~~or~~ **and** final regulations, the Director is requested to **include with the request for review document a comparison table** of significant differences between the State rule and the equivalent NRC rule and whether the Agreement State believes its regulation satisfies the compatibility and health and safety component criteria in *Management Directive 5.9* and the assigned compatibility

Appendix A (continued)

and health and safety component designations set out in STP Procedure SA-200, *Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements*. The NRC staff reviews State regulations based on this guidance. If the regulation does not satisfy the compatibility and health and safety designation, the Director is requested to identify those sections and to describe the State's rationale for promulgating a regulation that is not compatible with NRC's regulation. The Director is **also** requested ~~also~~ to describe any constraints that prevent the State from promulgating a rule that satisfies the compatibility or health and safety designation **in a timely fashion** and whether the program is examining removal of the constraints.

- D. The State or CRCPD may be requested to submit additional relevant information, as necessary, such as a copy of the State regulations package, public proceedings, advisory committee comments, and public comments that influenced the text of the final regulations. The State has the responsibility of demonstrating that the requirements adopted other than by regulation are legally binding on the licensee, e.g., license conditions, orders, or statements from Attorney Generals.

III. THE STATE REGULATION STATUS (SRS) DATA SHEET

The SRS Data Sheet (Appendix HE) is used by NRC staff to track the status of Agreement State regulations. If information is missing **or differs from a State's records**, the Agreement State should add the missing information **or changes** and forward the revised SRS Data Sheet **with the supporting documentation** to the SRRC **for amendment consideration**. The regulation assessment tracking system (RATS) is an internal program used by STP to track the status of State adoption of amendments equivalent to those made to the NRC regulations.

Attachments:

1. ~~Sample Transmittal Letter for Proposed State Regulations
(Includes License Conditions and Other Generic Legally Binding Requirements)~~
2. ~~Sample Transmittal Letter for Final State Regulations
(Includes License Conditions and Other Generic Legally Binding Requirements)~~

Appendix A (continued)

ATTACHMENT 1

~~—SAMPLE TRANSMITTAL LETTER FOR PROPOSED STATE REGULATIONS~~

~~—(Includes License Conditions and Other Generic Legally Binding Requirements)~~

~~Note: *Italicized text* is guidance for determining text to be entered.~~

~~(Name), Deputy Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001~~

~~Dear Mr./Mrs. (Name):~~

~~Enclosed is a copy of the proposed revisions to the (State) Radiological Health Rules (*identify the regulations using the title or description and date of regulations*). The proposed revisions were made available for public comment on (date) with a request for comments by (date). The proposed regulations are identified by line-in/line-out text (*or similar identification*) and correspond to the following equivalent amendments to NRC's regulations. (RATS ID #, *Please identify the specific NRC equivalent regulations from the Chronology of NRC Amendments or the SRS Data Sheet you are submitting for review.*)~~

~~(If there are significant differences between the States rule and the NRC rule) - The following are items that we would like the NRC to consider:~~

- ~~1) *Description of difference. (Such as a State not incorporating all of an amendment or using a different method of incorporation to achieve compatibility. The State should discuss why this is being done and how the difference meets the Compatibility or Health and Safety criteria as established in the Office of State and Tribal Programs (STP) SA-200.)*~~

~~We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in STP Procedure SA-200.~~

~~If you have any questions, please feel free to contact me at (telephone number) or (name of State contact) of my staff at (telephone number) or (e-mail address).~~

~~_____ Sincerely,~~

~~_____ (Name of Radiation Control Program Director or designee), (Director or title of designee)
(Radiation Control Program)~~

Appendix A (continued)

Enclosures:
As stated

ATTACHMENT 2

~~SAMPLE TRANSMITTAL LETTER FOR FINAL STATE REGULATIONS (Includes License Conditions and Other Generic Legally Binding Requirements)~~

~~Note: *Italicized text* is guidance for determining text to be entered.~~

~~(Name), Deputy Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001~~

~~Dear Mr./Mrs. (Name):~~

~~Enclosed is a copy of the final revisions to the (State) Radiological Health Rules (*identify the regulations using the title or description and date of regulations*). The final regulations correspond to the following equivalent amendments to NRC's regulations: (RATS ID #, *Please identify the specific NRC equivalent regulations from the Chronology of NRC Amendments or the SRS Data Sheet.*) Please choose from paragraph **A** or **B** below to add here:~~

~~**A** (*If there were NRC comments on the proposed State regulations*) - We have incorporated the comments cited in your letter dated (date) regarding our proposed version of these regulations (*with the exception of those noted below*).~~

~~(*If there are comments the State did not address*) - For the following comments (State) proposes a different solution to meet compatibility: 1. *Description of solution. (Such as the State chose to meet compatibility using a legally binding requirement instead of altering the State regulation)*~~

~~**B** (*If there were no comments on the proposed State regulations*) - The proposed regulations are being submitted as final regulations without change.~~

~~We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.~~

~~If you have any questions, please feel free to contact me at (telephone number) or (name of State contact) of my staff at (telephone number) or (e-mail address).~~

Sincerely,

(Name of Radiation Control Program Director or designee), (Director or title of designee)
(Radiation Control Program)

Enclosures:
As stated

APPENDIX B

CRITERIA FOR COMPARING REGULATIONS AND IDENTIFYING DIFFERENCES

I. DIFFERENCES THAT ARE NOT SIGNIFICANT

In most cases, the following differences between State and NRC regulations are not significant and do NOT affect compatibility or the health and safety objectives of the regulation. These differences do not need to be identified or commented on.

- A. Differences that do not result in Agreement State licensees being subject to a requirement different from the equivalent NRC requirement;
- B. Differences that result from the State regulation being made applicable to sources of radiation not covered by the Atomic Energy Act, **as amended** (e.g., x-rays, naturally-occurring and accelerator-produced radioactive materials **not covered by the Energy Policy Act of 2005**);
- C. Differences between the ordering **and/or numbering** of the subdivisions of the NRC and the State regulations;
- D. The substitution of terms with the same meaning (where the use of essentially identical terms is not required) according to the editorial style of the State, i.e., "shall" or "must," "rule" or "regulation," "Commission" or "agency," "device" or "equipment;"
- E. The omission of any portion of the text of an NRC regulation that provides an example, contains supplementary material, **parenthetical information**, or provides a reference to another regulation for the convenience of the reader;
- F. The incorporation, as a requirement in the State regulation, of any portion of the text of an NRC regulation that provides an example, contains supplementary material, **parenthetical information**, or provides a reference to another regulation for the convenience of the reader;
- G. Modifications to punctuation that do not change the meaning of the text, i.e., changing a semicolon (";") to a conjunction followed by a comma ("and,");
- H. Any difference that results from the use of SI units for record keeping and reporting; and
- I. Typographical and minor editorial or punctuation errors.

Appendix B (Continued)

II. DIFFERENCES THAT ARE SIGNIFICANT

In some cases, the difference in the wording between State and NRC regulations may significantly change or affect the intent of the regulation and may, therefore, affect compatibility or the health and safety objectives of the regulation. For regulations with Category A and B compatibility designations, the differences or changes are significant if licensee actions to satisfy the NRC equivalent regulation are not the same as those actions required to satisfy the Agreement State regulation for all phases of the licensee's operations. For regulations with a Category C compatibility designation or a health and safety designation, the changes or differences in an Agreement State regulation are acceptable only if an Agreement State licensee must take the same action needed to satisfy the NRC-equivalent regulation, or must take actions in addition to those required to satisfy the NRC-equivalent regulation. **The reviewer is also responsible for checking the requirements that have been adopted by reference to ensure that the corresponding sections refer to the appropriate criteria.**

A conclusion that the text of the State regulation leads to a different interpretation than the text of the equivalent NRC regulation, for regulations designated Category A or B, would result in a finding that the regulation does not meet the Category A or B designation. The reviewer should describe why the State's regulation leads to a different interpretation.

A conclusion that the regulation does not reflect either the essential objective of the NRC regulation or the State's regulation creates a conflict, duplication or a gap would result in a finding that the regulation does not meet the Category C or Health and Safety designation. Please see Section VII of *Management Directive 5.9* for definitions of “essential objective”, “conflict”, “duplication”, and “gap”.

Appendix C

~~SAMPLE COMMENT LETTER FOR PROPOSED STATE REGULATIONS (Includes License Conditions and Other Generic Legally Binding Requirements)~~

~~Note: *Italicized text* is guidance for determining text to be entered.~~

~~Name, Title~~

~~Address~~

~~Dear Mr./Mrs. Name:~~

~~As requested, we have reviewed the proposed regulations (*identify the regulations using the same title or description given by the State*), (*give the date of regulations and cover letter date*). The proposed regulations are in response to the (*number*) amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Part ___ (*section number*). We discussed our review of the regulations with (*name of State person contacted*) on (*date*).~~

~~As a result of our review we have (*no*) or (*number of comments*) comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted (*incorporating the comments and*) without (*other*) significant change, they would meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.~~

~~We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in STP Procedure SA-201, *Review of State Regulatory Requirements* (current date in 2000), please highlight the final changes and provide a hard copy to STP.~~

~~The SRS Data Sheet summarizes our knowledge of the status of other (*State*) regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet is posted on the STP website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.~~

Appendix C (Continued)

If you have any questions regarding the comments, the compatibility and health categories, or any of the NRC regulations used in the review, please contact me or (give name of reviewer or other contact) of my staff at (staff telephone) or (staff ID)@NRC.GOV.

_____ Sincerely,

_____ Deputy Director
 _____ Office of State and Tribal Programs

Enclosure(s):
 As stated

Distribution:

DIR RF [Action Number] _____ DCD (SP Number)
 Director, STP _____ PDR (YES_T)
 Management Analyst
 Agreement State Project Officer (ASPO)
 [Other staff as needed]
 RSAO if not the originator _____ Response to incoming: ML
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| OFFICE | STP | | STP | | EGG | | STP:DD | |
| NAME | RSAO/STP-STAFF | | Coordinator | | | | | |
| DATE | 03/___/03 | | 03/___/03 | | 03/___/03 | | 03/___/03 | |

Appendix D

~~Sample Comment Letter for Final State Regulations (Includes License Conditions and Other Generic Legally Binding Requirements)~~

~~Notes: *Italicized text* is guidance for determining text to be entered.~~

~~Name, Title
Address~~

~~Dear Mr. (Ms.) Name:~~

~~We have reviewed the final (*name of State*) regulations (*identify the regulations using the title or description given by the State*), which became effective on (*effective date of the regulations*). The regulations were sent on (*date*). The final regulations are in response to the (*number*) amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Part (*section number*). In addition, we reviewed our (*date*) letter to you that addressed the proposed regulations. We discussed our review of the regulations with (*name of State person contacted*) on (*date*).~~

~~(If there are comments, use the following:)~~

~~As a result of the NRC review we have identified (*number of comments*) comments, as enclosed. These comments must be addressed to meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.~~

~~(If there are no comments, use the following:)~~

~~As a result of the NRC review, we have determined that the (*name of State*) regulations, as adopted, meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.~~

~~The SRS Data Sheet summarizes our knowledge of the status of other (*State*) regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet is posted on the STP website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.~~

~~If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or (*give name of reviewer or other contact*) of my staff at (*staff telephone*) or (*staff ID*)@NRC.GOV.~~

~~_____~~
Sincerely,

~~_____~~
Deputy Director
~~_____~~
Office of State and Tribal Programs

~~Enclosure(s):
As stated~~

APPENDIX GC

Sample Review Summary Sheet

Note: The *italicized text* represents sample entries and is guidance for determining text to be entered.

| NRC Section | Section Title | State Section | Compatibility Category | Summary of Amendment Change | Is There a Difference Between State Text and NRC Yes/No | Is the Difference Significant Yes/No | Comments: If Difference Exists, Why or Why Not Is The Difference Significant. |
|-------------|--|---------------|------------------------|---|---|--------------------------------------|--|
| 20.1003 | Definitions | 53.2 (1) | A | <p>In Sec. 20.1003 the definition of Shallow-dose equivalent (Hs) is revised to read as follows:</p> <p>Shallow-dose equivalent (Hs), which applies to the external exposure of the skin of the whole body or the skin of an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm²)</p> | NO | | |
| 20.1701 | Use of process or other engineering controls | 4.1.2 | H&S | <p>Section 20.1701 is revised to read as follows:</p> <p>The licensee shall use, to the extent practical, process or other engineering controls (e.g., containment, decontamination, or ventilation) to control the concentration of radioactive material in air.</p> | YES | NO | <p><i>The State uses a different word order, but the essential objectives are met. Not a compatibility issue.</i></p> |
| 39.49 | Uranium sinker bars | 4.2.3 (b) | C | <p>Section 39.49 is revised to read as follows:</p> <p>The licensee may use a uranium sinker bar in well logging applications only if it is legibly impressed with the words ``CAUTION--RADIOACTIVE-DEPLETED URANIUM" and ``NOTIFY CIVIL AUTHORITIES (or COMPANY NAME) IF FOUND."</p> | YES | YES | <p>The State has omitted this requirement</p> <p>Comment Prepared</p> <p><i>COMMENT # (corresponding the letter's comment table)</i></p> <p><i>The State has omitted this requirement.</i></p> <p><i>The State needs to add this requirement to their regulations to meet the Compatibility Category C designation assigned to 10 CFR 39.49.</i></p> |

APPENDIX ED

COMPATIBILITY COMMENTS ON ~~(STATE NAME)~~(PROPOSED or FINAL) ~~(STATE NAME)~~ REGULATIONS AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES

~~Note: Italicized text is guidance for determining text to be entered.~~

| State Regulation n ¹ or SSR | NRC Regulation | RATS ID | Category | Subject and Comments |
|--|--------------------|-------------------|--------------|---|
| 4.1-14 | 20.2006 | 1995-3 | B | <p>CFR Title</p> <p>Description of comment</p> <p>Action State must take to meet compatibility</p> <p>(See below for example)</p> |
| 5.10 | 34.25 | 1995-4 | E | <p>Leak Testing, Repair, Tagging, Opening, Modification, and Replacement of Sealed Sources</p> <p>RH 5.10 requires the labeling of exposure devices, while the equivalent NRC regulation in 10 CFR 34.25(e) requires the labeling of sealed sources not fastened to or contained in exposure devices. Regulatory requirements for the labeling of exposure devices are found in 10 CFR 34.20(b) and the equivalent State regulation RH 5.5.2. As a result, the State regulations do not meet the compatibility category with respect to the requirements for labeling of sealed sources not fastened to or contained in exposure devices.</p> <p>RH 5.10.5 should be amended to incorporate the essential objectives of the text of 10 CFR 34.25(e) with respect to labeling of sealed sources not fastened to or contained in exposure devices</p> |

¹For other generic LBR, change State Regulations to LBR or License Condition.

| STATE SECTION ¹ | | NRC SECTION | RATS ID | CATEGORY | SUBJECT and COMMENTS |
|----------------------------|-----------------------|--------------------------------|-----------------------------------|---|--|
| 0 | State or SSR citation | NRC citation | See State Regulation Status Sheet | Compatibility Categories from SA-200 A, B, C, NRC or H&S | <p>[CFR TITLE]</p> <p>Description of comment</p> <p>Action State must take to meet compatibility.</p> <p>Examples below</p> |
| 1 | N/A | 30.35(g), 40.36(f) 70.25(g) | 1996-3 | H&S | <p>Financial assurance and recordkeeping for decommissioning</p> <p>[State] has omitted requirements for the transfer of records pertaining to decommissioning in their regulations. [State] needs to adopt the essential objectives of the requirements for the transfer of decommissioning records to the new licensee to meet the Category H&S designation assigned to Section 30.35(g), 40.36(f), and 70.25(g).</p> |
| 2 | [State citation] | 20.1003 | 2002-2 | A | <p>Definitions</p> <p>[State's] proposed definition of "public dose" fit test" omits the phrase "does not include occupational dose" compared to NRC's definition</p> <p>[State] needs to add the phrase to [state citation] to meet the Compatibility Category A designation assigned to Section 10 CFR 20.1003.</p> |
| 3 | [State citation] | 20.1003 | 1999-3 | B | <p>Definitions</p> <p>[State's] proposed definition of "fit test" omits the phrase "or quantitatively" compared to NRC's definition. Fit tests should also have protocols to provide quantitative results.</p> <p>[State] needs to add the phrase to [state citation] to meet the Compatibility Category B designation assigned to Section 10 CFR 20.1003.</p> |
| 4 | [State citation] | 20.1401 | 1997-6 | C | <p>General provisions and scope</p> <p>[State] has omitted the requirements of paragraph (d). This requirement mandates that the peak annual TEDE be calculated for the first 1,000 years after termination of the license. This requirement is important in determining the potential exposure to members of the public.</p> <p>[State] needs to add this paragraph to [State citation] to meet the Compatibility Category C designation assigned to Section 10 CFR 20.1401.</p> |

APPENDIX HE

STATE REGULATION STATUS (SRS) DATA SHEET

State:

[Number of amendments reviewed are identified by a i at the beginning of each equivalent NRC regulation.]

Tracking Ticket Number:

Date:

| NRC Chronology Identification | FR Notice (State Due Date) | RATS ID | Proposed (P) Final (F) Rule ¹ / ML # ⁵ | NRC Review / Y, N ² / Date / ML # ⁵ | Final State Regulation ¹ (Effective Date) |
|---|--|---------|--|---|--|
| Safety Requirements for Radiographic Equipment-Part 34 | 55 FR 843; (1/10/94) | 1991-1 | | | |
| ASNT Certification of Radiographers-Part 34 | 56 FR 11504; (none) | 1991-2 | | | |
| 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; (1/1/94) | 1991-3 | | | |
| Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70 | 56 FR 64980; (10/15/94) | 1991-4 | | | |
| Quality Management Program and Misadministrations-Part 35 | 56 FR 34104; (1/27/95) | 1992-1 | | | |
| Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions- Parts 30, 35 | 57 FR 45566; (none) | 1992-2 | | | Not required ³ |
| Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40 | 58 FR 39628; (10/25/96) | 1993-1 | | | |
| Licensing and Radiation Safety Requirements for Irradiators-Part 36 | 58 FR 7715; (7/1/96) | 1993-2 | | | |
| Definition of Land Disposal and Waste Site QA Program-Part 61 | 58 FR 33886; (7/22/96) | 1993-3 | | | |
| Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70 | 58 FR 68726; 59 FR 1618 (none) | 1994-1 | | | |
| Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40 | 59 FR 28220; (7/1/97) | 1994-2 | | | SECY-95-112 ⁴ |

| NRC Chronology Identification | FR Notice (State Due Date) | RATS ID | Proposed (P) Final (F) Rule ¹ / ML # ⁵ | NRC Review / Y, N ² / Date / ML # ⁵ | Final State Regulation ¹ (Effective Date) |
|---|--|---------|--|---|--|
| Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70 | 59 FR 36026; (8/15/97) | 1994-3 | | | |
| Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35 | 59 FR 61767; 59 FR 65243 60 FR 322; (1/1/98) | 1995-1 | | | |
| Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20 | 60 FR 7900; (3/13/98) | 1995-2 | | | |
| Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61 | 60 FR 15649; 60 FR 25983 (3/1/98) | 1995-3 | | | |
| Performance Requirements for Radiography Equipment-Part 34 | 60 FR 28323; (6/30/98) | 1995-4 | | | |
| Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20 | 60 FR 36038; (8/14/98) | 1995-5 | | | |
| Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70 | 60 FR 38235; (11/24/98) | 1995-6 | | | |
| Medical Administration of Radiation and Radioactive Materials-Parts 20, 35 | 60 FR 48623; (10/20/98) | 1995-7 | | | |
| 10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71 | 60 FR 50248; 61 FR 28724 (4/1/99) | 1996-1 | | | |
| One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70 | 61 FR 1109; (none) | 1996-2 | | | |
| Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70 | 61 FR 24669; (6/17/99) | 1996-3 | | | |
| Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20 | 61 FR 65120; (1/9/00) | 1997-1 | | | |
| Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150 | 62 FR 1662; (2/27/00) | 1997-2 | | | |
| Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35 | 62 FR 4120; (5/29/00) | 1997-3 | | | |
| Fissile Material Shipments and Exemptions-Part 71 | 62 FR 5907; (none) | 1997-4 | | | |
| Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150 | 62 FR 28947; (6/27/00) | 1997-5 | | | |
| Radiological Criteria for License Termination-Parts 20, 30, 40, 70 | 62 FR 39057; (8/20/00) | 1997-6 | | | |

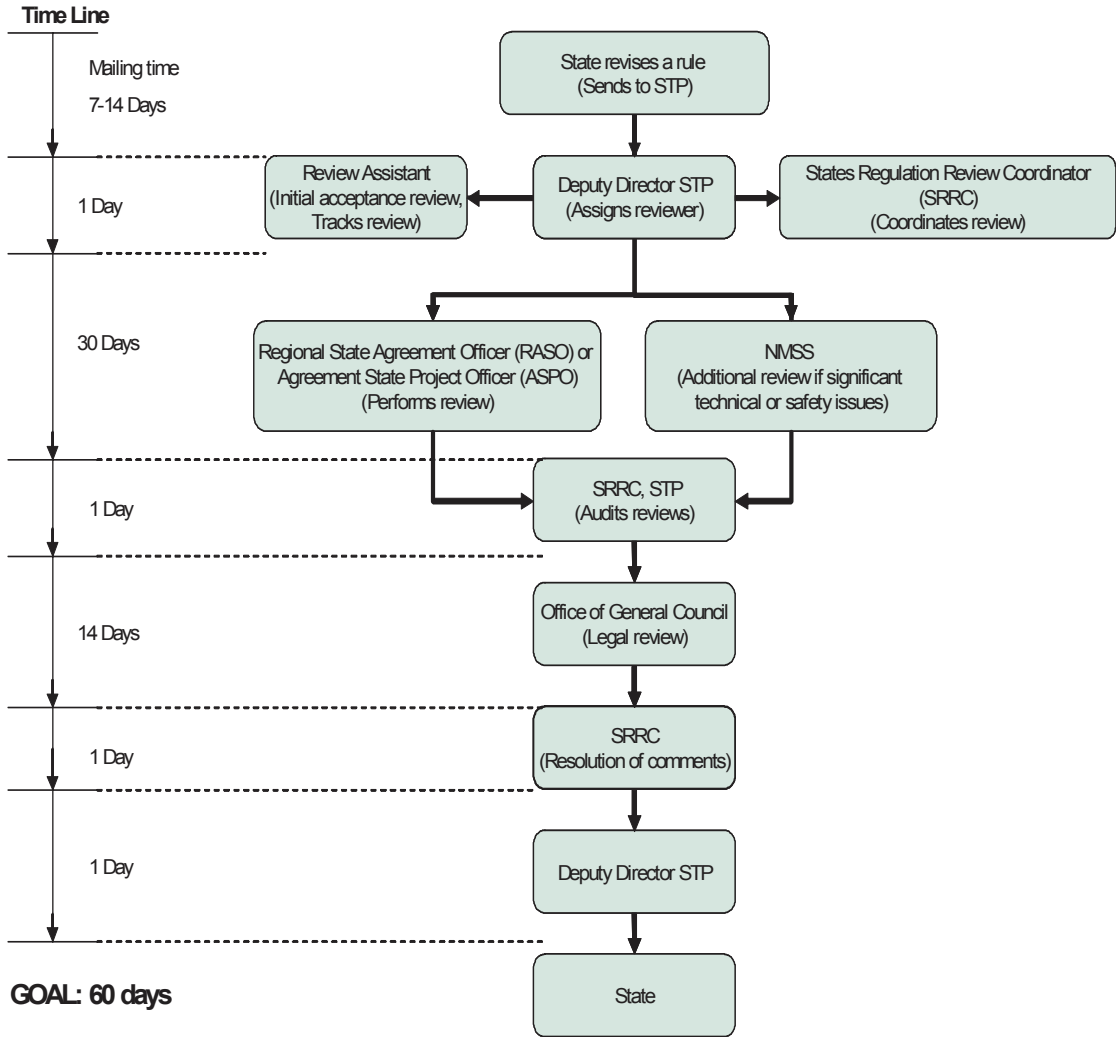
| NRC Chronology Identification | FR Notice (State Due Date) | RATS ID | Proposed (P) Final (F) Rule ¹ / ML # ⁵ | NRC Review / Y, N ² / Date / ML # ⁵ | Final State Regulation ¹ (Effective Date) |
|--|--|---------|--|---|--|
| Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30 | 62 FR 63634; (1/02/01) | 1997-7 | | | |
| Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150 | 63 FR 1890; 63 FR 13773 (2/12/01) | 1998-1 | | | |
| Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70 | 63 FR 29535; (none) | 1998-2 | | | |
| License Term for Medical Use Licenses-Part 35 | 63 FR 31604; (none) | 1998-3 | | | |
| Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34 | 63 FR 37059; (7/9/01) | 1998-4 | | | |
| Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36 | 63 FR 39477; 63 FR 45393 (10/26/01) | 1998-5 | | | |
| Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20 | 63 FR 50127; (11/20/01) | 1998-6 | | | |
| Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40 | 64 FR 17506; (6/11/02) | 1999-1 | | | |
| Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31 | 64 FR 42269; (none) | 1999-2 | | | |
| Respiratory Protection and Controls to Restrict Internal Exposure-Part 20 | 64 FR 54543; 64 FR 55524 (2/2/03) | 1999-3 | | | |
| Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39 | 65 FR 20337; (5/17/03) | 2000-1 | | | |
| New Dosimetry Technology-Parts 34, 36, 39 | 65 FR 63750; (1/8/04) | 2000-2 | | | |
| Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32 | 65 FR 79162; (2/16/04) | 2001-1 | | | |
| Revision of the Skin Dose Limit-Part 20 | 67 FR 1629; (4/5/05) | 2002-1 | | | |
| Medical Use of Byproduct Material-Parts 20, 32, 35 | 67 FR 20249; (4/24/05) | 2002-2 | | | |
| Financial Assurance for Materials Licensees – Parts 30, 40, 70 | 68 FR 57327 (12/3/06) | 2003-1 | | | |

| NRC Chronology Identification | FR Notice (State Due Date) | RATS ID | Proposed (P) Final (F) Rule ¹ / ML # ⁵ | NRC Review / Y, N ² / Date / ML # ⁵ | Final State Regulation ¹ (Effective Date) |
|--|-------------------------------|---------|--|---|--|
| Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments - Part 71 | 69 FR 3697 (10/1/07) | 2004-1 | | | |
| Security Requirements for Portable Gauges Containing Byproduct Material - Part 30 | 70 FR 2001 (7/11/08) | 2005-1 | | | |
| Medical Use of Byproduct Material - Recognition of Specialty Boards -Part 35 | 70 FR 16336 (4/29/08) | 2005-2 | | | |
| Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-090) ⁶ | 70 FR 72128 (12/1/05) | 2005-3 | | | |
| Minor Amendments-Parts 20, 30, 32, 35, 40 and 70 | 71 FR 15005 (3/27/09) | 2006-1 | | | |

1. Or other generic Legally Binding Requirements.
2. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address. N means "No," there are no comments in the review letter.
3. Not required means these regulations are not required for purposes of compatibility
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
5. ADAMS ML
6. By letter dated September 2, 2005, from Paul H. Lohaus, Director, Office of State and Tribal Programs, Agreement States were given 90 days to issue legally binding requirements satisfying the requirements of NRC Order EA-05-090.

APPENDIX F

Document Review Flow Chart



The Regulation Review Process

APPENDIX G

FREQUENTLY ASKED QUESTIONS (FAQs)

Q What do the Compatibility Categories mean?

A On the basis of the 1997 Commission Policy Statement on Adequacy and Compatibility and Management Directive 5.9, NRC program elements (including regulations) can be placed into four compatibility categories. In addition, NRC program elements also can be identified as having particular health and safety significance or as being reserved solely to the NRC.

Compatibility Category A - program elements that are basic radiation protection standards and scientific terms and definitions that are necessary to understand radiation protection concepts. The program elements adopted by an Agreement State should be essentially identical to those of NRC to provide uniformity in the regulation of agreement material on a nationwide basis.

Compatibility Category B - program elements that apply to activities that have direct and significant transboundary implications. An Agreement State should adopt program elements essentially identical to those of NRC.

Compatibility Category C - program elements that do not meet the criteria of Category A or B, but 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 nationwide basis. An Agreement State should adopt the essential objectives of the NRC program elements, but may be more restrictive.

Compatibility Category D - program elements that do not meet any of the criteria of Category A, B, or C, and do not need to be adopted by Agreement States for purposes of compatibility.

Health and Safety - program elements that are not required for compatibility (i.e., Category D), but that have been identified as having a particular health and safety role (i.e., adequacy) in the regulation of agreement material within the State. Although not required for compatibility, the State should adopt program elements in this category, based on those of NRC, that embody the essential objectives of the NRC program elements because of particular health and safety considerations.

NRC (Areas of Exclusive NRC Regulatory Authority)- program elements that address areas of regulation that cannot be relinquished to Agreement States and should not be adopted by Agreement States.

Q What kind of program elements are reserved to NRC (that is, what NRC regulations should not be adopted by the Agreement States)?

A Areas of exclusive NRC regulatory Authority are those areas of regulation that cannot be relinquished to the Agreement States under a Section 274b. agreement. The following listing are examples of NRC regulations that should not be adopted by Agreement States:

10 CFR Part 10 - Criteria and procedures for determining eligibility for access to restricted data or national security information or an employment clearance

10 CFR Part 11 - Criteria and procedures for determining eligibility for access to or control over special nuclear material

10 CFR Part 50 - Domestic licensing of production and utilization facilities

Agreement States should check SA-200 for the comprehensive listing of those regulations reserved to the NRC.

Q How does NRC staff evaluate the regulation submission from the State?

A The assigned NRC reviewer compares the State regulation text to the corresponding NRC regulation as outlined in the State’s letter of submission. The review will be more timely and efficient if the State’s regulation submission takes a “crosswalk approach” directly showing the correspondence between rule sets (see example below):

| State Section | Subject | 10 CFR Section |
|----------------|------------------------------------|----------------|
| KAS 28-35-135a | Industrial Radiography Definitions | 34.3 |

Q About how long does it usually take to get a response from NRC?

A The STP staff goal is to complete 85% of the reviews within 60 days of receipt of a completed package and 100% of the reviews within 120 days of receipt of a completed package. If STP staff has encounters or anticipates a delay in the NRC response, STP staff will contact the individual indicated on the submission package with the expected completion date.

Q What is the SRS data sheet?

A NRC maintains a State Regulation Status (SRS) data sheet for each Agreement State. The SRS data sheet is used by NRC staff to track the status of program elements (i.e., regulations and legal binding requirements) submitted to NRC for review. The Integrated Materials Performance Evaluation Program (IMPEP) teams also use the SRS data sheets to assist in the team evaluation of adequacy and compatibility for Agreement State programs. The SRS for each State can be found on the STP web site at: <http://www.hsr.d.ornl.gov/nrc/rulemaking.htm>

- Q How do I find out what regulations my State is expected to adopt to be found adequate and compatible for the upcoming IMPEP review?
- A The State's SRS sheet contains the status of the State's submissions and NRC's review results. The SRS sheet is updated after the completion of each regulation package review conducted by NRC.
- Q What does it mean if the SRS sheet has boxes not filled in?
- A Blanks on the SRS sheet usually mean that the NRC staff has not received proposed or final regulations to review. If there is a blank and the State believes that the entry is an error, please contact the State Regulation Review Coordinator to discuss a correction to the SRS sheet.
- Q What are LBRs?
- A LBR is the abbreviation for legally binding requirements and may be used as a method to adopt compatibility or health and safety program elements. 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 has the responsibility of demonstrating that requirements adopted other than by regulation are legally binding. If allowed by State law, LBRs can be adopted in many instances in a shorter time frame than regulations.
- Q Can a State adopt NRC or other federal regulations by reference when appropriate.
- A Agreement States can adopt NRC regulations by reference if authorized by State administrative law. This approach can be an efficient and effective method for adopting and maintaining compatibility regulations with the NRC within the usual three year time frame.
- Q How long does an Agreement State have to adopt a new NRC Amendment?
- A Unless specified differently in the Federal Register, the Agreement State has three years from the effective date of the amendment to adopt the revised regulation or six months for program element.
- Q What does it mean when the Compatibility Category has “[]” around it?
- A The brackett “[]” means that the requirements of the 10 CFR section may be adopted or implemented in other provisions of the State regulations rather than the radiation control requirements. For example, many Agreement States have State Department of Transportation regulations that implement all the requirements of 49 CFR on transportation use within the State. The State should supply the references and the cross walk to show that the requirements have been adopted. NRC staff will still need to

review the State regulations to verify that the compatibility/health and safety requirements have been adopted.

Q What does a “non-applicable” status mean on the SRS sheet?

A This entry on the SRS sheet means that the specific State is not required to adopt the amendment because it is not included in the Agreement State’s regulatory authority under their 274b Agreement with the NRC. For example, a State without uranium mill authority does not have to adopt uranium mill tailings regulations or revisions to the uranium mill tailings requirements.

Q What is an acceptance review and why is it done?

A When STP receives the regulation submission from the State, the Regulation Review Coordinator reviews the package to ensure that all of the components needed for review are submitted. If the submission is complete, NRC sends a verification e-mail to the State program acknowledging the receipt and staff assigned to review the package.

Q What is a Review Summary Sheet (RSS) and how is it filled out?

A An RSS is the documentation of the review of the State regulations against the NRC regulations completed by a reviewer. The RSS will document inconsistencies between NRC and State regulations.