



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 16, 2020

ALL AGREEMENT STATES, NRC NMSS, NRC REGIONS I, III and IV

NOTIFICATION OF THE ISSUANCE, AND OPPORTUNITY TO COMMENT ON THE INTERIM STATE AGREEMENT (SA) PROCEDURE, SA-202, REVIEW OF REGULATIONS AND OTHER PROGRAM ELEMENTS BY THE STANDING COMMITTEE ON COMPATIBILITY (STC-20-062)

**Purpose:** To provide the National Materials Program (NMP) community an opportunity to comment, and use the interim procedure, SA-202, *Review of Regulations and Other Program Elements by the Standing Committee on Compatibility*.

**Background:** On October 18, 2017, the U.S. Nuclear Regulatory Commission (NRC) issued the Agreement State Program Policy Statement (Policy Statement), which provides the agency's approach for determining which of its program elements (including regulations) should be adopted by an Agreement State to maintain a compatible program. The Policy Statement defines "program element" as any component or function of a radiation control regulatory program, including regulations or other legally binding requirements (orders, license conditions) imposed on regulated persons, which contributes to implementation of that program.

On July 12, 2008, the final charter was established for the Standing Committee on Compatibility (Committee) and revised on October 3, 2012. The final charter is available in the NRC's Agencywide Documents Access and Management Systems using the Accession No. ML12269A247. The Committee, which is directed by Management Directive (MD) 5.3, serves to help ensure consistency during promulgation of regulations and other program elements. The Committee accomplishes this by reviewing and documenting decisions on the basis for compatibility determinations and by identifying implementation issues that may be encountered during the NRC staff's review of State regulations under the Integrated Materials Performance Evaluation Program (IMPEP). The Committee offers an independent review and assessment of the staff's determinations of the compatibility category designation for each new or revised program element, including regulations and other legally binding requirements to ensure consistency with MD 5.9, *Adequacy and Compatibility of Program Elements for Agreement State Programs*. The Committee's activities are also discussed in Office of Nuclear Material Safety and Safeguards (NMSS) Policy and Procedure (P&P) 6-10, *NMSS Procedures for Preparation and Review of Rulemaking Packages*, and SA-801A, *Agreement State Participation in Rulemaking Working Groups*.

**Discussion:** This letter notifies the NMP community that NMSS procedure SA-202 has been prepared and issued for use on an interim basis until March 16, 2021, to allow Agreement State and the NRC staff in the NMP community to provide comments<sup>1</sup> based on their review of the

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<sup>[1]</sup> The collection of information associated with IMPEP reviews has been approved by the Office of Management and Budget (OMB), clearance number 3150-0183, expiration February 28, 2023. Comments regarding this collection may be submitted to the FOIA, Library and Information Collections Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to [infocollects.resource@nrc.gov](mailto:infocollects.resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number,

procedure, or use/reference during IMPEP reviews and periodic meetings.

The comment period which was developed following consultation with the Organization of Agreement States, ends on March 16, 2021. If there are no comments for this procedure by the NMP community, then the procedure will automatically become final on April 16, 2021 without any further action. Please provide comments to me or the individual listed below.

This procedure has been uploaded to the state communications portal (SCP) Web site for use, and to provide for your review and comment: <https://scp.nrc.gov/procedures.html>.

If you have any questions regarding this correspondence, please contact me at (817)-200-1596, or the individual listed below:

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SUBJECT: NOTIFICATION OF THE ISSUANCE, AND OPPORTUNITY TO COMMENT ON THE INTERIM STATE AGREEMENT (SA) PROCEDURE, SA-202, REVIEW OF REGULATIONS AND OTHER PROGRAM ELEMENTS BY THE STANDING COMMITTEE ON COMPATIBILITY (STC-20-062)

DATED SEPTEMBER 16, 2020

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**\*via e-mail**

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