



Office of Nuclear Material Safety and Safeguards Procedure Approval

Review of State Regulatory Requirements, Interim Procedure State Agreement (SA)-201

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NOTE

***Any changes to the procedure will be the responsibility of the NMSS Procedure Contact.
Copies of the NMSS procedures are available through the NRC website.***

I. INTRODUCTION

This procedure establishes the process for the U.S. Nuclear Regulatory Commission's (NRC) review and comment on proposed and final Agreement State regulations, other Agreement State legally binding requirements (LBR), and Suggested State Regulations (SSRs) promulgated by the Conference of Radiation Control Program Directors, Inc. (CRCPD).

II. OBJECTIVES

- A. To provide guidance for use by the Agreement States and those States applying for Agreement State status on the preparation and submittal of proposed and final State regulations and other LBRs (e.g., license conditions and orders); and for use by the CRCPD on the preparation and submittal of SSRs, for the NRC staff's review.
- B. To establish the procedures to be followed by the NRC staff for review of Agreement State regulations or other LBRs, and SSRs including the scope of review, staff responsibilities, timeliness, and products to be prepared and communicated to the Agreement State or CRCPD documenting the results of the review.
- C. To provide guidance to NRC staff on the significance of differences between Agreement State regulations, other LBRs, or SSRs and the NRC's regulations.
- D. To meet the following performance objectives:
 - 1. The acceptance review of incoming packages should be completed within three days of receipt by the State Agreement and Liaison Programs Branch (SALB), Division of Materials Safety, Security, State and Tribal Programs (MSST);
 - 2. Incoming regulation submission packages that have been determined to be complete should be assigned to the reviewer within three days of the acceptance review, and the Agreement State/ CRCPD notified accordingly;
 - 3. The technical review should be completed within 14 business days of review assignment.
 - 4. Concurrence from other offices should be completed within 14 business days of the request for concurrence. In a case involving the concurrence of more than one other office, the process will be carried out concurrently. Legal review should be completed within 14 business days. Potential legal issues should be addressed in a timely manner.
 - 5. The Agreement State/ CRCPD will be contacted before the final regulation review letter is sent, to relay any comments resulting from the review.

6. A final comment letter will be sent electronically, and a paper copy will be mailed within 60-120 days from the receipt of a complete package. The goal is to complete 85% of 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 regulations or other LBRs that satisfy the compatibility requirement of Section 274 of the Atomic Energy Act of 1954, as amended. Agreement States generally fulfill that responsibility through promulgation of regulations. Each Agreement State possesses detailed knowledge of its own requirements; therefore, Agreement States should determine whether their regulations or other LBR are compatible with the NRC's regulations and identify where there are significant differences which could affect compatibility.
- B. Agreement States, and all States seeking an Agreement with the NRC, are requested to submit for review, proposed amendments to their regulations or other proposed LBRs. Such requests should usually be submitted at the same time they are published for public comment. While it is not mandatory that proposed regulations, LBRs, and SSRs be submitted to the NRC for review, it is highly recommended to avoid the need to revise final regulations, LBRs, and SSRs, once published.
- C. Agreement States are required to submit final regulations or other final LBRs to the NRC for a compatibility review. The requested submittal shall include requirements satisfying the compatibility and health and safety (H&S) designations associated with equivalent regulations of the NRC.
- D. To assist Agreement States in promulgating compatible regulations or other LBRs within three years of the effective date of changes to the NRC's regulations, the NRC staff prepares and publishes a *Summary of Change Document*. Included in the document 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. This information is also found in the Regulation Toolbox on the Office of Nuclear Material Safety and Safeguards (NMSS) website:
<https://scp.nrc.gov/regresources.html>.

IV. ROLES AND RESPONSIBILITIES

NOTE: In the following section, the word "regulations" also refers to "other legally binding requirements," such as license conditions and the SSRs. The word State refers to the Agreement States and CRCPD.

- A. The Director, MSST, has overall responsibility for the review and determination of the compatibility of State regulations.

- B. The Deputy Director, MSST, is designated to receive State regulations and has the responsibility for managing, reviewing, and signing the NRC regulations review letter. This includes reviewer assignments, assignment of due dates, and changes to due dates. The Deputy Director also keeps the State Regulation Review Coordinator (SRRC) informed when a State regulation review package is received so the SRRC can track the status of the review through closure. The Deputy Director may designate the Branch Chief, SALB or the SRRC to carry out these responsibilities, including signing the regulation review letter for the Deputy Director, as necessary.
- C. The Branch Chief, SALB, is the first line supervisor for the SRRC. The Branch Chief may be designated by the Deputy Director to carry out the Deputy Director's responsibilities, including reviewer assignments, or signature authority for the regulation review letter, as necessary.
- D. The SRRC is responsible for the overall coordination, tracking, auditing, and quality control of the regulation review process. As part of this responsibility, the SRRC: (1) audits the technical reviewer's draft comment letter, and reviewer summary sheets to ensure technical and procedural consistency of reviews among reviewers; (2) addresses potential delays or other issues associated with specific regulation reviews; (3) maintains the *Chronology of NRC Amendments*; (4) acts as the point of contact for questions during the review process, (5) serves as liaison between the submitter, the reviewer, and the Office of the General Council (OGC) throughout the review process; (6) facilitates preparation of a final letter and compatibility comment sheet, if applicable; and (7) as designated by the Deputy Director and Branch Chief, the SRRC may also assign technical reviewers, due dates, and approve changes to due dates.
- E. The Regional State Agreements Officers (RSAO) and NMSS staff are responsible for conducting the technical reviews of State regulations, as assigned.
- F. Administrative support to the regulation review process includes the processing of all incoming and outgoing correspondence and review documents in the Agencywide Document Access and Management System (ADAMS).

V. GUIDANCE

This guidance applies to Agreement States, those States seeking an Agreement, and the CRCPD, and pertains to the submittal of proposed and final regulations to the 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. The NRC will not routinely conduct more than one review of the proposed regulations. Although many Agreement States base their regulations on the CRCPD SSRs, until the SSRs are updated and reviewed regarding compatibility and given federal concurrence by the NRC, the Agreement State should not assume that regulations based on SSRs are necessarily compatible.

A. Overview

1. Proposed and final regulations should be submitted for review to the Deputy Division Director, MSST. When possible, regulations should be submitted electronically to AgreementStateRegs.Resource@nrc.gov with a cc to the Deputy Director, MSST. Contact information for the Deputy Director, MSST can be found here: <https://scp.nrc.gov/regcontacts.html>. In accordance with NRC procedures, all incoming regulations will be entered into ADAMS.
2. The [Regulation Toolbox](#) on the NMSS website contains guidance on the submission of proposed and final regulations and other LBRs. Sample letters on the form, content, and process to be followed for preparation and submittal of proposed and final regulations and other LBRs to the NRC staff for review can be downloaded for use by both the States and technical reviewers.
3. Regulations should be submitted to the NRC at least 60 days prior to the date by which comments are needed.
4. LBRs that an Agreement State proposes to adopt to meet the requirements of an NRC rule should be submitted using the same submittal process as a regulation review. In the submittal letter, the Agreement State should explain how the LBR meets the requirements of the NRC rule. Agreement States should only submit LBRs for review that are intended to substitute for NRC rules. Agreement States should submit these prior to implementation. The use of LBRs instead of promulgating a regulation amendment will be documented on the State Regulation Status (SRS) sheet. An Agreement State should not add/implement any license conditions meant to meet the requirements of an NRC rule that have not been reviewed by the NRC.
5. Any constraints that prevent the Agreement State from promulgating a rule that satisfies the compatibility or health and safety designation in a timely fashion should be documented in the submittal letter to the NRC.
6. Additional relevant information, as necessary, may be requested, 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.
7. The Agreement State has the responsibility of demonstrating that the requirements adopted other than by regulation, are legally binding on the licensee.
8. A regulatory review process flowchart can be found in the Regulation Toolbox on the NMSS website.
(<https://scp.nrc.gov/regulationtoolbox/regreviewprocess.pdf>)

B. Requirements for submission

The Agreement State, State applying for Agreement State status or CRCPD, in its transmittal letter to the NRC, should:

1. identify the specific regulation sections that are being changed using the tracked changes format;
2. identify the amendment(s) for which the regulations are being submitted using the name and RATS ID number. (Sample transmittal letters can be found in the Regulation Toolbox on the NMSS website);
3. include a cross reference table indicating:
 - a) the equivalent State to NRC regulations;
 - b) whether there is/are 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, *Adequacy and Compatibility of Program Elements for Agreement State Programs*; and
 - c) for those sections that are not compatible, describe the State's rationale for promulgating a regulation that is not compatible with NRC's regulation.

C. Review Period

The sixty-day review period will begin following confirmation by the SRRC that all required information has been provided. The Agreement State/CRCPD will be notified electronically that the submission has been accepted for review. A regulation submission package that is missing the required information may lead to delays in the review. The Agreement States, States applying for Agreement State status, and CRCPD are encouraged to contact the SRRC prior to submitting a package for review to ensure that all required items have been addressed.

D. Technical Reviewer Assignment

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 other NMSS staff or evaluate the use of contractor assistance. Reviews will normally be assigned within two business days of receipt of a complete State package. The technical reviews should be completed within 14 calendar days; however, the SRRC may extend this period for large/complex regulation packages or due to scheduling conflicts.

E. Technical Reviewer

1. Conducts a comparison of the submitted regulation(s) with the equivalent NRC regulation(s) to determine if the 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 can be found in Appendix A of this document, Management Directive 5.9, and NMSS Procedure SA-200, *Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements*.
2. Completes a review summary sheet (RSS) to document the review. The reviewer will indicate whether there is a difference, whether or not the difference is significant, and the reviewer's reasoning for generating or not generating a comment on the difference. Review summary sheets can be found on the NMSS website at: https://scp.nrc.gov/rss_regamendents.html.
3. Limits review to those portions of an Agreement 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 NMSS Procedure SA-200 (i.e., Categories A, B, and C or H&S).
4. Consults, as necessary, with other NRC offices to support completion of the regulation review based on issues raised during the review and their significance. When reviewing the regulations for States seeking an Agreement with the NRC, the reviewer shall follow NMSS Procedure SA-700, *Processing an Agreement* for coordination with other offices.
5. Prepares a draft letter documenting the results of the review. The letter should be addressed to the Radiation Control Program Director or the Executive Director of the CRCPD, unless specified otherwise, and should be prepared for signature by the Deputy Director, MSST. The standard format and content for the letter are contained in the sample letters found in the Regulation Toolbox on NMSS website. All letters should use the Regulatory Information Distribution System (RIDS) codes SP (05-08), corresponding to NRC Regions I, III, or IV, on the concurrence sheet. Comments resulting from the review should be set out in an enclosure to the letter. A comment table with sample comments for reviewer use is shown in Appendix B.
6. Responds to questions or issues raised by OGC or other offices.

F. Legal Review

1. If requested by the SRRC, the OGC will perform a review of the technical reviewers' determinations, including the draft letter, review summary sheets and any comments identified within;
2. OGC will provide "no legal objection" (NLO) to the review letter after all issues/comments that they have identified are resolved.

G. The SRRC

1. Acts as the point of contact for questions during the review process.
2. Conducts a review for technical completeness of incoming State transmittal letters and regulation packages within three calendar days of the receipt of a review request, and assigns an internal tracking number to the submission;
3. Electronically notifies the Agreement State, State applying for Agreement State status, or CRCPD acknowledging acceptance of the submission, once all required documents are received.
4. Serves as liaison between the submitter, the reviewer, and OGC throughout the review process. Facilitates preparation of a final letter and compatibility comment sheet, if applicable.
5. Schedules meetings with management and other offices to resolve any issues.
6. Updates the SRS Data Sheet to reflect the current review and includes it as an enclosure to the comment letter. An example SRS sheet can be found on the NMSS website at: <https://scp.nrc.gov/regtoolbox.html>.
7. Prepares and requests review by OGC, if applicable. This request is sent electronically to the RIDs OGC mailbox, and contains the following information: date of request, package tracking number, requested date of response (typically two weeks), name of the Agreement State program and program director, the package title, ADAMS package link, and the SRRC name and contact number.
8. If necessary, coordinates the request for consultant or contractor assistance in review of proposed or final State regulations in accordance with procedures established by NMSS. When requesting such assistance, the SRRC should:
 - a) Prepare a cover letter and attach the regulations package for forwarding to the consultant or contractor following the NMSS procedure.

- 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.

VI. APPENDICES

Appendix A - Criteria for Comparing Regulations and Identifying Differences

Appendix B - Sample Comment Chart

Appendix C - Frequently Asked Questions

VII. REFERENCES

1. Management Directives available at <https://scp.nrc.gov>.
2. NMSS SA Procedures available at <https://scp.nrc.gov>.

VIII. ADAMS REFERENCE DOCUMENTS

For knowledge management purposes, listed below are all previous revisions of this procedure, as well as associated correspondence with stakeholders, that have been entered into the NRC's Agencywide Document Access Management System (ADAMS).

No.	Date	Document Title/Description	Accession
1	7/23/01	STP-01-059, Opportunity to Comment on Draft Revisions to STP Procedure SA-201	ML012050534
2	1/29/03	STP-03-010, Opportunity to Comment on Draft Revisions to STP Procedure SA-201	ML030290744
3	6/19/03	Final STP Procedure SA-201	ML031750279
4	8/07/03	Summary of Comments on SA-201	ML032190296
5	8/31/06	STP-06-080, Opportunity to Comment on Draft Revisions to STP Procedure SA-201	ML062440197

APPENDIX A

CRITERIA FOR COMPARING REGULATIONS AND IDENTIFYING DIFFERENCES

I. DIFFERENCES THAT ARE NOT SIGNIFICANT

In most cases, the following differences between Agreement 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 Agreement 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
- 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 Agreement 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 Agreement 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 A (Continued)

II. DIFFERENCES THAT ARE SIGNIFICANT

In some cases, the difference in the wording between Agreement State and NRC regulations may significantly change the meaning and/or intent of the regulation and may, therefore, affect compatibility or the health and safety objectives of the regulation. The reviewer is also responsible for checking requirements that have been adopted by reference to ensure that the corresponding sections refer to the appropriate criteria.

A. Regulations Assigned Compatibility Category A and B

Differences between NRC and Agreement State regulations are significant and result in incompatibility if the licensee actions required to satisfy the NRC regulation are not the same as the actions required to satisfy the corresponding Agreement State regulation for all phases of the licensee's operations. Such a conclusion—that the text of the Agreement State regulation leads to a different interpretation than the text of the corresponding NRC regulation—would result in a finding that the Agreement State regulation does not meet the Category A or B designation. The reviewer should describe why the State's regulation leads to a different interpretation.

B. Regulations Assigned Compatibility Category C

Differences between NRC and Agreement State regulations are acceptable only if, despite such differences, the Agreement State has adopted the essential objectives of the corresponding NRC program element in order to avoid conflicts, duplication, gaps or other conditions that would jeopardize the orderly regulation of agreement materials on a nationwide basis. Please see Section VII of Management Directive 5.9 for definitions of “essential objective”, “conflict”, “duplication,” and “gap.” In the case of compatibility category C, the Agreement State may adopt regulations that are more restrictive than the NRC regulations. The reviewer should refer to the Statements of Consideration in the *Federal Register* Notice for each rulemaking for information regarding the objective of each regulation revision/addition.

C. Regulations Assigned a Health and Safety Designation

The Agreement State regulation must adopt the essential objectives of the corresponding NRC program element because of the health and safety significance of the program element. Please see Section VII of Management Directive 5.9 for definitions of “essential objective”, “conflict”, “duplication”, and “gap”. A conclusion that an Agreement State regulation does not reflect the health and safety objectives of the corresponding NRC regulation or creates a conflict, duplication or a gap would result in a significant finding. The reviewer should describe why the Agreement State's regulation does not reflect the health and safety intent of the corresponding NRC regulation in their comment.

APPENDIX B

COMPATIBILITY COMMENT TABLE ENCLOSURE TO LETTER

COMPATIBILITY COMMENTS (STATE NAME)(PROPOSED or FINAL) REGULATIONS

STATE SECTION ¹		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
FORMAT					
0	State or SSR citation	NRC citation	See State Regulation Status Sheet	Compatibility Categories from SA-200 A, B, C, NRC or H&S	[CFR TITLE] Description of comment Action State must take to meet compatibility.
EXAMPLE COMMENTS					
1	N/A	30.35(g), 40.36(f) 70.25(g)	1996-3	H&S	Financial assurance and recordkeeping for decommissioning [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).
2	[State citation]	20.1003	2002-2	A	Definitions [State's] proposed definition of "public dose" fit test" omits the phrase "does not include occupational dose" compared to NRC's definition [State] needs to add the phrase to [state citation] to meet the Compatibility Category A designation assigned to Section

					10 CFR 20.1003.
3	[State citation]	20.1003	1993-3	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 C

FREQUENTLY ASKED QUESTIONS (FAQs)

1.Q What do the Compatibility Categories mean?

A According to 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 are required for adequacy because they have been identified as having a particular health and safety role 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.

2.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.

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

A The assigned NRC reviewer compares the Agreement State regulation text to the corresponding NRC regulation as outlined in the State's letter of submission. The review will be timelier and more efficient if the State includes a cross reference document in their regulation submission showing the correspondence between rule sets (see example below):

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

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

A The NRC 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 NRC staff encounters or anticipates a delay in the response, they will contact the individual indicated on the submission package, with the expected completion date.

5.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 other legally 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's evaluation of adequacy and compatibility for Agreement State programs. The SRS for each Agreement State can be found on the NMSS web site at: <https://scp.nrc.gov/> by clicking on your State.

- 6.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 Each Agreement State's SRS sheet contains the status of its submissions and the NRC's review results. The SRS sheet is updated after the completion of each regulation package review conducted by NRC. The SRS sheet also contains all rulemaking amendments that the State needs to address.
- 7.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 Agreement State believes that the entry is in error, please contact the SRRC to discuss a correction to the SRS sheet.
- 8.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 Agreement State has the responsibility of demonstrating that requirements adopted other than by regulation are legally binding. If allowed, LBRs can be adopted in many instances in a shorter time frame than regulations.
- 9.Q Can an Agreement State incorporate NRC or other federal regulations by reference when appropriate?
- A Agreement States can incorporate NRC regulations by reference if authorized by State administrative law. This approach can be an efficient and effective method for adopting and maintaining compatible regulations with the NRC within the usual three-year time frame. However, the Agreement State will still need to submit the regulations that were incorporated by reference for NRC review. Additionally, it is still recommended that the State submit the proposal for review to avoid any delays due to NRC comments after the final rules are promulgated.
- 10.Q How long does an Agreement State have to adopt and implement a new NRC Amendment?
- A Unless specified differently in the Federal Register or any clarification letters (e.g. STC letters), the Agreement State has three years from the effective date of the amendment to adopt and implement the revised regulation. An Agreement State has six months, unless otherwise stated, to adopt changes to program elements other than regulations.
- 11.Q What does it mean when the Compatibility Category has "[]" around it?
- A The bracket "[]" means that the requirements of the 10 CFR section may be adopted or implemented in other provisions of the Agreement State's 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 Agreement State should supply the references and the cross walk to show that the requirements have been adopted. The NRC staff will still need to review the regulations to verify that the compatibility/health and safety requirements have been adopted.

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

A This entry on the SRS sheet means that the specific Agreement 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, an Agreement State without uranium mill authority does not have to adopt uranium mill tailings regulations or revisions to the uranium mill tailings requirements.

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

A When MSST receives the regulation submission, the State 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 the staff member assigned to review the package.

14.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 Agreement State regulations against the NRC regulations completed by the technical reviewer. The RSS will document inconsistencies. These documents are for internal use only.

15.Q Are the SSRs automatically compatible with NRC regulations?

A No, although the NRC provides resource staff to the CRCPD SSR working groups, until the SSRs are reviewed with regard to compatibility and health and safety and approved by the NRC, an Agreement State should not assume that the SSRs are necessarily compatible. A listing of those SSR Parts that have been approved by NRC and the date of the approval can be found on NMSS website at: https://scp.nrc.gov/special/regs/crcpd_regs.html. Agreement States should not use the SSRs for changes to NRC regulations that occurred after the approval date.