

## PROGRAM ELEMENTS REGULATORY AND NON-REGULATORY

The [Agreement State Program Policy Statement](#) defines “program element” as any component or function of a radiation control regulatory program, including regulations or other legally binding requirements, imposed on regulated persons, which contributes to implementation of that program. The Policy Statement further notes that an Agreement State has the flexibility to adopt and implement program elements within the State’s jurisdiction (*i.e.*, those items that are not areas of exclusive NRC regulatory authority) that are not addressed by the NRC, or program elements not required for compatibility (*i.e.*, those NRC program elements not assigned to Category A, B, or C).

Program Element	State Requirement	Adequacy/Compatibility Category	References
<b>Legal</b>			
Statutory Authority	Sections of state law that authorize the program and Agreement	C	Suggested State Legislation Agreement State Program Policy Statement
Program Organization	Structure, management and location of program	D	Agreement State Program Policy Statement
Program Funding	Source of revenue or funding to maintain program	D	Agreement State Program Policy Statement
Advisory or Oversight Boards	None	D	Management Directive (MD) 5.6 and SA-107
Information Exchange	Required for the effective regulation and oversight of agreement materials across the National Materials Program (NMP)	C	Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement Policy Statement (Criteria Policy Statement) Agreement State Program Policy Statement SA-10
<b>Regulatory Requirements</b>			
Regulations	Safety and security standards in equivalent State provisions  Note: Agreement States do not need to adopt certain regulations if they do not have	A, B, C, D, NRC, H&S	MD 5.9 ,SA-200, and SA-201 Criteria Policy Statement Agreement State Program Policy Statement CRCPD Suggested State Regulations MD 5.6 and SA-107

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	a licensee/applicant authorized for the activity, e.g., well logging (10 CFR Part 39), pool irradiator (10 CFR Part 36).		
Legally Binding Requirements	Safety and security requirements that are enforceable outside of regulations (e.g., license conditions, orders)	A, B, C, D, NRC, H&S	MD 5.6 and 5.9 Criteria Policy Statement Agreement State Program Policy Statement SA-107 and 200 NUREG-1556, Volume 20
Exemptions	Provide regulatory relief or alternative approach that is protective of safety and security	D	Criteria Policy Statement Agreement State Program Policy Statement NUREG-1556, Volume 20
<b>Licensing</b>			
Materials licensing	Licensing program description and procedures; licensing guides/checklists, e.g., Pre-licensing guidance, risk significant radioactive materials checklist	C	Criteria Policy Statement Agreement State Program Policy Statement MD 5.6 and SA-104 NUREG-1556 Series, NUREG-1757
Sealed Source and Device (SS&D) Safety Evaluations	SS&D program description and procedures	C	Criteria Policy Statement Agreement State Program Policy Statement MD 5.6 and SA-108 NUREG-1556 Volume 3

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Program Element	State Requirement	Adequacy/Compatibility Category	References
SS&D registration certificates	Format and content of SS&D registration certificates; Inclusion of certificates in national SS&D registry	B	MD 5.6 and SA-108 NUREG-1556 Volume 3
Low-Level Waste (LLW) Disposal Site Licensing	LLW program description and procedures	C	Criteria Policy Statement Agreement State Program Policy Statement MD 5.6 and SA-109 Inspection Manual Chapter (IMC) 2401 NUREGs CR-6567, 0945, 1199, 1200, 1300, 1274, 1573, and 2175
Uranium or Thorium Mill Licensing	Uranium/thorium mill and tailings program description and procedures	C	Criteria Policy Statement Agreement State Program Policy Statement MD 5.6 and SA-110 IMCs 2620, 2641, 2801 NUREGs 1569, and 1620
Licensing Quality Assurance	Procedures for review of licensing quality	D	Criteria Policy Statement MD 5.6 and SA-104
Licensing Administrative Procedures	Procedures for processing licensing actions	D	Criteria Policy Statement NUREG-1556, Volume 20
Financial Assurance	Procedures for financial assurance instruments for licenses authorizing certain quantities of radionuclides; reviewed at the proper	H&S	Suggested State Legislation MD 5.6 and SA-104 NUREG-1556 Series, NUREG-1757

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Program Element	State Requirement	Adequacy/Compatibility Category	References
	frequency		
Reciprocal Recognition of Licenses	Procedures for recognizing specific licenses from other Agreement States and NRC	C	Criteria Policy Statement Agreement State Program Policy Statement MD 5.6 and SA-104 NUREG-1556 Volumes 19 and 20
Documents that provide NRC’s interpretation of its requirements, or staff directives	None	D	Examples include: Regulatory Guides, Information Notices, Regulatory Issue Statements, Management Directives
<b>Inspection</b>			
Inspection Procedures	Inspection program description, inspection procedures and guides, inspection frequency	C	Criteria Policy Statement Agreement State Program Policy Statement MD 5.6, SA-101, SA-102, SA-109, SA-110 IMC 2800, IMC 2801 and NRC Inspection Procedures (IP) 87102 – 87137
Inspection Quality Assurance	Procedures for review of inspection quality	D	Criteria Policy Statement MD 5.6, SA-102, SA-109, SA-110 IMC 2800, IMC 2801
Inspection Administrative Procedures	Report formats, procedures for processing and filing inspection reports	D	Criteria Policy Statement MD 5.6, SA-102, SA-109, SA-110 IMC 2800, IMC 2801

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Laboratory Support	Appropriate analytical capabilities to support inspection program	D	MD 5.6, SA-102, SA-109, SA-110 IMC 2800, IMC 2801
Instrumentation	Appropriate radiation detection equipment to support inspection program	D	MD 5.6, SA-102, SA-109, SA-110 IMC 2800, IMC 2801
Enforcement	Enforcement program description and procedures	D	Criteria Policy Statement Agreement State Program Policy Statement IMC 2800, IMC 2801
<b>Technical Staff</b>			
Technical Staffing Organization	Staffing plan	C	Criteria Policy Statement Agreement State Program Policy Statement MD 5.6 and SA-103
Formal Qualification Plan	Written plan to qualify inspectors and license reviewers	C	Criteria Policy Statement MD 5.6 and SA-103 IMC 1248
Legal Assistance	Legal counsel support for rulemaking and regulatory interpretation	D	Criteria Policy Statement
Technical Assistance	Contractor support to program	D	Agreement State Program Policy Statement
<b>Event and Allegation</b>			
Event & Allegation Response Procedures	Program description and procedures for responding to incidents and allegations	C	Criteria Policy Statement Agreement State Program Policy Statement

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			MD 5.6, MD 8.8, SA-105, SA-300, and SA-400 IMC 1301, 1302, 1303, 1330
Event Reporting Procedures	NMED reporting procedures	C	Criteria Policy Statement Agreement State Program Policy Statement MD 5.6, SA-105, and SA-300
Wrongdoing Investigation Procedures	Equivalent State procedure and regulations	C	MD 5.6 and SA-105
Event Reporting to NRC. <sup>1</sup>	Equivalent State procedure and regulations	B	Agreement State Program Policy Statement MD 5.6, SA-105, and SA-300
Security and Transportation Notifications to NRC	Equivalent State procedure and regulations	C	Agreement State Program Policy Statement MD 5.6, SA-105, and SA-300

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<sup>1</sup> Agreement State event reporting to NRC is mandatory as directed by the Commission in a Staff Requirements Memorandum dated June 30, 1997.