

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, the State should not adopt regulations)?

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 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 NMSS web site at: <https://scp.nrc.gov/>

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 may be done more quickly if the State's regulation submission contains a "cross reference" table 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 NMSS 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 there is time-line variance, NMSS staff will contact the individual indicated on the submission package.

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 State has not submitted their equivalent regulations/legally binding requirements for that amendment.

Q What are Legally Binding License Requirements?

A Legally binding requirements or license agreements are generic license conditions and orders that can be held up in a court of law. They usually take the form of license conditions and are often a speedy way to meet the requirements of a regulatory amendment.

Q Can a state adopt federal regulations by reference to corresponding federal regulations?

A Yes! This approach is highly encouraged by the NRC as it saves time and expenditure of resources on both the part of the submitter and the submittee. However, there can be issues in going with this approach. Refer to the guidelines for "Incorporating NRC Regulations by Reference" which can be found at: <https://scp.nrc.gov/regtoolbox.html>

Q How long does a state have to adopt a new NRC Amendment?

A After publishing in the Federal Register, a state has 3 years to adopt an amendment.

Q What does it mean when the Compatibility Category has "[]" around it?

A The [] means that the requirements of the 10 CFR section may be covered elsewhere in federal or state regulations. For example, some of the transportation rules may be found via reference to 49 CFR or to federal or state Department of Transportation (DOT) regulations.

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

A The statement means that the State is not required to meet the requirements of the Amendment because it either: 1) Is not included in the jurisdiction of their Agreement with the NRC, or 2) The State has documented that there are no licensees within their State that the requirement would be applicable.

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

A As soon as NMSS 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 available. If the submission is complete, NRC sends a verification e-mail to the State program acknowledging the receipt of, and the reviewer assigned to the package.

Q Why are regulations included in an IMPEP review?

A The submission and review of a State's regulations as compared to NRC's is a tangible way to measure the compatibility of a State's program to ensure public health and safety. IMPEP serves as a tool to evaluate the timeliness and accuracy of written standards to reflect changes made by the NRC in the Code of Federal Regulations.

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

A An RSS is a table completed by a reviewer to indicate where there are inconsistencies between Federal and State regulations. The comments captured in these RSS (RATS) sheets are included in the letter transmitted to the State after the completion of the review.