SAMPLE COMMENT LETTER FOR LEGALLY BINDING REQUIREMENTS INCLUDING LICENSE CONDITIONS, WITH COMMENTS

[Name, Title]
[Address]

Dear [Name]:

We have reviewed the [State Name] legally binding requirements [identify the legally binding condition description given by the State], received by our office on [Date]. These requirements were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts [List the appropriate 10 CFR Parts] and the requirements of the [number submitted] amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with [name of State person contacted] on [Date].

As a result of our review, we have [number] comments that have been identified in the enclosure. Please note that we have limited our review to the legally binding requirements required for compatibility and/or health and safety. We have determined that if these requirements are revised, incorporating our 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 you revise your legally binding requirements to address our comments, a copy of the revised legally binding requirements be provided to us for review. As requested in STP Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by [State], in response to our comments, and provide a copy to Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs (FSME) (see letter FSME 06-94 dated October 6, 2006 for further information).

The SRS Data Sheet summarizes our knowledge of the status of other [State Name] regulations, as indicated. 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.hsrd.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, State Regulation Review Coordinator at [phone number] or by e-mail at [staff id@nrc.gov], or [Name of reviewer or other contact] at [phone number] or by e-mail at [staff id@nrc.gov].

Sincerely,

[Name], Deputy Director
Materials Safety and State Agreements

Enclosures: As stated

[Concurrence Page]

Enclosures: As stated

Distribution:

DIR RF (**[Tracking number]**)
DCD (SP05)
[Name], RSAO
[Name], ASPO

SUNSI Review Complete
☒ Publicly Available ☐ Non-Publicly Available
☒ Non-Sensitive ☐ Sensitive

[State] File

DOCUMENT NAME: R:\server_html\regulationtoolbox\revltr_lbr_comments.wpd **ML of Incoming Document:ML**

To receive a copy of this document, indicate in the box: "**C**" = Copy without attachment/enclosure "**E**" = Copy with attachment/enclosure "**N**" = No copy

OFFICE		SAIS	OGC	SAIS:BC	MSSA:DD
NAME	[REVIEWER]	[COORDINATOR]	[LEGAL COUNSEL]	[BRANCH CHIEF]	[DEPUTY DIR]
DATE	[DATE]	[DATE]	[DATE]	[DATE]	[DATE]

ML[number] **OFFICIAL RECORD COPY**

COMPATIBILITY COMMENTS ON *[State]* LEGALLY BINDING REQUIREMENT

STATE SECTION		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	**[CFR TITLE]** Description of comment Action State must take to meet compatibility. **Examples below**
1	legally binding requirement #1	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	legally binding requirement #2	20.1003	2002-2	A	**Definitions** [State's] 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	legally binding requirement #3	20.1003	1999-3	B	**Definitions** [State's] definition of "fit test" omits the phrase "or quantitatively" compared to NRC's definition. Fit tests should also have protocols to provide quantitative results. [State] needs to add the phrase to [state citation] to meet the Compatibility Category B designation assigned to Section 10 CFR 20.1003.

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
4	legally binding requirement #4	20.1401	1997-6	C	**General provisions and scope** [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. [State] needs to add this paragraph to [State citation] to meet the Compatibility Category C designation assigned to Section 10 CFR 20.1401.