

MJB/83/12/20/0

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Mr. Wilbur G. Ball, Executive Director  
 Department of Energy and Transportation  
 State of Mississippi  
 Watkins Building  
 510 George Street  
 Jackson, Mississippi 39202

Dear Mr. Ball:

Thank you for your letter of December 12, 1983, concerning your impressions of the discussions at the December 7, 1983 meeting of the State Liaison Officers with the NMSS staff. Early feedback regarding the states' perceptions of our remarks will help us to be more effective in communicating with the states in the future.

I am very concerned that the message you received was so negative. I have had my staff review the transcript of the meeting with the points you raised in mind. It appears that too much time was spent discussing the question of whether the NRC should view the states as either partners or adversaries, and, as a result, an opportunity to respond much more positively to your constructive suggestions was lost.

Some of the points you made on December 7 were:

- o NRC should start now to work with the states
- o States want to participate in NRC reviews of DOE programs, not just observe
- o Starting today, NRC should respond to written requests for information from the states
- o NRC should continue to attend meetings of the State working organization
- o NRC should keep states advised of what is going on and not make states rely on Freedom of Information Act requests to get information.

It has been the policy of my office to do all of the things you were suggesting and we plan to maintain this relationship. We have been working with the States, participating with them in meetings with DOE,

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providing them with copies of correspondence, and responding promptly to requests for information. The Department of Energy will do likewise under the Procedural Agreement that Mr. Morgan and I signed (copy attached). It is my understanding that we have a good working relationship with the Nuclear Waste Program technical staff of the Mississippi Department of Energy and Transportation and the Mississippi Bureau of Geology. NRC staff have participated in a number of meetings of Salt State representatives with DOE, and Salt State representatives have been invited to participate in NRC/DOE workshops on repository design and waste package design. I reiterate the invitation that I extended to the State Liaison Officers on December 7, that if you have a different perception of how our relationship is working, please call me.

One of the issues you raised, both in your comments on December 7, and in your letter of December 12, was the need to avoid resorting to a Freedom of Information Act request in order to obtain information from NRC. There is no need to do so, even today. Moreover, as Dr. Bell mentioned in the December 7 meeting, the staff is planning to propose to the Commission that the statutory direction that the NRC provide timely and complete information to the states, contained in Section 117(a) of the Nuclear Waste Policy Act, be incorporated into Subpart C of 10 CFR Part 60. When adopted, this provision will codify an important policy of ours and should help to resolve your concern.

Of course you realize that both NRC staff resources and our statutory authority have limits. In some instances we may not be able to respond as promptly as we would like and there may be areas of interest to the states that are outside of our jurisdiction. We remain willing to work within these constraints to ensure a mutually productive working relationship with State representatives.

Because of the interest of the states in NRC's policies in these areas, I plan to distribute a copy of your letter and this response to the State Liaison Officers.

Sincerely,

(Signed) John G. Davis  
John G. Davis, Director  
Office of Nuclear Material Safety  
and Safeguards

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*Legal Section for JG Davis*