



Organization of Agreement States

Robert Quillin, Chair
Richard A. Ratliff, P.E., Past Chair

Roland Fletcher, Chair-Elect
Thomas Hill, Secretary

October 21, 1996

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Sirs:

As you know, there are currently 29 states that have entered agreements with the NRC under Section 274 of the Atomic Energy Act of 1954. The agreement state program is an excellent example of the ability of states to conduct regulatory programs in an effective and efficient manner. The Organization of Agreement States (OAS) provides a vehicle for Agreement States to interact on common issues that affect individual states or all 29 Agreement States.

The OAS has received comments from individual Agreement States on the Direction Setting Issue Papers issued as part of the NRC's Strategic Assessment of Regulatory Activities. These comments have been summarized for each of the Direction Setting Issue Papers and are attached for consideration in this matter. Many of the individual Agreement States will provide state specific comments as well.

If you have any questions, please contact me.

Sincerely,

Robert Quillin, Chair
Organization of Agreement States
Radiation Control Division
Department of Health
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Organization of Agreement States

Comments on

U.S. NRC Strategic Assessment and Rebaselining Initiative

Direction Setting Issue Paper # 23 "Enhancing Regulatory Excellence"

This issue paper appeared to be focused on a total quality management approach to the NRC's regulatory program. We concur with the Commission's initial views, that is, that the proactive approach to the regulatory framework is desirable, but it should not be limited to the areas discussed. Continual quality improvements in all areas and consultation with stakeholders should be sought. This approach should be used in reviewing regulations, eliminating or changing those that are too restrictive, exempting those sources that pose no significant risk to the general public, concentrating efforts on radioactive material uses of higher risk.

The discussion of regulatory excellence should lend itself to more explicit application of risk assessment so as to determine whether a degree of risk is acceptable without further regulatory action.

Communication with stakeholders is important, such as feedback on inspector performance from licensees, timeliness of licensing actions, clarity and appropriateness of rules and regulatory guides.

The IMPEP process and the involvement of state personnel in this process has been beneficial thus far. More communication and collaboration is needed in this area. The states are finding, however, that in many other instances, NRC staff are not aware of how the Agreement State program functions - that the authority to regulate source, certain special nuclear and byproduct material is relinquished to the Agreement States, including management of incidents. In several cases, NRC still attempts to treat the Agreement States like licensees instead of the sister regulatory agencies that they are.

A thorough look at the processes involved in NRC's regulatory framework may reveal areas where budget savings could occur or where resource shifts could result in a more efficient program.

The document appeared to be more focused on reactor regulation than the materials program.



DSI-23

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NRC STRATEGIC ASSESSMENT AND REBASELINING INITIATIVE

DIRECTION SETTING ISSUE COMMENT FORM

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AFFILIATION Org of Agreement States

PLEASE CHECK ONLY ONE:

- ☐ DSI 2 - Oversight of the Department of Energy
- ☐ DSI 4 - NRC's Relationship with Agreement States
- ☐ DSI 5 - Low-Level Waste
- ☐ DSI 6 - High-Level Waste
- ☐ DSI 7 - Materials/Medical Oversight
- ☐ DSI 9 - Decommissioning - Non Reactor Facilities
- ☐ DSI 10 - Reactor Licensing for Future Applicants
- ☐ DSI 11 - Operating Reactor Program Oversight
- ☐ DSI 12 - Risk-Informed, Performance-Based Regulation

- ☐ DSI 13 - Role of Industry
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- ☐ DSI 20 - International Activities
- ☐ DSI 21 - Fees
- ☐ DSI 22 - Research
- ☒ DSI 23 - Enhancing Regulatory Excellence
- ☐ DSI 24 - Power Reactor Decommissioning
- ☐ General

COMMENT:

Attached

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