



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 4, 1996

The Honorable Steven H. Schiff
United States House of Representatives
Washington, DC 20515

Dear Congressman Schiff:

Thank you for your October 9, 1996 letter which forwarded a September 18, 1996 letter from Mr. Mark Weidler, Secretary of the New Mexico Environment Department, expressing concern about the Nuclear Regulatory Commission policy to discontinue funding for Agreement State training. This policy went into effect on October 1, 1996.

As you may know, the Commission has initiated a Strategic Assessment and Rebaselining effort that includes a review of the relationship between the NRC and the Agreement States. Funding of Agreement State training is again being addressed in this evaluation, and the NRC has conducted several public meetings to discuss this, along with other issues. While the Commission has not made a final decision on this matter, a majority of the Commission is preliminarily in favor of a compromise position in which the NRC would provide training to Agreement States without charge on a "space available" basis. Funding for travel and technical assistance would be borne by the Agreement States. Our objectives in the Strategic Assessment and Rebaselining effort with respect to this issue are to determine an equitable method of funding and an appropriate scope for NRC's Agreement State activities.

The Commission believes that the stakeholders' comments (from Agreement and non-Agreement States, Agreement and non-Agreement State licensees, and members of the public) will be important in the final resolution of this difficult issue. Your comments certainly will be considered in the analysis. Therefore, I have forwarded your October 9, 1996 letter to the Secretary of the Commission to be addressed as a comment on the Strategic Assessment and Rebaselining effort, Direction Setting Issue 4, NRC's Relationship with Agreement States. We welcome your further comments on this and other Strategic Issues. For your information, I have enclosed the public announcement and package of Direction-Setting Issues (DSI) that the Commission released for discussion at the public meetings.

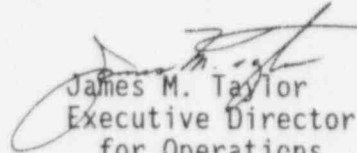
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The Honorable S. H. Schiff

-2-

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Sincerely,


James M. Taylor
Executive Director
for Operations

Enclosures:
As stated

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Original signed by
James M. Taylor

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Executive Director
for Operations

Enclosures:
As stated

Distribution:

EDO RF (GT96795)

DCD (SP08) PDR (YES_X_ NO__)

SECY (CRC-96-1070)

DIR RF

JMTaylor

HLThompson

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DSollenberger

Reimbursement Cost File

New Mexico File

DOCUMENT NAME: G:\SCHIFF.DMS

*See previous concurrence

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OFFICE	OSP	OSP:DD	OSP:D	DEDS	EDO
NAME	DMSollenberger:kk*	PHLohaus*	RLBangart*	HLThompson	JMTaylor
DATE	11/27/96	11/27/96	11/27/96	11/ /96	12/2/96

26
OCA
12/4/96

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-2-

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OSP FILE CODE: SP-R-14, SP-AG-19

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NAME	DMSollenberger:kk	PHLohaus	RLBangart	HLThompson		JMTaylor	
DATE	11/07/96	11/07/96	11/07/96	11/ /96		11/ /96	

OSP FILE CODE: SP-R-14, SP-AG-19

ACTION

EDO Principal Correspondence Control

FROM:

DUE: 10/31/96

EDO CONTROL: GT96795

DOC DT: 10/09/96

FINAL REPLY:

Rep. Steven Schiff

TO:

Chairman Jackson

FOR SIGNATURE OF :

** GRN **

CRC NO: 96-1070

Executive Director

DESC:

ROUTING:

ENCL. LETTER FROM MARK WEIDLER, STATE OF NEW
MEXICO, RE FUNDING FOR TRAINING IN AGREEMENT
STATES

Taylor
Milhoan
Thompson
Blaha

DATE: 10/21/96

ASSIGNED TO:

CONTACT:

SP

Bangart

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-96-1070 LOGGING DATE: Oct 16 96

ACTION OFFICE: EDO

AUTHOR: REP. STEVEN SCHIFF
AFFILIATION: U.S. HOUSE OF REPRESENTATIVES

ADDRESSEE: CHAIRMAN JACKSON

LETTER DATE: Oct 9 96 FILE CODE: ID&R 15

SUBJECT: CONCERNS RE AGREEMENT STATES

ACTION: Signature of EDO

DISTRIBUTION: CHAIRMAN

SPECIAL HANDLING: OCA TO ACK

CONSTITUENT:

NOTES: 11-1-96

DATE DUE: Oct 30 96

SIGNATURE: . DATE SIGNED:

AFFILIATION:

STEVEN SCHIFF
FIRST DISTRICT, NEW MEXICO

CHAIRMAN
SUBCOMMITTEE ON BASIC RESEARCH
COMMITTEE ON SCIENCE

VICE CHAIRMAN
COMMITTEE ON GOVERNMENT REFORM
AND OVERSIGHT

COMMITTEE ON THE JUDICIARY

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Congress of the United States
House of Representatives
Washington, DC 20515-3101

PLEASE REPLY TO:

☐ WASHINGTON OFFICE
2404 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-6316

☐ DISTRICT OFFICE
625 SILVER AVENUE, SW
SUITE 140
ALBUQUERQUE, NM 87102
(505) 766-2538

October 9, 1996

The Honorable Shirley Jackson
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Madam Chairman:

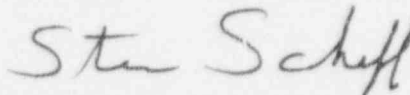
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It is my understanding that the NRC has historically reimbursed states for their efforts in keeping their radiation control programs in compliance with NRC requirements. In addition, Secretary Weidler maintains in his letter that NRC reimbursement for states carrying out these activities is less costly than would be the case if the NRC were to assume regulatory responsibility.

Please review Secretary Weidler's letter and respond to me regarding the reasons that the NRC decided to cease reimbursement at this time. Also, I am interested in whether the NRC intends to revisit this matter given the arguments made by New Mexico's State Environment Department and others.

Thank you very much for your time and attention to this matter.

Sincerely,



Steven H. Schiff



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

September 18, 1996

The Honorable Steven H. Schiff
United States Representative
2404 Rayburn
Washington, D.C. 20515

RECEIVED
OCT 3 1996

Dear Representative Schiff:

New Mexico became an Agreement State in 1974. The 1978 amendment to the Atomic Energy Act requires the NRC to periodically review Agreement State Programs. New Mexico's Radiation Control Program has always met the requirements to protect the public health and safety. Amendments to the New Mexico Radiation Protection Regulations, which became effective in May 1995, kept the state's program in compliance with NRC requirements.

Historically, the NRC has maintained a continuing relationship with each Agreement State to assure continued compatibility of the State's regulatory program and its adequacy to protect health and safety. This relationship included, among other things, training of Agreement State regulatory staffs at no charge to the participants. Beginning October 1996, the NRC will begin charging the Agreement States such as New Mexico for all training needs.

New Mexico's Radiation Control Program is funded wholly from the State General Fund and monies are unavailable to support training programs for staff previously sponsored by NRC.

The Department believes that the minimal support (approximately \$15,000 per year) provided to New Mexico through the States Agreement Program is a bargain for the NRC and should be continued. Should the NRC be required to assume regulatory responsibility for the state byproduct programs based on rescission of the agreement, the cost to the NRC would be substantial compared to the minimal support now provided to New Mexico.

If financial assistance for Radiation Control Program personnel training is not restored, New Mexico will have to look seriously at returning its entire Radiation Control Program to the NRC. Such an action would undoubtedly lead to the closure of many of the State's smaller businesses licensed to possess and use radioactive materials, since they will be unable to conform to the NRC's ever-escalating fee schedule.

Your assistance in petitioning NRC to amend its policy and restore financial support for the training needs of the Agreement States is strongly encouraged and will be greatly appreciated.

Please contact Mr. Benito J. Garcia or Mr. William Floyd of my staff at (505) 827-1557 should you have any questions.

Sincerely,

Mark E. Weidler, Secretary
New Mexico Environment Department

MEW:lr



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 4, 1996

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SP-2-14

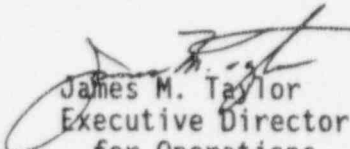
SP-A6-19

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DATE	11/27/96	11/27/96	11/27/96	11/ /96	12/1/96

Handwritten:
DCH
12/4/96

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DATE	11/17/96	11/17/96	11/17/96	11/ /96		11/ /96	

OSP FILE CODE: SP-R-14, SP-AG-19

ACTION

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FROM:

DUE: 10/31/96

EDO CONTROL: GT96795

DOC DT: 10/09/96

FINAL REPLY:

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TO:

Chairman Jackson

FOR SIGNATURE OF :

** GRN **

CRC NO: 96-1070

Executive Director

RE:

ROUTING:

ENCL. LETTER FROM MARK WEIDLER, STATE OF NEW
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STATES

Taylor
Milhoan
Thompson
Blaha

DATE: 10/21/96

ASSIGNED TO:

CONTACT:

S.

Bangart

SPECIAL INSTRUCTIONS OR REMARKS:

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-96-1070 LOGGING DATE: Oct 16 96

ACTION OFFICE: EDO

AUTHOR: REP. STEVEN SCHIFF
AFFILIATION: U.S. HOUSE OF REPRESENTATIVES

ADDRESSEE: CHAIRMAN JACKSON

LETTER DATE: Oct 9 96 FILE CODE: ID&R 15

SUBJECT: CONCERNS RE AGREEMENT STATES

ACTION: Signature of EDO

DISTRIBUTION: CHAIRMAN

SPECIAL HANDLING: OCA TO ACK

CONSTITUENT:

NOTES: 11-1-96

DATE DUE: Oct 30 96

SIGNATURE: . DATE SIGNED:

AFFILIATION:

EDO -- GT96795

STEVEN SCHIFF
FIRST DISTRICT, NEW MEXICO

CHAIRMAN
SUBCOMMITTEE ON BASIC RESEARCH
COMMITTEE ON SCIENCE

VICE CHAIRMAN
COMMITTEE ON GOVERNMENT REFORM
AND OVERSIGHT

COMMITTEE ON THE JUDICIARY

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Congress of the United States
House of Representatives
Washington, DC 20515-3101

PLEASE REPLY TO:

☐ WASHINGTON OFFICE
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WASHINGTON, DC 20515
(202) 225-6316

☐ DISTRICT OFFICE
625 SILVER AVENUE, SW
SUITE 140
ALBUQUERQUE, NM 87102
(505) 766-2538

October 9, 1996

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Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

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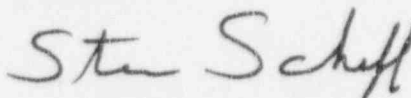
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DGT-87-1996 14:18

FROM STEVE SCHIFF 5857661674

TM

912022257815

P. 02



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Bunnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

September 18, 1996

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New Mexico became an Agreement State in 1974. The 1978 amendment to the Atomic Energy Act requires the NRC to periodically review Agreement State Programs. New Mexico's Radiation Control Program has always met the requirements to protect the public health and safety. Amendments to the New Mexico Radiation Protection Regulations, which became effective in May 1995, kept the state's program in compliance with NRC requirements.

Historically, the NRC has maintained a continuing relationship with each Agreement State to assure continued compatibility of the State's regulatory program and its adequacy to protect health and safety. This relationship included, among other things, training of Agreement State regulatory staffs at no charge to the participants. Beginning October 1996, the NRC will begin charging the Agreement States such as New Mexico for all training needs.

New Mexico's Radiation Control Program is funded wholly from the State General Fund and monies are unavailable to support training programs for staff previously sponsored by NRC.

The Department believes that the minimal support (approximately \$15,000 per year) provided to New Mexico through the States Agreement Program is a bargain for the NRC and should be continued. Should the NRC be required to assume regulatory responsibility for the state byproduct programs based on rescission of the agreement, the cost to the NRC would be substantial compared to the minimal support now provided to New Mexico.

If financial assistance for Radiation Control Program personnel training is not restored, New Mexico will have to look seriously at returning its entire Radiation Control Program to the NRC. Such an action would undoubtedly lead to the closure of many of the State's smaller businesses licensed to possess and use radioactive materials, since they will be unable to conform to the NRC's ever-escalating fee schedule.

Your assistance in petitioning NRC to amend its policy and restore financial support for the training needs of the Agreement States is strongly encouraged and will be greatly appreciated.

Please contact Mr. Benito J. Garcia or Mr. William Floyd of my staff at (505) 827-1557 should you have any questions.

Sincerely,

Mark E. Weidler, Secretary
New Mexico Environment Department

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