

From: Hampton Newsome *1062*  
To: WNP9.RLB2 *R. Borgant, OSP*  
Date: 3/6/96 3:33pm  
Subject: SDMP sites in Agreement States

Chip forwarded me your question about AS jurisdiction over contaminated sites that may have resulted from previous AEC/NRC licensed activities.

The general rule, as you know, is that the AS has the sole authority to regulate AEA material in its state unless some exemption to this general rule (such as those in 150.15) applies. We are not aware of any reason to deviate from this general rule in cases involving unlicensed, contaminated sites in Agreement States previously involving NRC/AEC licensed activities. Accordingly, unless there are some other aspects of this issue of which we are not aware, the AS has the statutory responsibility to regulate these sites.

If an AS refuses to regulate such sites, there are several options available to NRC including a withholding of an adequacy finding, emergency suspension, suspension, revocation, etc. I would imagine that our response to the state's inaction would be proportional to the perceived health and safety risk. It seems that this would necessarily involve a case by case review.

If you already have specific cases in mind or if there are other issues involved here, please let us know and we'll be happy to talk about them.

CC: FXC