



DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF RADIATION CONTROL

DSI-13

(12)

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November 21, 1996

John C. Hoyle
Secretary of the Commission
Nuclear Regulatory Commission
ATTN: Chief of Docketing and Services Branch
Washington, DC 20555-0001



Dear Mr. Hoyle:

We have reviewed several of the Strategic Assessment Issue Papers and have prepared comments on individual issue papers. These papers are enclosed. We also support the comments of the Organization of Agreement States regarding all issue papers. Thank you for the opportunity to comment on these important direction-setting issues for NRC. The extension to the comment period was also appreciated. If you have questions, do not hesitate to contact me.

Sincerely,

William J. Sinclair, Director
Division of Radiation Control

c: Dianne Nielson, Ph.D., Executive Director, UDEQ
Bob Quillin, Chairman, Organization of Agreement States





STRATEGIC ASSESSMENT ISSUE PAPER

DSI 13 - ROLE OF INDUSTRY

STATE OF UTAH COMMENTS

The basic question asked by NRC was: "In performing its regulatory responsibilities, what consideration should NRC give to industry activities?"

NRC cannot ignore that there is a role for industry into the regulatory process. The challenge is ensuring that the public perceives that NRC is operating at "arms' length" and is being fair and consistent in approach with licensees. In Utah, we think it is important to solicit involvement of impacted groups in our rulemakings. Recently, when a new rulemaking was proposed that might impact all licensees, an advance notice of rulemaking was mailed to all radioactive material licensees soliciting their input prior to putting the rule through the "formal" process. In another rulemaking involving radiation therapy rules, medical physicists working in this area as a group were contacted and input derived from them that ensured a higher rate of compliance would be obtained.

Statutory authority for rulemaking is delegated to the Utah Radiation Control Board. As such, all rules filter through the Board. The Board approves rules to go to public comment as well as giving the final approval following public comment. Interested parties also have the ability to provide input into proposed rules through their designated representatives on the Board. Board meetings are open to the public and widely publicized through a mailing list, publication of meeting notice, and the internet on the Division homepage.

NRC needs to examine what it wants to accomplish through its regulatory program. Utah believes that there is greater value in emphasizing compliance. This means that material inspectors partner with our licensees as a team to work on improvement of compliance. As a result, we have seen some dramatic turnarounds of "problem" licensees. Traditional enforcement such as penalties are always an option. It is one of the tools available in our toolbox as the situation warrants. Traditionally federal enforcement programs take great pride in announcing through press releases of companies being fined for large amounts of dollars. The hope is that such actions are a deterrent to others within the industry. The federal government regulatory agencies (not just picking on NRC) have this mentality. We need to promote the idea that "compliance sells" That is, that people really care that companies from which they purchase goods and services are protecting public health and safety.

Utah concurs with the opinion of the Organization of Agreement States and recommends Option 4 as the preferred option. This option recommends increased interaction with industry and professional groups.

Submitted by:

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