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DEPARTMENT OF NATURAL RESOURCES
OFFICE OF ENVIRONMENTAL AFFAIRS
NUCLEAR ENERGY DIVISION

WILLIAM H. SPELL
NUCLEAR PROGRAMS
ADMINISTRATOR

October 5, 1983

Mr. G. Wayne Kerr, Director
Office of State Programs
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Kerr:

For a number of years, the Agreement States have been given the privilege, at the annual meeting, of discussing items of mutual concern with only state representatives in attendance. This has encouraged free exchange of ideas and has enabled the states to identify and bring forward those which are most worthy of further discussion. Once again, the states express their sincere appreciation to the NRC for the opportunity to do this.

At our discussion on Thursday, September 29, 1983, the group of state representatives recommended that the following items be brought to the attention of the NRC and/or other cognizant agencies or persons:

1. In both Agreement and Licensing States, the need for guidance on recommended amounts for bonding for various categories of licensees was identified. It was decided that this item would be addressed by letter to the Conference of Radiation Control Program Directors, Inc., with a copy to the NRC.
2. In general, the results of the NGA Report on the Agreement State Program were favorably received by the states.
3. The states request that the NRC reevaluate its position with regard to limits on tubehead leakage from AECL model Theratron 80 teletherapy units.
4. The states request that the NRC evaluate or otherwise study the cost vs. benefit to state programs of P.L. 97-415 (Sholly Amendment to the Atomic Energy Act) in both Agreement and non-Agreement States in light of the states' generally limited ability to make judgments relative to potential problems involving changes in nuclear reactor technical specifications.

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5. The states request that a study be made of the feasibility of interfacing the various word processing systems in use with those of the NRC, in particular, and those of other agencies of the federal government, in general, in order to save time in transcribing federal regulations and converting to state regulations when necessary or desirable. It could also provide a rapid means for dissemination of information and enhance the ability of all agencies to comment on proposed new regulations and changes to existing regulations.

6. The Agreement States support the NRC's environmental assessment and the standards for Low-Level Waste repositories established in 10 CFR 61. We recommend that the Environmental Protection Agency follow these standards and plan to communicate this to EPA through the Conference of Radiation Control Program Directors, Inc., with a copy to the NRC.

7. The states request that NRC proceed to urge the Department of Energy to rapidly provide means of disposing of americium-241, in particular, and transuranics, in general, as mandated in the National Waste Policy Act of 1982.

8. The Agreement States are satisfied with the present criteria for judging the adequacy of state programs, but the states recognize that, with time, there may be need to revise those criteria. The states offer their assistance in the development of revised criteria and recommend that any revised criteria be first applied to NRC regulated activities in non-Agreement States and in any Agreement States which may be willing to volunteer. To accomplish this purpose, the states plan to send a letter to Chairman Palladino, offering their assistance and suggesting that the recommendations of the NGA report be followed in this regard.

9. The states desire to express concern that the Commission not make excessive use of the expeditious promulgation of new regulations or interpretation of rules, thereby bypassing the complete rulemaking process and not allowing adequate time for public comment.

10. The states also express strong concern over actions of other federal agencies, over which the NRC has no regulatory authority, which have caused environmental insult outside site boundaries but which the state was powerless to either prevent or remedy. It appears that Congressional attention needs to be focused on this matter, and working through the Conference of Radiation Control Program Directors, Inc., appears to be the proper mechanism to accomplish this purpose.

11. The Agreement States commend the efforts of NRC to reevaluate the feasibility of regulating naturally-occurring and accelerator-produced radio-nuclides and encourage the NRC staff to proceed expeditiously to accomplish this goal.

12. The Conference of Radiation Control Program Directors' Low-Level Waste Committee is working to establish de minimis levels for all radionuclides; however, the states also urge and encourage NRC to continue working toward this end.

13. The states recommend that the NRC go forward with the development of a radiographer testing program to assure the adequacy of radiographic personnel training being provided by licensees and outside consultants so that only qualified persons perform radiography.

14. The Agreement States will send a letter to the Conference of Radiation Control Program Directors, Inc., expressing concern over the "rapid and persistent" turnover of professional personnel and recommending that a national workshop be held to focus the attention of those entities (e.g., the National Governors Association, the National Conference of State Legislators, or the Association of State Personnel Officers) best able to assist in solving the problem.

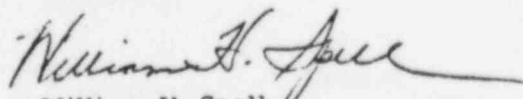
15. The states desire to continue working with NRC staff in developing a mutually acceptable revision to 10 CFR 35. The states, in general, are not in full accord with the proposed "commitment review" concept as opposed to a "procedures review" concept which is presently being utilized, and the states request reconsideration of this matter.

In keeping with the spirit of decentralization, the Agreement States recommend that a location in the vicinity of Walnut Creek, California, be chosen for the annual meeting next year. In the event this is not feasible, the states would have no problem with a proposal to meet in the vicinity of the NRC's newest office in Denver, Colorado.

Finally, it is my desire to express appreciation to Mrs. Ruth McBurney for taking reliable notes during the state portion of the meeting, to the staff of the Office of State Programs for their assistance in performing the duties of Chairman during the past year, and to inform the NRC that next year's Chairman is Mr. Mike Mobley, of the State of Tennessee.

If additional information or clarification of the above report is needed, please contact Mr. Mobley or me.

Sincerely,


William H. Spell

cc: All Agreement States
Other States in Attendance
Conference of Radiation Control Program Directors, Inc.