



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 13, 1997

Dr. John A. Volpe, Manager
Radiation Control
Commonwealth of Kentucky
Department for Public Health
Frankfort, Kentucky 40621-0001

Dear Dr. Volpe:

I am responding to your letter of April 21, 1997, regarding State participation in the Commission's efforts relating to the external regulation of the Department of Energy (DOE). The Nuclear Regulatory Commission (NRC) recently created a Task Force to develop a plan for NRC regulation of certain DOE nuclear facilities. The issues that you have raised, particularly the need for close coordination with Agreement States and the need to determine whether machine-generated radiation and naturally occurring radioactive material (NORM) will be included in the external regulation provided by NRC, are within the scope of the Task Force Charter. Also, the issue you raised about DOE contractor exemptions will be referred to the Task Force for consideration, during its discussions.

We intend to coordinate our approach carefully with the affected States' approaches to the tasks related to this undertaking. The importance of State participation also was emphasized by the State participants in the Commission's Strategic Assessment process. As you noted in your letter, these participants indicated that the States have established a special committee to address Federal Facilities. It would be very helpful to our coordination efforts if a central point of contact with the States were designated. We will be contacting the Organization of Agreement States and the Conference of Radiation Control Program Directors to discuss approaches for State participation.

We appreciate your concern and will contact you soon concerning the Task Force's initial activities.

Sincerely,

Shirley Ann Jackson

cc: Robert Quillen, OAS
William Dornsife, CRCPD
Michael Mobley, State of Tennessee
John Erikson, State of Washington

Chairman Corles



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CABINET FOR HEALTH SERVICES

COMMONWEALTH OF KENTUCKY
FRANKFORT 40621-0001



DEPARTMENT FOR PUBLIC HEALTH

April 21, 1997

Shirley Jackson, Chair
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Chair Jackson:

The Nuclear Regulatory Commission's recent decision to endorse taking responsibility for regulatory oversight of certain Department of Energy activities provides a first step in unification of radiological issues under a single federal agency. This approach provides a unique opportunity to demonstrate to the regulated community and the public that radiological issues will be addressed utilizing a single set of regulations, standards, risk assessment/management approaches, and guidelines.

We request the Commission provide state radiation control agencies which have DOE facilities within their borders an opportunity to work with the Commission in the developing approaches for the regulatory control of these facilities. Agreements with DOE or legislation for assuming regulatory responsibility for DOE facilities should reflect Agreement States' roles with regard to AEA and other radioactive material. All sources of ionizing radiation represent public health concerns and need to be addressed in any action dealing with the regulation of DOE facilities.

The Conference of Radiation Control Program Director, Inc. has established a Federal Facilities Committee for review and evaluation of activities at DOE facilities. The NRC and DOE should consider bringing this Committee into the discussion relative to the external regulation of DOE facilities.

Finally, with the major focus of DOE on environmental restoration, the present exemption for DOE contractors and subcontractors is not justified and should be modified to allow for the same licensing and regulatory oversight that is required for contractors conducting decommissioning and decontamination activities at NRC and Agreement State facilities.

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Shirley Jackson, Chair
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Bringing state radiation control programs and the CRCPD Federal Facilities Committee into these discussions would be beneficial to all parties in the transition to external regulation of DOE facilities.

Thank you for your attention to these matters.

Sincerely,



John A. Volpe, Ph.D., Manager
Kentucky Radiation Control

C: Commissioner Dicus, NRC
Commissioner Rodgers, NRC
Commissioner Diaz, NRC
Commissioner McGaffigan, NRC
Joseph L. Callan, EDO, NRC
Frederico Pena, Secretary, DOE
Charles M. Hardin, Executive Director CRCPD
Jimmy Hodges, Manager, Paducah Gaseous Diffusion Plant