

June 7, 2013

ALL AGREEMENT STATES

OPPORTUNITY TO COMMENT ON DRAFT REVISIONS TO THE “POLICY STATEMENT ON ADEQUACY AND COMPATIBILITY OF AGREEMENT STATE PROGRAMS” AND THE “STATEMENTS OF PRINCIPLES AND POLICY FOR THE AGREEMENT STATE PROGRAM” (FSME-13-055)

Purpose: To inform you of an opportunity to comment* on revisions to the “Policy Statement on Adequacy and Compatibility of Agreement State Programs” and the “Statements of Principles and Policy for the Agreement State Program.”

Background: On August 25, 1993, the Commission requested the U.S. Nuclear Regulatory Commission (NRC) staff to recommend improvements to the NRC’s Agreement State Program to assure adequate protection of public health and safety. The Commission approved both policy statements on June 29, 1995, but deferred their implementation until all implementing procedures were completed and approved by the Commission. These policy statements became effective on September 3, 1997 (62 FR 46517).

Discussion: A December 2, 2010, Staff Requirements Memorandum (SRM-SECY-10-015) directed the NRC staff to update the Commission Policy Statement on Adequacy and Compatibility of Agreement State Programs and associated guidance documents to include both safety and source security considerations in the determination process. Both the “Policy Statement on Adequacy and Compatibility of Agreement State Programs” and the “Statements of Principles and Policy for the Agreement State Program” have been updated by working groups made up of NRC and Agreement State representatives, to include such subject matter as security of radioactive materials and to incorporate changes in the NRC policies and practices.

In addition to requesting comments on the revisions made to the policy statements, the NRC is specifically requesting comments on (1) Compatibility Category B in the “Policy Statement on Adequacy and Compatibility of Agreement State Programs,” (2) consideration of a performance based approach in determining Agreement State compatibility, and (3) performance based metrics in the adequacy determination of an Agreement State program.

* This information request has been approved by OMB 3150-0029, expiration 11/30/2013. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and Information Services Branch (T-5F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects.resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0200), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

The notice announcing the availability of the draft revisions to the policy statements on Agreement State Programs for comment was published in the *Federal Register* (78 FR 33122) on June 3, 2013. A copy of the *Federal Register* notice is enclosed.

The draft revision can also be found in the NRC's Agencywide Documents Access and Management System using the Accession Number ML13093A222. For ease of reviewing the draft revisions, redline-strikeout copies of each policy statement have been enclosed.

The comment period ends on August 19, 2013. Please follow the directions in the *Federal Register* for submitting comments. We look forward to receiving your input.

If you have any questions regarding this communication, please contact me at 301-415-3340 or the individual named below:

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/RA/

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Office of Federal and State Materials
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Enclosures:

1. *Federal Register* Notice
2. Policy Statement on Adequacy and Compatibility of Agreement State Programs redline-strikeout
3. Statement of Principles and Policy For the Agreement State Program redline-strikeout

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