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NRC SEEKS PUBLIC COMMENT ON COMPATIBILITY
OF STATE RADIATION PROGRAM

The Nuclear Regulatory Commission announced today that it is seeking comment from a broad spectrum of the public on the matter of compatibility of Agreement States' radiation control programs with those of the NRC.

In 1959 Congress provided a mechanism for States to enter into formal agreements with the NRC under which the States assume regulatory authority over the uses and disposal of certain radioactive materials. At present there are 28 States with which NRC has such agreements (Agreement States).

Under the Agreement State program, the NRC relinquishes, rather than delegates, its authority to Agreement States by agreement with the Governor after finding that the State's radiation control program is adequate to protect public health and safety and is compatible with the NRC's regulatory program. In these cases the NRC works in partnership with these States in fulfilling its regulatory responsibilities. The NRC has the responsibility for assuring the adequacy and compatibility of the State's regulatory program on a programmatic level but does not concur in the State's specific regulatory actions. However, in conducting periodic reviews of Agreement States' programs for adequacy and compatibility, NRC does examine licensing and other regulatory actions taken by the State, including enforcement actions, as indicators of the program's status.

The Commission is reviewing its practices concerning implementation of the requirements in the Atomic Energy Act to ensure that the Agreement States' programs are compatible with the NRC's. The Agreement States have expressed increasing concern over NRC's interpretation of compatibility requirements. Concern regarding NRC's approach to compatibility was sharply highlighted in the public response to the Commission's "Below Regulatory Concern" policy statement, which was published in July 1990. In light of this and other concerns, the NRC placed a

moratorium on the implementation of the policy statement; that moratorium continues to be in effect.

A notice of the Commission's request for public comment will be published in the Federal Register on December 23, 1991. The Commission is particularly interested in comments that respond to a number of questions provided in this Federal Register notice. Comments will be requested within 45 days (by February 5, 1992) and should be sent to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of a report prepared by the NRC staff entitled "Evaluation of Agreement State Compatibility Issues," a report from a Task Force to the Organization of Agreement States, and background information on the Agreement State program are available for inspection and copying in the NRC's Public Document Room, 2120 L Street, NW, Washington, DC.

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