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NRC ISSUES TWO POLICIES
ON AGREEMENT STATE PROGRAM

The Nuclear Regulatory Commission has issued two policy statements governing its Agreement State program. One policy describes the general roles and responsibilities of the NRC and the Agreement States. The other provides guidance on how the NRC determines adequacy and compatibility of Agreement State programs.

Agreement States, now 30 in number, are states which have entered into agreements with NRC to assume regulatory authority over certain radioactive materials. They must establish programs which NRC has found to be adequate to protect the public health and safety as well as compatible with NRC's own requirements.

The policy describing NRC-Agreement State general roles and responsibilities was published in draft form for comment in the Federal Register in August 1994.

The policy-setting guidance on adequacy and compatibility contains five elements deemed essential to a state's program to ensure the adequate protection of public health and safety. They are: implementing state legislation and regulations; licensing; inspection and enforcement; staffing and personnel qualifications; and response to events and allegations. States will be periodically evaluated to assure that the combination of these elements provides an equivalent or greater level of public health and safety protection than NRC programs.

This policy also clarifies the definitions of key terms used in agreement state reviews. "Adequacy" refers to an agreement state's protection of public health and safety within its own state. "Compatibility" refers to the possible effects of an agreement state's actions on regulation of materials nationwide. Under the new policy, states may design their own regulatory program, so long as basic requirements for adequacy and compatibility are met. In this way, the policy aims to achieve a balance between a state's desire for flexibility in shaping

regulations to fit local conditions, while maintaining a coherent and orderly regulatory pattern across the country.

A public workshop was held in November 1994 to discuss the second policy. A joint NRC/Agreement State working group was convened a year later to develop implementing procedures.

The new policy guidelines will be used during NRC's reviews of Agreement States' programs to assess their adequacy and compatibility. Such reviews take place about every four years.

The two new policies will be published shortly in the Federal Register.

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