

Remarks by Ivan Selin
Chairman, U.S. Nuclear Regulatory Commission
before the
National State Liaison Officers
September 29, 1993

Good Morning, Ladies and Gentlemen. I am very pleased to welcome you to the NRC's National State Liaison Officers' meeting. I think you will find the agenda items interesting and very timely.

Most of you are aware that there have been several occasions this year when the NRC's national medical and materials program and the Agreement States program have been on the "firing line." A GAO report on the NRC and Agreement States materials program was published in April of 1993. There was a hearing before Senator Glenn in May to discuss regulation of radiation medicine. We also appeared before Representative Synar in August to discuss the Agreement States program. I view this scrutiny as constructive and believe that it will lead to program improvements.

We have given the public, Congress, the General Accounting Office and the media an open and honest account of events and issues surrounding our materials and medical programs and the Agreement States program. In developing these regulatory programs, the NRC has followed Congress' mandate to the best of our ability. However, with the benefit of the overview performed in preparing for the Congressional hearings, I will be the first to admit that in hindsight there are areas for improvement. There are policies we need to work on, and areas which may need major changes. In making these changes, and with your input, I believe we can strive for better inspection, licensing, investigation, and enforcement programs which will give us and the public greater confidence that the public's health and safety is adequately protected.

As a result of our recent scrutiny of the materials regulatory programs, the agency concluded that it is time to go on to a new phase in the evolution of the very successful

Agreement States Program. Carl Kammerer provided excellent leadership in developing our present program with the active participation of 29 agreement states. We appreciate his efforts and salute his achievements during these past years. However in the next phase of development of the program, the agency concluded that we need closer coordination of the agreement states program with the NRC materials licensing program, requiring different leadership skills. I know you will welcome Richard Bangart in his new role as Director of the Office of State Programs. He has extensive experience in the materials program and in low-level waste management. In addition to his technical and management abilities, we have a great deal of confidence in his ability to maintain and build upon the strong spirit of cooperation we have had over the years.

NRC has entered an era of increased interaction with the States and the public in general. I'd like to mention a few programs where your interest and participation will be important.

The Agreement State Program

The 29 Agreement States regulate two-thirds of the approximately 22,000 materials licensees in the United States.

The "compatibility" of Agreement State regulatory programs with the NRC has been the focus of many policy discussions. Concerns on compatibility have been raised repeatedly by Agreement State personnel. The staff, with input from Agreement and Non-Agreement States, licensees, and citizens groups, is developing options for a Commission policy on compatibility which will be presented to the Commission and then published for public comment.

A frequent criticism of the agreement states is that it takes too long for them to adopt changes to their regulations once NRC changes have been made. Although in most cases that criticism is not justified, I believe this delay can be shortened when demonstrable health and safety considerations require it. NRC is also continuing to examine innovations to improve the early involvement of agreement states and their licensees in the development of regulatory requirements.

We are developing a new program evaluation approach which we intend to implement beginning next year. The core performance indicators are expected to include both the traditional programmatic indicators as well as output indicators such as medical misadministrations, lost or abandoned radioactive sources, radiation overexposures, and contaminated sites. These core performance indicators could be used in the development of an annual integrated materials safety evaluation for each Agreement State and NRC regional office. Our goal is to identify

the strengths of each program, to provide comparable core performance assessment measures for both programs so that the public is better served regardless of where the license comes from.

Medical Radiation Regulation

One major element of the Agreement States' and NRC's licensing program is the medical licensing program. The current framework for the regulation of medical radiation involves various regulatory agencies at the Federal and the State level. NRC and Agreement States regulate the use of byproduct, source and special nuclear material at the user level while FDA regulates the safety and effectiveness of drugs, biologics, and medical devices, primarily at the manufacturer level. The MOU recently signed by NRC and FDA is a first step in fostering cooperation between the two federal agencies and providing more effective exchanges of information.

At the State level, medical radiation safety programs may vary from State to State or within States for differing sources of radiation. There is no central database to accumulate the statistics necessary to determine if there are health and safety problems in the medical radiation area, and there is no plan in place for developing such a database. Reporting of events, and requirements for training and experience of health care professionals, also varies.

Our objective is to ensure that members of the public receive adequate radiation protection during medical procedures without undue interference by us in the practice of medicine. We recently completed a preliminary study on possible alternatives to the current regulatory structure for medical uses of radiation. The study concluded that the regulatory framework currently in effect for medical radiation should be maintained until more definitive data are available. The bottom line is that we need to collect and analyze the information out there to determine if there is, in fact, any health and safety problem. The study also found no great desire either to expand or curtail the scope of our jurisdiction, in spite of the basic inconsistency in our regulating therapeutic radiation from cobalt devices but not from linear accelerators.

Reactor License Renewal

Turning to reactor regulation, one area of Commission attention has been plant license renewal. Nuclear power plants can apply for a renewal of their license to continue operating for up to an additional 20 years beyond their original license expiration date. There are two parts to the license renewal

process; Part 54, which contains the procedures, criteria and standards for licensees to renew operating licenses, and Part 51, which describes the NRC's environmental review process for compliance with NEPA.

A public workshop will be held tomorrow on the Part 54 aspect of plant license renewal; this involves evaluation of alternative approaches on the best way to take advantage of licensee activities and programs for concluding that aging will be addressed in an acceptable manner during an extended period of operation.

Part 51, containing the environmental review requirements, has been a focus of interest to the States. The Commission has issued a draft generic environmental impact statement and a proposed amendment to Part 51 concerning the scope of environmental issues to be addressed in individual license renewal proceedings. The draft GEIS and amendment to Part 51 address the treatment of need for generating capacity and alternative energy sources. Many States expressed concerns about potential preemption of State regulatory authority relative to these issues. The staff will be conducting discussions with the States regarding these policy issues prior to developing and presenting options to the Commission.

A series of workshops on license renewal is being planned with the States in Atlanta, Boston, Chicago and Washington, D.C. You should have been notified of these workshops through the Office of State Programs. The purpose of the workshops will be to discuss the alternative approaches to resolving the States' concerns and to receive State reaction to the various approaches to addressing these concerns. Some States have already expressed interest in participating in the process, and we encourage you to do so.

Enhanced Participatory Rulemaking and Site Decommissioning

The enhanced participatory rulemaking on radiological decommissioning standards, I believe, is a prime example of the importance we place on public participation in a very controversial and critical area. We have held a series of workshops around the country with interested parties and the public which fostered open discussions and the airing of differing views. It was not the intent that a consensus agreement be reached, but rather to elicit informed discussions of options and approaches. We have held scoping meetings which will assist us in drafting radiological criteria for decommissioning of lands and structures, and help us analyze the costs and environmental impacts associated with alternative regulatory approaches for establishing these criteria. The result will be that the public will have had a chance to put

their opinions on the record and provide early input into the rulemaking which will establish criteria for residual levels of contamination after remediation of licensed facilities in their communities.

By incorporating into our regulations radiological criteria for termination of licenses and for the release of land and structures for unrestricted use, we will ultimately achieve more efficient and consistent licensing actions -- residual contamination criteria will be codified and uncertainty about possible changes in residual contamination limits will be reduced.

Separately, the staff is presently reviewing the options available to revise the inadequate levels of funding for cleanup and decommissioning in the present regulation. We have also established an 800 number for the public to call in with questions or concerns.

Site Decommissioning Management Plan

NRC also issued a Site Decommissioning Management Plan which lists problem contaminated sites identified to date and outlines a strategy for accomplishing the remediation of these sites in a timely manner. Some of your governors already have received information on our intent to assure that licensees or other responsible parties implement remedial actions at sites in your States. We have been cooperating successfully with the States in this area.

The entire effort devoted to remediation of contaminated sites, including the Site Decommissioning Management Plan and the Enhanced Participatory Rulemaking, clearly demonstrates that we want to involve the public in issues which are important to the citizens of the community.

Spent Fuel Storage

The urgent need for spent fuel storage space has also become a matter of concern. The NRC has issued a number of site-specific licenses for interim storage of spent fuel in "independent spent fuel storage installations" (ISFI's). These site-specific licenses are issued following completion of NRC safety and environmental reviews and there is an opportunity for public hearing on the application. The NRC also certifies storage cask designs after a complete safety analysis, for use under a general license at any power reactor site. The spent fuel storage facilities are specifically designed and constructed for interim spent fuel storage until its shipment to the U.S. Department of Energy's planned high-level waste repository. I

believe that NRC-approved dry casks provide a safe and reliable temporary solution to a long term problem.

Conclusions

We welcome your views about NRC's State Liaison Officer Program. We will do all we can to make sure that the lines of communication and assistance are open between us to make the radiological health issues easier for us to handle. The Office of State Programs has these meetings to share information and find out your problems or concerns. We do provide technical assistance to States in a variety of radiological health areas, and I truly believe we can help and learn from each other.

Please let us know if you have concerns, if you feel you need our help on certain issues, or if you have thoughts about how NRC can strengthen its programs. The issues which affect the States include literally all issues - waste, nuclear power plant economics, transportation, contamination, medical procedures, emergency planning, reactors - You have a vested interest in getting involved in NRC's activities and I welcome that involvement.

Thank you, and I hope you have a successful and informative meeting.