

July 30, 2003

MEMORANDUM TO: Shawn Rochelle Smith, Co-Chair
NMP Pilot Project I Working Group, NRC

Ruth E. McBurney, Co-Chair
NMP Pilot Project I Working Group, Texas

FROM: Paul H. Lohaus, Director */RA/*
Office of State and Tribal Programs

SUBJECT: REQUEST FOR LISTING OF REGULATORY NEEDS

We have reviewed the request from Pilot Project 1 working group for a listing of regulatory needs. Given the slightly different focus of the Office of State and Tribal Programs' activities, when compared to that of NMSS or a State radiation control program, our listing may contain identification of programmatic needs which are not related to a specific "materials regulatory" need. However, we view the activities as essential to a fully functioning national materials program, and thus we have identified them for your consideration.

There are several key activities including maintaining ability to review and recommend approval of new Agreement State applications; to review the performance of NRC and Agreement State implementing materials programs; to review, evaluate and recommend regulatory action relating to Agreement State (and NRC) incidents; to review, evaluate and respond to allegations involving Agreement State programs and licensees; and to help ensure Agreement State involvement in NRC regulatory development and security activities. A listing of several key regulatory needs relating to these activities follows:

- Develop guidance on parallel development of the Conference of Radiation Control Program Directors (CRCPD) Suggested State Regulations (SSRs), with changes to NRC's regulations, including a process by which SSRs are kept up to date with changes that affect multiple CFR chapters and are compatible with CFRs.
- Develop guidance for early and substantive opportunities for State involvement in NRC materials regulatory program activities.
- Develop a system to provide technical assistance from those experienced in an area of need, whether it be NRC or Agreement States.
- Develop a process to expand the Integrated Materials Performance Evaluation Program (IMPEP) to include NRC headquarters' material activities.

- Establish a review team for new agreement packages.
- Revise 10 CFR Part 30 to require that all Sealed Sources and Devices (SS&D) containing AEA material have a SS&D Certificate in order to be distributed and used. Currently, generally licensed devices do not require a SS&D Certificate.
- Develop and host Topical Seminars in areas such as Mega-Curie Irradiators, Medical Therapy Devices, Financial Sureties, Decommissioning, Automation of RAM Programs and Sealed Source and Device Evaluations.
- Develop a Self-Audit Model for AEA materials programs that could be used in the Radiation Control Program's X-Ray, NARM, Environmental and Non-Ionizing Radiation Sections.
- Provide training for IMPEP review teams.
- Update procedures for IMPEP reviews.
- Revise non-common performance indicators under IMPEP to include review criteria for Sealed Sources and Devices; Low Level Waste; Uranium Recovery; Fuel Cycle; and Site Decommissioning Management Plan sites.
- Revise heightened oversight procedure, and include procedures for monitoring.
- Develop consensus standards for handling allegations.

We appreciate the opportunity to provide input.

Shawn Rochelle Smith
Ruth E. McBurney

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