

December 24, 2003

Stanley Fitch, Chair  
Organization of Agreement States  
Radiation Control Bureau  
Field Operations Division  
Environment Department  
Harold S. Runnels Building  
P.O. Box 26110  
1190 St. Francis Drive, Room S2100  
Sante Fe, NM 87502-4173

Dear Mr. Fitch:

The U.S. Nuclear Regulatory Commission (NRC) appreciates the opportunity to comment on the proposed Organization of Agreement States (OAS) recommendation to the U.S. Congress to establish a national radiation policy. The NRC supports efforts to foster a coherent approach to radiation policy and regulation, and to coordinate with other agencies to minimize duplication of efforts. We recognize the complexity of the current radiation regulatory environment, as shown by the variety of Memoranda of Understanding (MOUs) NRC has entered into with other agencies. NRC has in the past, and will continue in the future, to support coordination with other agencies to encourage efficient and effective regulation. However, at this time the NRC does not have a stated position on amending the Atomic Energy Act (AEA) to establish a national radiation policy. Enclosed for your information are examples demonstrating NRC efforts in coordinating with other agencies to address radiation issues through the use of MOUs and other collaborative efforts.

If you have any questions on these comments, please contact me at (301) 415-3340 or [pfl@nrc.gov](mailto:pfl@nrc.gov), or Terry Brock at (301) 415-2323 or [tab2@nrc.gov](mailto:tab2@nrc.gov).

Sincerely,

*/RA/*

Paul H. Lohaus, Director  
Office of State and Tribal Programs

Enclosure:  
Examples of NRC Coordination with Other Agencies

## EXAMPLES OF NRC COORDINATION WITH OTHER AGENCIES

### Memorandum of Understanding (MOU)

The NRC has signed a variety of MOUs with other Federal agencies to avoid or minimize dual regulation and to coordinate Federal resources in radiation regulatory issues. The example NRC MOUs listed below, in reverse chronological order, are with the U.S. Environmental Protection Agency (EPA), Department of Interior (DOI), National Science Foundation (NSF), Food and Drug Administration (FDA), Federal Emergency Management Agency (FEMA), Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA), and the Department of Transportation (DOT). A short summary sentence follows each MOU with the associated web site or a *Federal Register* citation.

EPA (2002) - The MOU is intended to reduce dual regulation of radiological decommissioning of NRC-licensed sites. (<http://www.nrc.gov/reading-rm/doc-collections/news/2002/mou2fin.pdf>)

DOI (2000) - The MOU is to identify the areas of cooperation between both agencies to facilitate NRC inspection of the safe use of radioactive materials on offshore facilities and laybarges. (65 FR 11612 on March 3, 2000)

NSF (1999) - The MOU describes the responsibilities of both agencies in ensuring the public health and safety and the environment from the hazards of radioactive materials that may be used in Antarctica. (64 FR 50116 on Sept 15,1999)

FDA (1993) - The MOU coordinates existing regulatory programs for (1) medical devices, drugs, and biological products utilizing byproduct, source, or special nuclear material; and (2) the use of potassium iodide (KI) in response to events involving accidental release of radioactive iodine. (<http://www.nrc.gov/materials/ml023520399.pdf>)

FEMA (1993) - The MOU establishes a framework of cooperation in radiological response planning matters. (58 FR 47996 on Sept 14, 1993)

EPA (1992) - The MOU ensures NRC and Agreement State licensed facilities, other than nuclear power reactors, will continue to limit air emissions of radionuclides to levels that result in protection of the public health with an ample margin of safety. (57 FR 60778 on Dec. 22,1992)

EPA (1992) - The MOU is to foster cooperation between the agencies and establishes a framework to resolve issues of mutual concern. (57 FR 54127 on Nov. 16, 1992)

OSHA (1988) - The MOU is designed to ensure that there will be no gaps in worker protection at NRC-licensed facilities where OSHA also has health and safety jurisdiction and to avoid duplication of effort on the part of the two agencies. (<http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1988/in88100.html>)

EPA (1980) - The MOU defines the respective roles of both agencies in regulating radiological emissions from NRC licensed facilities. (45 FR 72980 on Nov. 3, 1980)

MSHA (1980) - The MOU describes the coordination of regulatory activities of both agencies at source material mills. (45 FR 1315 on Jan 4, 1980)

DOT (1979) - The MOU delineates the respective responsibilities of both agencies in respect to the transportation of radioactive material. (44 FR38690 on July 2, 1979)

EPA (1975) - The MOU describes each agencies responsibilities under the Federal Water Pollution Control Act. (40 FR60115 on Dec 12, 1975)

#### Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM)

The MARSSIM provides information on planning, conducting, evaluating, and documenting building surface and surface soil final status radiological surveys for demonstrating compliance with dose or risk-based regulations or standards. The MARSSIM is a multi-agency consensus document that was developed collaboratively by four Federal agencies having authority and control over radioactive materials: Department of Defense (DOD), DOE, EPA, and NRC. The MARSSIM's objective is to describe a consistent approach for planning, performing, and assessing building surface and surface soil final status surveys to meet established dose or risk-based release criteria, while at the same time encouraging an effective use of resources<sup>1</sup>. (<http://www.epa.gov/radiation/marssim/>)

#### Interagency Steering Committee on Radiation Standards (ISCORS)

ISCORS is comprised of eight Federal member agencies from the NRC, EPA, DOE, DOD, Health and Human Services, Department of Transportation, Department of State, and OSHA. In addition, observer agencies from the States, Office of Management and Budget, and the Office of Science and Technology are present at ISCORS meetings. ISCORS facilitates consensus on acceptable levels of radiation risk to the public and workers and promotes consistent risk approaches in setting and implementing standards for protection from ionizing radiation. NRC supports and provides leadership in this endeavor. (<http://www.iscors.org>)

#### Staff Requirements - COMSECY-96-057 Materials/Medical Oversight (DSI-7)

DSI-7 issues included consideration of whether NRC should assume responsibility for additional radiation sources such as x-ray and accelerators, and whether NRC should discontinue regulation of medical activities. The Commission was willing to consider taking on broader regulatory responsibilities for higher risk activities involving other sources of ionizing radiation, but at the time of the writing of this COMSECY, the Commission did not want such efforts to divert resources from the 10 CFR Part 35 rulemaking that was underway at the time. (<http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/1996/1996-057comsrm.html>)

#### Expanded Authority for Certain Naturally Occurring and Accelerator-produced Radioactive Material (NARM)

The Commission has supported legislation in the past to expand NRC authority over certain NARM material. (<http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2000/2000-0002comexmscy.html>)

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<sup>1</sup>[http://www.epa.gov/radiation/marssim/docs/revision1\\_August\\_2002corrections/toc.pdf](http://www.epa.gov/radiation/marssim/docs/revision1_August_2002corrections/toc.pdf)

Stanley Fitch

December 24, 2003

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