

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jan 30, 2007 09:48

PAPER NUMBER: LTR-07-0061

LOGGING DATE: 01/30/2007

ACTION OFFICE: EDO

To: Miller, FSME

AUTHOR: Paul Schmidt

AFFILIATION: WI

ADDRESSEE: Dale Klein

SUBJECT: OAS survey of non-agreement states

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ACTION: ~~Direct Reply~~ Appropriate

DISTRIBUTION: RF, SECY to Ack

LETTER DATE: 01/26/2007

ACKNOWLEDGED No

SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE: ~~02/21/2007~~

DATE SIGNED:



Organization of Agreement States

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January 26, 2007

The Honorable Dale E. Klein, Ph.D., Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

SUBJECT: State survey

Dear Dr. Klein:

The Organization of Agreement States (OAS) Executive Board recently completed a survey of non-agreement states to help identify barriers to states pursuing an agreement with the Nuclear Regulatory Commission to assume regulatory authority over certain radioactive materials. I have included a copy of the survey with this letter. As mentioned during the September, 2006 Commission briefing, we agreed to share with the Commission the results of any survey of non-agreement states on this topic.

A total of nine of sixteen states responded to the survey (56% response rate). They provided many good examples of the barriers that some states face in pursuing an agreement with the Commission. Survey results are as follows:

Question 1: What additional item/resource is needed for your state to declare its intent to pursue an agreement with the NRC?

Results: The majority of responding states (7 of 9) indicated that a combination of items is necessary before their state could consider pursuing an agreement. These states identified the following items as important precursors to their pursuing an agreement: a) political mandate; b) support of the regulated community; and c) identified funding for program development/staff/training. Two (2) states indicated that small program size and organizational issues, such as vacancies or programs split between multiple agencies, would need to be addressed in their state before pursuing an agreement.

Question 2: Please rank the importance of the following items as a barrier to developing a radioactive material licensing and inspection program in your state. Choices were: additional staff hiring authority; payment of training costs; funding for new staff; and other.

Results: The majority of responding states (7 of 9) ranked 'funding for new staff' and 'additional staff hiring authority' as the largest barriers to pursuing an agreement with the Commission. One state specified that the greatest barrier was (obtaining a) political

mandate (from within the state). One state added that they “need to have a consolidated program and a champion to pursue the cause of Agreement status.”

Question 3: What could NRC or OAS do to help you address the barriers identified above?

Results: The majority of responding states were unsure how the NRC or OAS could assist them in addressing barriers in their state to pursuing an agreement. However, two states provided very specific suggestions to this question. I have included these state’s comments in their entirety.

- a. “NRC has in the past had some contact with the Governor’s office and there was some interest in investigating the possibility of Agreement status. It may be that the NRC/OAS could approach the governor’s office in an official way to inquire about looking into the possibility.”
- b. “The key will be convincing first the regulated community, then the legislature, that an NRC Agreement will benefit everyone in the long run, and that the short-term trials and added expense (due to surcharge fees) will be worth it. I would be interested in any data which compares NRC programs to that of Agreement States; especially any data that relates to fees, license review times, customer satisfaction, etc. Also data on numbers of staff per 100 licensees in State programs would be helpful. When (if) we get to legislative consideration, it would be great to have an OAS representative come to address a committee and answer questions.”

The OAS Executive Board will discuss this survey in the near future to determine what additional assistance is possible from the OAS. We hope that the Commission finds this survey information useful in identifying further opportunities for NRC assistance to states.

Please contact me with any questions.

Sincerely,

Paul S. Schmidt, Chair
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Alice Rogers, OAS Secretary
Ruth McBurney, Executive Director, CRCPD

OAS Survey of Non-Agreement States

The Organization of Agreement States (OAS), Executive Board requests your assistance in identifying possible barriers to states pursuing an agreement with the NRC to assume regulatory authority over certain radioactive materials. The results of this survey will be summarized and provided to the Nuclear Regulatory Commission (NRC) to help prioritize activities.

Please complete the following questions by **December 8, 2006** and return to Paul Schmidt by e-mail at schmips@dhfs.state.wi.us or fax at 608 267-3695. Thank you.

State: _____

1. In your opinion, what additional item/resource is needed for your state to declare its intent to pursue an agreement with the NRC? Please check **all** that apply.

_____ Political mandate (i.e., legislature/governor directs RCP to pursue agreement)

_____ Support of regulated community

_____ Staff

_____ Funding for program development/staff/training

_____ Other Please specify: _____

2. Please rank the importance of the following items as a barrier to developing a radioactive materials licensing and inspection (i.e., agreement state) program in your state. Place the items in priority order (1- 4, with 1 being the greatest barrier).

_____ Additional staff hiring authority

_____ Payment of training costs

_____ Funding for new staff

_____ Other Please specify: _____

3. What could NRC or OAS do to help you address the barriers identified above?

From: "Paul Schmidt" <SCHMIPS@dhs.state.wi.us>
To: <JRS1@nrc.gov>
Date: 01/29/2007 11:45:01 AM
Subject: FYI - the attached letter plus attachment was sent today (hard copy to the Commissioners, certain NR

FYI - the attached letter plus attachment was sent today (hard copy to the Commissioners, certain NRC staff and OED). It provides the results of the OAS survey of non-agreement states. OAS will be discussing the survey results in the near future to determine if we can do more than we have been to assist states interested in pursuing an agreement. We can compare notes at some point.

Pearce: As you will notice, one of the prime commodities needed by potential agreement states is information. The CRCPD "Profile of State Radiation Control Programs" may contain some of the desired info. It may be worth checking on the status of the latest update. I seem to recall that we provided updated info 12-18 months ago to G-57 (??) for a new profile that was going to be compiled and published.

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Subject: FYI - the attached letter plus attachment was sent today (hard copy to the Commissioners, certain NR

Creation Date 01/29/2007 11:44:14 AM

From: "Paul Schmidt" <SCHMIPS@dhfs.state.wi.us>

Created By: SCHMIPS@dhfs.state.wi.us

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Files	Size	Date & Time
MESSAGE	1187	01/29/2007 11:44:14 AM
OAS survey results to NRC107.doc		43520
OAS State Survey.doc	27136	
Mime.822	99593	

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Priority: Standard
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Security: Standard