



Organization of Agreement States

2016 AUG 13 AM 9:28

Sherrie Flaherty, Chair, Minnesota
Matthew McKinley, Chair-Elect, Kentucky
Michael Welling, Past-Chair, Virginia
Debra Shults, Treasurer, Tennessee
Megan Shober, Secretary, Wisconsin
David Crowley, Director, North Carolina
Jennifer Opila, Director, Colorado

RECEIVED

August 16, 2016

6/2/2016

81FR35388

3

Lisa Dimmick
Office of Nuclear Materials Safety & Safeguards
U. S. Nuclear Regulatory Commission
Washington, DC 20555

RE: Opportunity to Comment on Draft Revisions to the "Policy Statement for the Agreement State Program" (NRC-2016-0094) (STC-16-044)

Dear Ms. Dimmick,

The Organization of Agreement States (OAS) Executive Board (Board) has reviewed the above document and respectfully submits the following comments on the draft revisions to the "Policy Statement for the Agreement State Program".

1. The Board reiterates its concern from its letter dated September 24, 2014, regarding the process under which this proposed revision was developed. Nuclear Regulatory Commission (NRC) management made the decision to combine the policy documents and developed the "Consolidated Policy Statement" unilaterally, without input from the Agreement State working group members who had worked on the individual policy statements. This has caused significant concern among the Agreement State working group members and the Board. The Board expects the NRC to involve Agreement State working group members in all aspects of working group projects to ensure that documents developed adequately address issues of the Agreement States as well as the NRC. Additionally, unilateral action by the NRC such as this damages trust and the relationship between the NRC and the Agreement States.
2. This is a general comment on the policy statement. The agreement state radiation control program is referred to as "agreement state program" and "state program" throughout the policy statement. The Board recommends these all be updated to "agreement state radiation control program".
3. The Board recommends that the first paragraph in Section B "Background" be moved to Section A "Purpose". This paragraph states that this policy statement is guidance and does not impose legally binding requirements which seems to be more a purpose statement than a background statement.

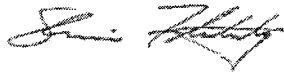
SUNSI Review Complete
Template = ADM - 013
E-RIDS = ADM-03
Add = L. Dimmick (LED 4)

Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin

4. In the third paragraph of Section B, the Board requests removing “and secure” from the first sentence as security is discussed in the second sentence.
5. In the third paragraph of Section C, the Board recommends updating “Commission deems appropriate” to “NRC deems appropriate”.
6. In the fourth paragraph of Section C, the Board recommends reversing the order of compatibility and adequacy as adequacy is listed first throughout the policy statement.
7. The Board recommends the deletion of Section D.1.i “Principles of Good Regulation” as Section D.6 is titled “Regulatory Development” which includes NRC reviews of agreement state regulations. Also agreement state radiation control programs do not have authority over its states’ regulatory process. It is controlled by the state legislature.
8. In the last paragraph of Section D.4 “Performance Evaluation”, the Board recommends the second and third sentence regarding the steps of Integrated Materials Performance Evaluation Program (IMPEP) findings be deleted as the IMPEP process is fully addressed in States Agreement (SA) procedures.
9. In Section E.1. “Adequacy”, the Board recommends updating “regulating the use of agreement material” to “regulating the safe handling, use and storage of agreement material”.
10. In Section E.1.ii, the Board recommends updating “issuing a license to authorize such use” to “issuing a license to authorize the safe handling, use and storage”.
11. The Board reiterates its recommendation from its letter dated September 24, 2014 that, in the description of Category B, the word “significant” be added before the term “cross jurisdictional” to maintain the concept that Category B elements are a limited to a small number of elements that have a significant impact. The Board recommends the sentence read “This category pertains to a small number of program elements that cross jurisdictional boundaries, have significant implications and should be addressed...”
12. In the last sentence of Section E.2.ii, the Board recommends updating “should not be considered” to “shall not be considered” as economic factors should never be a consideration for public health and safety.

We appreciate the chance to comment on this subject, and stand ready to answer any questions you may have.

Sincerely,



Sherrie Flaherty
OAS Chair
Radioactive Materials Unit Supervisor
Minnesota Department of Health
625 Robert Street North
PO Box 64975
St. Paul, MN 55164-0975

Gallagher, Carol

From: Flaherty, Sherrie (MDH) <Sherrie.Flaherty@state.mn.us>
Sent: Tuesday, August 16, 2016 12:04 PM
To: Dimmick, Lisa
Cc: OAS Executive Board (oasboard@agreementstates.org);
oasvotingmembers@agreementstates.org; oasstaffmembers@agreementstates.org
Subject: [External_Sender] OAS Comments on STC-16-044
Attachments: STC-16-044 Agreement State Policy Stmt OAS Comments.pdf

Lisa,

Please see the attached OAS comments on the Agreement State Policy Statement.

SHERRIE FLAHERTY, MHP, DC

Supervisor
Minnesota Department of Health
Radioactive Materials Unit
625 N Robert Street, PO Box 64975, St. Paul, MN 55164

P 651-201-4522

 Minnesota
Department of Health

