



OFFICE OF THE
CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

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COMMISSION
CORRESPONDENCE

June 24, 1980

The Honorable Gary Hart, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

Under section 274 of the Atomic Energy Act, as amended, the U. S. Nuclear Regulatory Commission is authorized to relinquish to States, through an agreement, regulatory authority over byproduct, source, and special nuclear materials. Before entering into an agreement, the Commission must find that the State has a program which is adequate to protect the public health and safety, and is compatible with the Commission's regulatory program.

In 1965 the AEC informed the U.S. Department of Labor of the Commission's plans to make formal annual redeterminations of the adequacy and compatibility of regulatory programs of the Agreement States. This is to inform the subcommittee of the status of the regulatory programs of the Agreement States (Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Carolina, Tennessee, Texas and Washington) for calendar year 1979.

With respect to adequacy of the Agreement State programs to protect the public health and safety, the programs of all 25 Agreement States were determined to be adequate for calendar year 1979.

Significant program deficiencies were found in the California and Florida programs. The staff was unable to make a finding of adequacy for those two States at the time of our initial regular reviews. Follow-up meetings were conducted in both California and Florida. As a result of these meetings and subsequent correspondence, the staff notified these States in early 1980 that we now consider their programs to be adequate and compatible. Additional details on the California and Florida reviews can be made available upon your request.

During 1979, significant problems arose in three other Agreement States. In Arizona, American Atomics Corporation, a manufacturer of tritium activated luminous signs and devices, was cited for excessive releases of tritium to the environment. As a result of this incident, questions were raised concerning the ability of the Arizona Atomic Energy Commission to protect the public health and safety. In New Mexico, a tailings dam break occurred at the United Nuclear Corporation Church Rock mill. This incident raised questions concerning the adequacy of the State's mill licensing program. In North Carolina, a State licensee, Finley Watts, was found to be burying radioactive material in violation of his license. There was a great deal of public and media interest in these

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cases and questions were raised as to the adequacy of the States' actions in each case. Each of these cases was considered in the overall evaluation of the adequacy of the State's program. Details can be made available upon request.

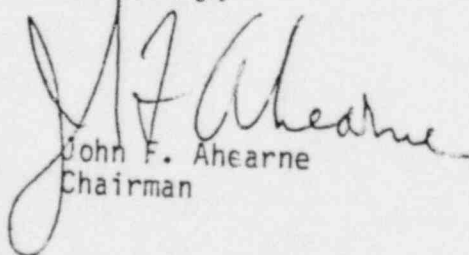
With respect to compatibility, twenty-four States have programs which are considered to be compatible for purposes of reporting to the U. S. Department of Labor (OSHA) as follows: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Carolina, Tennessee, Texas and Washington.

The State of Nevada did not complete action to formally adopt regulations equivalent to 10 CFR Part 19 until February 28, 1980. We, therefore, could not make a finding of compatibility for Nevada for calendar year 1979. We had previously notified the Agreement States that adoption of these regulations is considered to be a matter of compatibility. We normally expect States to revise their regulations at two- to three-year intervals. Revision and updating of State regulations, however, is an activity that can require significant manpower effort and may depend on outside factors such as line item appropriations by State legislatures. In States where staffing levels have been a problem, priority has been given to maintaining those parts of the program more directly related to health and safety, i.e., licensing, inspection and enforcement. This had been the case in Nevada.

The Uranium Mill Tailings Radiation Control Act of 1978 authorizes a \$500,000 fund for grants to Agreement States in FY 1980 to aid in the development of regulatory programs for tailings. The first of these grants were awarded to four States in 1979. We have begun efforts to review the States' position with regard to the clarifying amendments to UMTRCA of November 9, 1979, which removed dual jurisdiction over current tailings in Agreement States and authorized the Commission to ensure that section 274c. of the Act is implemented by States to the extent practicable during the three-year period beginning on the date of the enactment of the Act.

Enclosed is a copy of the letter which we sent to the Department of Labor informing the Department of our determination.

Sincerely,


John F. Ahearne
Chairman

Enclosure:
Letter to Dept. of Labor

cc: Senator Alan Simpson