



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

MAY 23 1980

MEMORANDUM FOR: G. Wayne Kerr, Acting Director  
Office of State Programs

FROM: William J. Dircks, Director  
Office of Nuclear Material Safety and Safeguards

SUBJECT: FEDERAL REGISTER NOTICE RE CRITERIA  
FOR EVALUATION OF AGREEMENT STATES

We note that the revised Agreement States' criteria contains only one of several recommendations in our January 17, 1980 memorandum. We recognize that a number of our suggestions dealt with fundamental issues that perhaps cannot be resolved in a relatively short time. However, we continue to believe that these issues are important and need to be resolved. We also see no reason to hold up the proposed criteria revisions, which are useful, until such time as the more difficult issues are solved. Therefore, we concur in your proposal with the understanding that additional work is needed to put the program on a sound basis.

We believe the fundamental issues with the NRC program for evaluation of Agreement States which need resolution are:

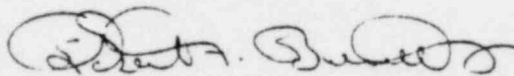
1. The criteria used by the NRC to evaluate the ability of the agreement states to bring proper technical skills to bear on radiological issues. For example, we believe the criteria should identify the skills expected, whether the skills must be in-house or can be obtained through contract or assistance arrangements, and, if by contract or assistance, the criteria used by the state for utilizing the assistance.
2. The criteria used by the NRC to select the agreement state actions which NRC examines to make its determinations. For example, selection of the more complex licensing, inspection, and enforcement cases may provide a better basis for evaluation than a sampling of cases which may not include the more complex cases.
3. The composition, by skill and experience, of the NRC evaluation team and the frequency of evaluation. Team members from a variety of NRC offices--notably IE and NMSS--may enhance the determinations. Frequency of evaluations based on experiences and events may provide improved determinations.


Enclosure 2

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4. The options available to the NRC to response to weaknesses, inadequacies, or lack of timeliness on the part of states. The criteria recently developed provide for categorization of indicators. Should the NRC have a graded response?
5. The significance of the different approach between NRC and the agreement states concerning environmental assessments. The impact of the new CEQ regulations and revised 10 CFR 51 which, for the first time, will require the preparation of environmental assessments and impact statements for certain material licensees should be considered.

We request that the bases for our concurrence be included with the staff paper to the Commission.



 William J. Dircks, Director  
Office of Nuclear Material Safety  
and Safeguards