



STATE OF IDAHO

PDR

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENT
Statehouse
Boise, Idaho 83720
208/334-4108

October 30, 1980

RECEIVED

1980

John Vaden, Supervisor
Radiological Health
Dept. of Human Resources
505 East King Street
Carson City, Nevada 89710

Consumer Health
Protection Services

Dear John:

In regards to your letter of October 15, 1980 requesting comments on the Notice of Proposed General Policy Evaluation of Agreement State Radiation Control Programs, my comments are as follows.

General Comments - Compatibility of State & NRC Regulations.

The ability of the states to pass regulations is different than the NRC process and compatibility does not allow for the difficulty.

The parent-daughter relationship between NRC and the states on compatibility is unique. If roles were reversed and NRC was inspected for compatibility with the states, I would dare to say that NRC would find itself incompatible.

The basic problem with compatibility is NRC assumes that NRC is always right.

Should we anticipate that the Office of State Programs will institute a harder line towards the states?

Specific Comments - page 7 - Technical Qualifications of Agreement State Staff. (#1)

Idaho could be a good example of a state with minimum number of people and a broad number of types of licensees. With NRC technical assistance, this should be no problem. I would point to the fact the NRC personnel sitting in Washington, D.C., and reviewing technical application may not be able to "see the forest for the trees." State personnel may, in fact, be more qualified because they're where the action is.

page 7 - Use of Performance Data for Assessment of Program (#2)

Incident reports are not an indication of the effectiveness of state programs. If an NRC licensee operates in Idaho and has an incident, is Idaho blamed? I would like to have a definition of incident.

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page 8 - Performance Indicators.

Why do the states need to have a performance indicator? If a state has an increased number of incidents and overexposures, etc., then NRC could investigate as to the causes. If the determination was made that the state regulatory agency was delinquent, then a state of noncompatibility of low performance could decide. There are no two states that can be judged equally on a performance indicator such as number of noncompliance inspections, etc.

page 9 - Guidelines for Program Evaluation

What grounds has NRC for wanting to change the present guidelines? Have the states performed poorly?

Perhaps a study should be conducted (bad suggestion) before NRC decides to make changes that may not be needed.

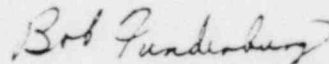
Occupational exposure data can't be used as a guideline, because NRC doesn't have the capability of obtaining this data.

Conclusion

NRC is attempting to find a clear cut guideline with numerical indicators to judge compatibility---an effort which is futile.

Thanks for your time. Hopefully you can use some of the suggestions.

Yours truly,



Robert D. Funderburg
Manager
Radiation Control Section

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