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December 30, 1980

DOCKET NUMBER
PROPOSED RULE

PR ^{misc notice}
Policy Statement
45 FR 65726

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Mr. G. Wayne Kerr, Acting Director
Office of State Programs
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Wayne:

Reference is made to the October 3, 1980, Federal Register notice (45FR65726) concerning "Evaluation of Agreement States Radiation Control Programs: Proposed General Statement of Policy".

On June 10, 1980, when a similar document related to uranium mill states was in the process of being adopted, we wrote you: "... a meeting be held between members of the USNRC and affected States' staffs to go over the document word by word. Written comments are too easily misunderstood, misinterpreted, and ignored to be used as the sole source of the States' input to a document of such importance to the future of States' programs and the USNRC/States relationships."

The statement of policy now under consideration is even a more poignant case of where misunderstanding can occur since all of the Agreement States, and not just the few uranium mill states, are involved.

At our suggestion and that of other States, a working meeting was held to go over the uranium mill state document. We think that all who attended felt much better about the document after the meeting and we also feel that a better document resulted. Therefore, we would again suggest that prior to the adoption of this statement that a similar working session be held with a representative from each Agreement State and appropriate offices of the USNRC attending it.

We dislike the idea of being "regulated" by the USNRC rather than being treated as a partner of the regulatory process. However, we can see that in today's governmental atmosphere it is probably inevitable that the USNRC will formalize the Agreement State evaluation process into a rigid checklist type procedure rather than the traditional professional evaluation of the overall adequacy of a particular Agreement State's program when reviewed in the context of the number and complexity of the licensees which it regulates. Certain Texas, with over 1500 licenses, cannot be adequately evaluated by the same checklists used to evaluate a state program with 50 or less licenses.



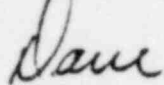
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Unless a thorough discussion is held regarding the document and in particular the "categories of indicators", we would be opposed to its adoption.

Yours truly,



David K. Lacker, Director
Division of Occupational Health
and Radiation Control

cc: Mr. John D. Vaden
cc: All Agreement States