POLICY ISSUE
(Notation Vote)

November 15, 1989 SECY-89-346

For: The Commissioners

From: Harold R. Denton, Director
Office of Governmental and
Public Affairs

Subject: PROPOSED REVISION TO NRC POLICY STATEMENT "GUIDELINES FOR NRC REVIEW OF AGREEMENT STATE RADIATION CONTROL PROGRAMS"

Purpose: To obtain Commission approval to publish for public comment proposed revisions relating to the disposal of low-level radioactive waste in permanent disposal facilities, as well as other minor revisions.

Background: On June 4, 1987, NRC published a final general statement of policy for evaluation of Agreement State radiation control programs (52 FR 21132). During development of the policy statement, the staff stated plans in SECY-86-265 (September 8, 1986) to consider future revision of the guidelines for States having programs regulating the permanent disposal of low-level radioactive waste. The revision would be proposed after the staff had gained additional experience with applying 10 CFR Part 61 or equivalent State regulations.

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Discussion:

There are currently 29 Agreement States. The most recent agreement with Illinois became effective June 1, 1987. The 1987 policy statement and the staff's implementation of it, primarily through periodic onsite reviews of the Agreement State programs, has been successful in helping the Agreement States maintain programs that the staff has determined to be adequate to protect public health and safety and compatible with NRC programs.

While overall implementation of the policy statement has been effective in maintaining adequate and compatible Agreement State programs, the staff's experience has led it to conclude that the policy statement is in need of updating and clarification relating to the disposal of low-level radioactive waste in permanent disposal facilities. In 1988, the Commission staff initiated revisions to the policy statement to reflect the need to adequately review State regulatory programs for the disposal of low-level radioactive waste in permanent disposal facilities. The Office of Governmental and Public Affairs solicited information for a proposed revision from the Agreement States, NMSS, and the Regional offices. A preliminary draft of the proposed revision was sent to all 50 States on November 23, 1988, and February 7, 1989, for early comment. Comments were received from 21 States and have been incorporated as appropriate. The revised document will be used by NRC in its review of those State programs that regulate the disposal of low-level radioactive waste in permanent disposal facilities. It will also be used to strengthen the review of other State programs that regulate other aspects of radioactive waste management, such as packaging, treatment, storage, and transportation.

In the process of making revisions, major attention was given to the low-level waste guidelines. Some additional changes were made. The major proposed revisions are identified and discussed in the proposed Federal Register notice (pages 2 through 8) (Enclosure 1).

The policy statement is meant to be general in nature. It is meant to be applicable to all

radioactive materials programs conducted under an NRC agreement with a State. However, we have included in the past specific guidelines for uranium mill regulatory programs (which have as their origin the Uranium Mill Tailings Radiation Control Act of 1978, as amended) and are proposing specific guidelines relating to the disposal of low-level radioactive waste in permanent disposal facilities.

Coordination: The proposed revision has been concurred in by the Office of Nuclear Material Safety and Safeguards. The Office of General Counsel has reviewed the proposed letter and has no legal objection to it.

Recommendation: That the Commission:

1. Approve publication for public comment of a Federal Register notice proposing revisions relating to the disposal of low-level radioactive waste in permanent disposal facilities and other minor revisions.

2. Note:

   - A 60-day public comment period will be provided.
   - Copies of the Federal Register notice will be provided to the Agreement States and to other interested parties upon request.
   - Appropriate Congressional committees will be informed (Enclosure 2).
   - A public announcement (Enclosure 3) will be issued when the policy statement is filed with the Office of the Federal Register.

Harold R. Denton, Director
Office of Governmental and
Public Affairs

Enclosures:
1. Proposed Federal Register Notice
2. Draft Congressional Letter
3. Draft Public Announcement

Commissioners' comments or consent should be provided directly to the Office of the Secretary by COB Friday, December 1, 1989.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT Friday, November 24, 1989, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

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Enclosure 1

Evaluation of Agreement State Radiation Control Programs:
Proposed General Statement of Policy

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed revision to general statement of policy.

SUMMARY: The Nuclear Regulatory Commission proposes to revise its general statement of policy, "Guidelines for NRC Review of Agreement State Radiation Control Programs," June 4, 1987. The proposed revision to the guidelines was prepared by the NRC staff to incorporate changes specifically related to the regulation of low-level radioactive waste disposal in permanent disposal facilities. This statement of policy is being proposed to inform the States and the public of the criteria and guidelines which the Commission intends to use in its periodic evaluations of Agreement State programs, including, where appropriate, the low-level radioactive waste disposal program. The Commission considers that these revisions are necessary given the present and potential low-level waste regulatory responsibility in Agreement States and is requesting comments on them.

DATES: Comments are due on or before _____, 198_.

ADDRESSES: Submit comments to: the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Document and Services Branch. Comments may also be delivered to 7920 Norfolk Avenue, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received by NRC may be examined at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Vandy L. Miller, State, Local, and Indian Tribe Programs, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301-492-0326.

SUPPLEMENTARY INFORMATION: On June 4, 1987, the NRC published in the Federal Register final revisions to its General Statement of Policy, "Guide for Evaluation of Agreement State Radiation Control Programs" (52 FR 21132). The guidance as supplemented in that general statement of policy was intended to apply to the review of all aspects of Agreement State Radiation Control Programs, including uranium and thorium recovery programs and low-level radioactive waste management programs.

Enclosure 1

In the review of low-level waste disposal control programs within the framework of the current guidelines, it has become apparent that some aspects of the low-level waste disposal control program for States regulating the disposal of low-level radioactive waste in permanent disposal facilities would benefit from guidelines which are more specific to those activities. This circumstance, coupled with the fact that by 1993 as many as 14 additional Agreement States may be licensing the disposal of low-level waste in permanent disposal facilities in compliance with the requirements of the Low-Level Waste Policy Amendments Act of 1985, has prompted this proposed revision. All Agreement State Radiation Control Programs have regulatory responsibilities related to radioactive waste. However, in non-sited States, these responsibilities related primarily to waste generator and transportation activities.

The NRC staff is proposing herein additional revisions to its General Statement of Policy "Guide for Evaluation of Agreement State Radiation Control Programs" in order to specifically address the process for review of State programs which regulate the disposal of low-level radioactive waste in permanent disposal facilities. The revision will also be of use in reviewing State programs which regulate the packaging, treatment, storage, processing, and transportation of low-level radioactive waste. The supplemental guidance takes into account the regulatory requirements of 10 CFR 61 and the experience of States with low-level radioactive waste regulatory programs. The guidance is considered to be flexible enough to be responsive to low-level radioactive waste disposal radiation control programs which predated 10 CFR Part 61.

Suggested major revisions in the guidelines are in the form of additional considerations for States regulating the disposal of low-level radioactive waste in permanent disposal facilities. These proposed revisions are not intended to change the policy or procedures by which other aspects of an Agreement State's radiation control program (RCP) is reviewed.

Major revisions suggested by the staff for States regulating the disposal of low-level radioactive waste in permanent disposal facilities and the reasons for the suggested revisions are as follows:

Legislation and Regulations

The staff recommends that Agreement States should have clear legal authority to issue regulations for low-level radioactive waste management and disposal and to regulate disposal pursuant to applicable laws and regulations including the technical requirements of 10 CFR Part 61. Further, the staff recommends that statutes provide for the separation of the regulatory function from the developmental and operational functions.

The staff considers that in many States which will be regulating the disposal of low-level waste in permanent disposal facilities, existing legislation which establishes the authority of the State RCP may be adequately broad. However, because of the complexity and diversity of low-level radioactive waste (LLW) regulation, it is essential that States which will have the responsibility of regulating the disposal of LLW in permanent disposal facilities revisit their enabling legislation and affect changes if necessary.

States which will be hosting facilities for waste disposal have chosen diverse paths to implement the development and operational responsibilities for disposal under the Low-Level Waste Policy and Low-Level Waste Policy Amendments Acts. In the early stages of program development, it is sometimes difficult for States to separate the developmental and operational functions from the regulatory functions. The staff considers separation of the regulatory function from the developmental and operational waste management functions essential to assure the avoidance of conflict of interest and, ultimately, to protect public health and safety. Therefore, State statutes addressing radioactive waste management should clearly distinguish between and provide a mechanism for separation of waste management regulatory functions and waste management development and operational functions for the disposal of low-level radioactive waste in permanent disposal facilities.

Organization

The staff has suggested a new Category II indicator, "Contractual Assistance," for States regulating the disposal of low-level radioactive waste in permanent disposal facilities. The indicator stresses the importance of having the capability to acquire a broad range of technical and vendor services on a timely basis. Regarding the regulation of LLW in permanent disposal facilities, these services are likely to be both radiological and non-radiological in nature. Because of the potential for conflict of interest, the staff also suggests that the RCP avoid contractors which are affiliated in some way with the development or operational aspects of LLW management at the permanent disposal facility.

Management and Administration

1. Within the indicator "Quality of Emergency Planning," the staff recommends an emergency response plan specifically addressing emergencies associated with low-level waste for States regulating the disposal of low-level radioactive waste in permanent disposal facilities. The diversity of activities associated with the transportation, handling, storage, and disposal of LLW suggest the potential for both radiological and non-radiological emergencies or unusual occurrences which should be covered in the State RCP radiological emergency response plan. The plan should at a minimum be reassessed in light of LLW regulatory responsibilities and its content evaluated against plausible LLW emergencies (spills, fires, sudden releases to the biosphere, etc.).

2. Within the indicator "Budget," the staff has recommended the need for adequate budgetary resources in the RCP. It should be recognized that the level of effort required of the RCP in States regulating the disposal of low-level radioactive waste in permanent disposal facilities will be a function of the life cycle of a low-level waste disposal facility. During licensing and operations, the regulatory program will be more resource intensive than during site development or post-closure. A State should have adequate budgetary resources to respond to the changing needs of the RCP in a way that is not disruptive to the program's mission. During resource intensive periods where growth is mandated, the budget should allow for the orderly mobilization of personnel and contractual resources as well as goods and services. During periods when less resources are required, the budget should allow for orderly demobilization that has minimal impact on employee morale.

3. Within the indicator "Laboratory Support," the staff has recommended the need for a diversity of laboratory services beyond those normally associated with a State RCP for States regulating the disposal of low-level radioactive waste in permanent disposal facilities. Since the non-radiological performance of waste packages and engineering materials can affect the potential for radioactive releases from a waste site, the RCP should have access to laboratory facilities which can test the performance of the packages and materials. In addition, environmental monitoring associated with regulation of waste facilities involves a diversity of sampling media, sampling procedures, and testing procedures for both radioactive and nonradioactive constituents. Laboratory facilities should be available which can respond to this diversity of environmental monitoring needs.

4. Within the indicator "Management," the staff has recommended the need for an overall Project Manager for complex licensing actions. This recommendation is particularly applicable to the review of an initial license application or major amendment for a low-level radioactive waste permanent disposal facility. The project manager should have training or experience in one or more of the main disciplines related to the technical reviews which he or she will be coordinating such as health physics, engineering, earth science or environmental science. The complexity and diversity of reviews associated with such an action suggest the need for one individual to plan the work effort, mobilize and direct the resources, specify level of effort and desired end products, and assemble and integrate the results of technical reviews.

5. Within the indicator "Office Equipment and Supplies," the staff has suggested that a license document management system may be useful for dealing with the diversity and volume of documents associated with a LLW disposal licensing action. This may be as simple as an upgraded filing system which is responsive to all the various categories of LLW documents. In its extreme it could be a highly sophisticated electronic data management system with a continuing need for database management. Regardless, the staff believes that such a document management system greatly facilitates the licensing process.

6. Within the indicator "Public Information," the staff has recommended the need for public involvement in major licensing actions associated with a LLW facility. Public involvement has become a vital entity in the decision making process within developmental aspects of low-level waste management. It is the opinion of the staff that this involvement can and should carry over into the licensing process. The public should be informed of major licensing issues as seen by the staff, given an opportunity to comment on or supplement those issues, and given an opportunity to participate in the resolution of those issues.

Personnel

1. The staff considers that the cornerstone of an effective low-level waste disposal control program for States regulating the disposal of low-level radioactive waste in permanent disposal facilities is a staff with training and experience in key technical disciplines related to waste management. As a minimum, these include health physics/radiation protection, engineering, earth science, and environmental science. The staff considers that there are a number of specialty areas within these umbrella disciplines and other separate technical areas which must be addressed in the process of licensing and regulation of low-level waste disposal. However, the staff understands that the State RCP may not be represented by all of these disciplines on a full time basis. In such cases the RCP must be able to demonstrate that various speciality disciplines can be accessed on a case specific basis through contract or interagency agreement. The staff considers a cadre of full-time staff with training and experience in the general backgrounds specified above necessary to direct the various specialty disciplines, to understand and evaluate their products, to integrate those products into a regulatory support document, and to take regulatory action based on the results of these activities.

2. Within the indicator "Qualifications of Technical Staff," the staff has recommended the need for engineers, earth scientists, and environmental scientists for States regulating the disposal of low-level radioactive waste in permanent disposal facilities in addition to staff with the type of training and experience usually associated with a State RCP, as discussed above.

3. Within the indicator "Staffing Level," the staff has recommended an annual RCP staff effort of 3-4 professional technical person-years for the regulation of the disposal of low-level radioactive waste in permanent disposal facilities. Staff resources should be adequate to conduct inspections on a routine basis during operation of the LLW facility, including inspection of incoming shipments and licensee site activities. The staff reiterates that, during certain key periods, the RCP will need to be augmented with additional staff or consultants.

4. Within the indicator "Training," the staff recommends that the State should take advantage of opportunities for specialized training for staff responsible for regulation of uranium mill programs and low-level waste programs. This represents no change in the guidelines related to mill programs. It does seek to emphasize the diversity of regulatory activities associated with waste disposal in permanent facilities and, in many cases, the difference in these activities from those normally associated with the radiation control program. Specialized training in response to these differences is suggested.

Licensing

1. Within the indicator "Technical Quality of Licensing Actions," the staff recommends the addition of specific guidelines related to the technical quality of licensing actions associated with the disposal of low-level radioactive waste in permanent disposal facilities. The additional guidelines are intended to address the elements of LLW licensing that may not be otherwise addressed in radioactive materials or facilities licensing. These include the evaluation of such elements as: (1) waste product and volume; (2) personnel qualifications; (3) facilities and equipment; (4) operating and emergency procedures; (5) applicant's financial qualifications and assurances; (6) closure and decommissioning procedures; and (7) institutional arrangements with other institutions.

2. Within the indicator "Adequacy of Product Evaluations," the staff recommends the systematic documentation of the approval process for waste packages, solidification and stabilization processes, or other vendor products employed to treat radioactive waste for disposal. Within the 10 CFR Part 61 systems approach to radioactive waste disposal, the staff considers the waste form to be a vital component of waste containment. For this reason, approval of the systems, components, and products which comprise the waste form is as important to the overall performance of the permanent waste disposal facility as the approval of the facility itself.

3. Within the indicator "Licensing Procedures," the staff recommends the development and use of licensing guides, standards, and procedures which apply specifically to LLW licensing. The reason for this recommendation relates to the uniqueness and complexity of the LLW licensing process. Specific procedures and approval standards will facilitate the licensing process for both the licensee and the regulator by allowing a common understanding of the process by which an application will be reviewed and the standards against which an application will be evaluated.

Compliance

1. Within the indicator "Status of Inspection Program," the staff has specified that inspection procedures in all Agreement States should provide for the inspection of licensees' waste generation activities under the State's jurisdiction. The staff recognizes that States regulating the disposal of low-level radioactive wastes within their borders have little, if any, means to assure that wastes entering the State from another has been properly classified, packaged, and labelled. Implementation of 10 CFR Part 61 requirements for classification, treatment, packaging, and labelling of low-level radioactive waste by waste generators is considered a cornerstone of the systems approach to radioactive waste management. Therefore, the staff considers that all agencies which regulate waste generator activities have the primary obligation to ensure, through their regulatory activities, that generators are in compliance with these requirements.

2. Within the indicator "Status of Inspection Program," the staff has recommended that the RCP should include provisions for the various types of inspections that will be required during the various phases of the LLW facility life cycle. Many of the inspections associated with a LLW facility will be non-radiological in nature, concerned instead with construction practices, performance of engineering materials and engineered systems, and verification of system performance. This circumstance suggests the need for the multidisciplinary approach to compliance assessment that is suggested in other parts of the regulatory program.

In addition, inspections should be conducted on a routine basis during the operation of the LLW facility, including inspection of incoming shipments and licensee site activities.

3. Within the indicator "Inspectors Performance and Capability," the staff has recommended multidisciplinary team inspections. The reason for this recommendation is discussed in 2. above.

4. Within the indicator "Confirmatory Measurements," the staff has recommended that the RCP for States regulating the disposal of low-level radioactive waste in permanent disposal facilities have the capability of confirming non-radiological as well as radiological aspects of licensed operations. Because of the importance of soils and engineering materials in overall facility performance, the RCP should have the capability of confirming performance of the materials. Furthermore, because of the diversity of material which will be disposed of at the facility, it is important that the RCP be able to confirm the presence or absence of both radiological and non-radiological constitutents in environmental analyses.

Guidelines for NRC Review of Agreement State Radiation Control Programs, 1989

Prepared by Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Introduction

Section 274 of the Atomic Energy Act was enacted by the Congress in 1959 to recognize the interests of the States in atomic energy, to clarify the respective responsibilities of State and Federal Governments, and to provide a mechanism for States to enter into formal agreements with the Atomic Energy Commission (AEC), and later the Nuclear Regulatory Commission (NRC), under which the States assume regulatory authority over by-product, source, and small quantities of special nuclear materials, collectively referred to as agreement materials. The mechanism by which the NRC discontinues and the States assume regulatory authority over agreement materials is an agreement between the Governor of a State and the Commission. Before entering into an Agreement, the Governor is required to certify that the State has a regulatory program that is adequate to protect the public health and safety. In addition, the Commission must perform an independent evaluation and make a finding that the State's program is adequate from the health and safety standpoint and compatible with the Commission's regulatory program.

Current Guidelines

In 1981, the Commission published a major revision of the guide for review of Agreement State programs (two earlier revisions reflected primarily minor and editorial changes). These Guidelines constitute Commission policy in the form of a document entitled "Guidelines for NRC Review of Agreement State Radiation Control Programs." This document provides guidance for evaluation of operating Agreement State programs based on over 20 years of combined AEC-NRC experience in administering the Agreement State program. In 1985, Commission staff initiated minor updating, clarifying and editorial changes reflecting the experience gained with the 1981 policy statement. The revised document will be used

by the NRC in its continuing program of evaluating Agreement State programs. ~~The revised document will be used by the NRC in its continuing program of evaluating Agreement State Programs.~~ Those changes were promulgated in June 1987.

In 1988, the Commission staff initiated revisions to the Review Guidelines to reflect the need to improve the basis for reviews of State regulatory programs for the disposal of low-level radioactive waste. The revised document will be used by NRC in its review of those State programs which regulate the disposal of low-level radioactive waste in permanent disposal facilities. It will also be used to strengthen the review of other State programs which regulate other aspects of radioactive waste management, such as packaging, treatment, storage and transportation.

The "Guidelines" contain six sections, each dealing with one of the essential elements of a radiation control program (RCP) which are: Legislation and Regulations, Organization, Management and Administration, Personnel, Licensing, and Compliance. Each section contains (a) a summary of the general significance of the program elements, (b) indicators which address specific functions within the program element, (c) categories which denote the relative importance of each indicator, and (d) guidelines which delineate specific objectives or operational goals.

Categories of Indicators

The indicators listed in this document cover a wide range of program functions, both technical and administrative. It should be recognized that the indicators, and the guidelines under each indicator, are not of equal importance in terms of the fundamental goal of a radiation control program, i.e., protection of the public health and safety. Therefore, the indicators are categorized in terms of their importance to the fundamental goal of protecting the public health and safety. Two categories are used.

Category I - Direct Bearing on Health and Safety. Category I Indicators (and the Program Elements of which they are a part) are:

- o Legal Authority. (Legislation and Regulations)
- o Status and Compatibility of Regulations. (Legislation and Regulations)
- o Quality of Emergency Planning. (Management and Administration)
- o Technical Quality of Licensing Actions. (Licensing)
- o Adequacy of Product Evaluations. (Licensing)
- o Status of Inspection Program. (Compliance)
- o Inspection Frequency. (Compliance)
- o Inspectors' Performance and Capability. (Compliance)
- o Response to Actual and Alleged Incidents. (Compliance)
- o Enforcement Procedures. (Compliance)

These indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in one or more Category I indicator areas, then the need for improvements may be critical. Legislation and regulations together form the foundation for the entire program establishing the framework for the licensing and compliance programs. The technical review of license applications is the initial step in the regulatory process. The evaluation of applicant qualifications, facilities, equipment, and procedures by the regulatory agency is essential to assure protection of the public from radiation hazards associated with the proposed activities. Assuring that licensees fulfill the commitments made in their applications and that they observe the requirements set forth in the regulations is the objective of the compliance program. The essential elements of an adequate compliance program are (1) the conduct of onsite inspections of licensee activities; (2) the performance of these inspections by competent staff; and (3) the taking of appropriate enforcement actions. Another very important factor is the ability to plan for, respond effectively to, and investigate radiation incidents.

Category II-Essential Technical and Administrative Support. Category II Indicators are:

- Location of Radiation Control Program Within State Organization. (Organization)
- Internal Organization of Radiation Control Program. (Organization)
- Legal Assistance. (Organization)
- Technical Advisory Committees. (Organization)
- Contractual Assistance. (Organization)
- Budget. (Management and Administration)
- Laboratory Support. (Management and Administration)
- Administrative Procedures. (Management and Administration)
- Management. (Management and Administration)
- Office Equipment and Support Services. (Management and Administration)
- Public Information. (Management and Administration)
- Qualifications of Technical Staff. (Personnel)
- Staffing Level. (Personnel)
- Staff Supervision. (Personnel)
- Training. (Personnel)
- Staff Continuity. (Personnel)
- Licensing Procedures. (Licensing)
- Inspection Procedures. (Compliance)
- Inspection Reports. (Compliance)
- Confirmatory Measurements. (Compliance)

These indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e., those that fall under Category I

indicators. Category II indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety and is compatible with the NRC's program. If one or more significant Category I comments are provided, the State will be notified that the program deficiencies may seriously affect the State's ability to protect the public health and safety and that the need of improvement in particular program areas is critical. The NRC would request an immediate response. If, following receipt and evaluation, the State's response appears satisfactory in addressing the significant Category I comments, the staff may offer findings of adequacy and compatibility as appropriate or defer such offering until the State's actions are examined and their effectiveness confirmed in a subsequent review. If additional information is needed to evaluate the State's actions, the staff may request the information through follow-up correspondence or perform a follow-up or special, limited review. NRC staff may hold a special meeting with appropriate State representatives. No significant items will be left unresolved over a prolonged period. The Commission will be informed of the results of the reviews of the individual Agreement State programs and copies of the review correspondence to the States will be placed in the NRC Public Document Room. If the State program does not improve or if additional significant Category I deficiencies have developed, a staff finding that the program is not adequate will be considered and the NRC may institute proceedings to suspend or revoke all or part of the Agreement in accordance with Section 274j of the Act.

Category II comments concern functions and activities which support the State program and therefore would not be critical to the State's ability to protect the public. The State will be asked to respond to these comments and the State's actions will be evaluated during the next regular program review.

It should be recognized that the categorization pertains to the significance of the overall indicator and not to each of the guidelines within that indicator. For example, "Technical Quality of Licensing Actions" is a Category I indicator. The review of license applications for the purpose of evaluating the applicant's qualifications, facilities, equipment, and procedures is essential to assuring that the public health and safety is being protected. One of the guidelines under this indicator concerns prelicensing visits. The need for such visits depends on the nature of the specific case and is a matter of judgment on the part of the licensing staff. The success of a State program in meeting the overall objective of the indicator does not depend on literal adherence to each recommended guideline.

The "Guidelines for NRC Review of Agreement State Radiation Control Programs" will be used by the NRC staff during its onsite reviews of Agreement State programs. Such reviews are conducted at approximately 18 month intervals or less if deemed necessary. If there are no significant category 1 comments the staff may extend the interval between reviews to approximately 24 months. At least once each year, there will be onsite communication between the NRC staff and each State either as a result of a routine review or a review site visit. A routine review is a total assessment of each Agreement State program and is conducted at least biennially. A review visit is a short trip to the Agreement State to assess the status of the State program and has the flexibility to address any special concerns within the State program. Additional contacts may also be made through special or follow-up reviews.

In making a finding of adequacy, the NRC considers areas of the State program which are critical to its primary function, i.e., protection of the public health and safety. For example, a State that is not carrying out its inspection program, or fails to respond to significant radiological incidents would not be considered to have a program adequate to protect the public health and safety. Basic radiation protection standards, such as exposure limits, also directly affect the States' ability to protect public health and safety. The NRC feels that it is important to strive for a high degree of uniformity in technical definitions and terminology, particularly as related to units of measurement and radiation dose. Maximum permissible doses and levels of radiation and concentrations of radioactivity in unrestricted areas as specified in 10 CFR Part 20 are considered to be important enough to require States to be essentially equivalent in this area in order to protect public health and safety. Certain procedures, such as those involving the licensing of products containing radioactive material intended for interstate commerce, also require a high degree of uniformity. If no serious performance problems are found in an Agreement State program and if its standards and program procedures are compatible with the NRC program, a finding of adequacy and compatibility is made.

It should be noted that the categories of indicators, and the significance thereof, apply equally to the regulation of uranium and thorium recovery and associated wastes; low-level radioactive waste management; as well as the overall radiation control program. Any specific deviations in the guidelines for review of uranium mill tailings programs or low-level waste programs are specified within the individual program elements.

PROGRAM ELEMENT: LEGISLATION AND REGULATIONS

The effectiveness of any State radiation control program (RCP) is dependent upon the underlying authority granted the RCP in State legislation, and implemented in the State regulations. Regulations provide the foundation upon which licensing, inspection, and enforcement decisions are made. Regulations also provide the standards and rules within which the regulated must operate. Periodic revisions are necessary to reflect changing

technology, improved knowledge, current recommendations by technical advisory groups, and consistency with NRC regulations. Procedures for providing input to the NRC on proposed changes to NRC regulations are necessary to assure consideration of the State's interests and requirements. The public and, in particular, affected classes of licensees should be granted the opportunity and time to comment on rule changes.

Indicators and Guidelines

Legal Authority (Category I)

o Clear statutory authority should exist, designating a State radiation control agency and providing for promulgation of regulations, licensing, inspection and enforcement.

o States regulating uranium or thorium recovery and associated wastes pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) must have statutes enacted to establish clear authority for the State to carry out the requirements of UMTRCA.

o States regulating the disposal of low-level radioactive waste in permanent disposal facilities must have statutes that provide authority for the issuance of regulations for low-level waste management and disposal. The statutes should also provide regulatory program authority and provide for the separation of regulatory functions from developmental and operational functions.[1]

Status and Compatibility of Regulations (Category I)

o The State must have regulations essentially identical to 10 CFR Part 19, Part 20 (radiation dose standards, effluent limits, waste manifest rule and certain other parts), Part 61 (technical definitions and requirements, performance objectives, financial assurances) and those required by UMTRCA, as implemented by Part 40.

o The State should adopt other regulations to maintain a high degree of uniformity with NRC regulations.

o For those regulations deemed a matter of compatibility by NRC, State regulations should be amended as soon as practicable but no later than 3 years.

[1] The level of separation (e.g., separate agencies) should be determined for each State individually. In selecting this level, each State should have a system of checks to demonstrate that conflicts of interest between the regulatory function and developmental and operational functions will not occur.

o The RCP has established procedures for effecting appropriate amendments to State regulations in a timely manner, normally within 3 years of adoption by NRC.

o Opportunity should be provided for the public to comment on proposed regulation changes (required by UMTRCA for uranium mill regulation).

o Pursuant to the terms of the Agreement, opportunity should be provided for the NRC to comment on draft changes in State regulations.

PROGRAM ELEMENT: ORGANIZATION

The effectiveness of any State RCP may be dependent upon its location within the overall State organizational structure. The RCP should be in a position to compete effectively with other health and safety programs for budget and staff. Program management must have access to individuals or groups which establish health and safety program priorities. The RCP should be organized to achieve a high degree of efficiency in supervision, work functions, and communications.

Indicators and Guidelines

Location of Radiation Control Program Within State Organization (Category II)

o The RCP should be located in a State organization parallel with comparable health and safety programs. The Program Director should have access to appropriate levels of State management.

o Where regulatory responsibilities are divided between State agencies, clear understandings should exist as to division of responsibilities and requirements for coordination.

Internal Organization of Radiation Control Program (Category II)

o The RCP should be organized with the view toward achieving an acceptable degree of staff efficiency, place appropriate emphasis on major program functions, and provide specific lines of supervision from program management for the execution of program policy.

o Where regional offices or other government agencies are utilized, the lines of communication and administrative control between these offices and the central office (Program Director) should be clearly drawn to provide uniformity in licensing and inspection policies, procedures and supervision.

Legal Assistance (Category II)

o Legal staff should be assigned to assist the RCP or procedures should exist to obtain legal assistance expeditiously. Legal staff should be knowledgeable regarding the RCP program, statutes, and regulations.

Technical Advisory Committees (Category II)

o Technical Committees, Federal agencies, and other resource organizations should be used to extend staff capabilities for unique or technically complex problems.

o A State Medical Advisory Committee should be used to provide broad guidance on the uses of radioactive drugs in or on humans. The Committee should represent a wide spectrum of medical disciplines. The Committee should advise the RCP on policy matters and regulations related to use of radioisotopes in or on humans.

o Procedures should be developed to avoid conflict of interest, even though Committees are advisory. This does not mean that representatives of the regulated community should not serve on advisory committees or not be used as consultants.

Contractual Assistance (Category II)

o Because of the diversity and complexity of low-level radioactive waste disposal licensing and regulation, States regulating the disposal of low-level radioactive waste in permanent disposal facilities should have procedures and mechanisms in place for timely acquisition of technical and vendor services necessary to support these functions that are not otherwise available within the RCP.

o The RCP should avoid the selection of contractors which have been selected to provide services associated with the State's LLW facility development or operations.

PROGRAM ELEMENT: MANAGEMENT AND ADMINISTRATION

State RCP management must be able to meet program goals through strong, direct leadership at all levels of supervision. Administrative procedures are necessary to assure uniform and appropriate treatment of all regulated parties. Procedures for receiving information on radiological incidents, emergency response, and providing information to the public are necessary. Procedures to provide feedback to supervision on status and activities of the RCP are necessary. Adequate facilities, equipment and support services are needed for optimum utilization of personnel resources. Laboratory support services should be administered by the RCP or be readily available through established administrative procedures.

In order to meet program goals, a State RCP must have adequate budgetary support. The total RCP budget must provide adequate funds for salaries, travel costs associated with the compliance program, laboratory and survey

instrumentation and other equipment, contract services, and other administrative costs. The program budget must reflect annual changes in the number and complexity of applications and licenses, and the increase in costs due to normal inflation.

Indicators and Guidelines

Quality of Emergency Planning (Category I)

o The State RCP should have a written plan in response to incidents at licensee facilities which takes into account such incidents as spills, overexposures, transportation accidents, fire or explosion, theft, etc. Plans for States regulating the disposal of low-level radioactive waste in permanent disposal facilities should include response to emergencies associated with the disposal of low-level radioactive waste.

o The plan should define the responsibilities and actions to be taken by State agencies. The plan should be specific as to persons responsible for initiating response actions, conducting operations and cleanup.

o Emergency communication procedures should be adequately established with appropriate local, county and State agencies. Plans should be distributed to appropriate persons and agencies. NRC should be provided the opportunity to comment on the plan while in draft form.

o The plan should be reviewed annually by Program staff for adequacy and to determine that content is current. Periodic drills should be performed to test the plan.

Budget (Category II)

o Operating funds should be sufficient to support program needs such as staff travel necessary to the conduct of an effective compliance program, including routine inspections, follow-up or special inspections, (including pre-licensing visits) and responses to incidents and other emergencies, instrumentation and other equipment to support the RCP, administrative costs in operating the program including rental charges, printing costs, laboratory services, computer and/or word processing support, preparation of correspondence, office equipment, hearing costs, etc., as appropriate. States regulating the disposal of low-level radioactive waste in permanent disposal facilities should have adequate budgetary resources to allow for changes in funding needs during the LLW facility life cycle. The sources of program funding should be stable and protected from competition or invasion by other State programs.

o Principal operating funds should be from sources which provide continuity and reliability, i.e., general tax, license fees, etc. Supplemental funds may be obtained through contracts, cash grants, etc.

Laboratory Support (Category II)

o The RCP should have laboratory support capability in house, or readily available through established procedures, to conduct bioassays, analyze environmental samples, analyze samples collected by inspectors, etc. on a priority established by the RCP.

o In addition, States regulating the disposal of low-level radioactive waste in permanent disposal facilities should have access to laboratory support for radiological and non-radiological analyses associated with the licensing and regulation of low-level waste disposal, including soils testing, testing of environmental media, testing of engineering properties of waste packages and waste forms, and testing of other engineering materials used in the disposal of low-level radioactive waste.

Administrative Procedures (Category II)

o The RCP should establish written internal policy and administrative procedures to assure that program functions are carried out as required and to provide a high degree of uniformity and continuity in regulatory practices. These procedures should address internal processing of license applications, inspection policies, decommissioning and license termination, fee collection, contacts with communication media, conflict of interest policies for employees, exchange-of-information and other functions required of the program. Administrative procedures are in addition to the technical procedures utilized in licensing, and inspection and enforcement.

Management (Category II)

o Program management should receive periodic reports from the staff on the status of regulatory actions (backlogs, problem cases, inquiries, regulation revisions).

o RCP management should periodically assess workload trends, resources and changes in legislative and regulatory responsibilities to forecast needs for increased staff, equipment, services and funding.

o Program management should perform periodic reviews of selected license cases handled by each reviewer and document the results. Complex licenses (major manufacturers, low-level radioactive waste disposal in permanent disposal facilities, large scope-Type A Broad, potential for

significant releases to the environment) should receive second party review (supervisory, committee, consultant). Supervisory review of inspections, reports and enforcement actions should also be performed.

o For the implementation of very complex licensing actions, such as initial license review, license renewals and licensing actions associated with a low-level radioactive waste disposal facility, there should be an overall Project Manager responsible for the coordination and compilation of the diverse technical reviews necessary for the completion of the licensing action. The Project Manager should have training or experience in one or more of the main disciplines related to the technical reviews which the Project Manager will be coordinating such as engineering, earth science or environmental science.

o When regional offices or other government agencies are utilized, program management should conduct periodic audits of these offices.

Office Equipment and Support Services (Category II)

o The RCP should have adequate secretarial and clerical support. Automatic typing and Automatic Data Processing and retrieval capability should be available to larger (greater than 300-400 licenses) programs. Similar services should be available to regional offices, if utilized.

o States regulating the disposal of low-level radioactive waste in permanent disposal facilities should develop and implement a license document management system commensurate with the volume and diversity of materials associated with a low-level waste disposal facility license.

o Professional licensing, inspection, and enforcement staff should not be used for fee collection and other clerical duties.

Public Information (Category II)

o Inspection and licensing files should be available to the public consistent with State administrative procedures. It is desirable, however, that there be provisions for protecting from public disclosure proprietary information and information of a clearly personal nature.

o Opportunity for public hearings should be provided in accordance with UMTRCA and applicable State administrative procedure laws during the process of major licensing actions associated with UMTRCA and the disposal of low-level radioactive waste in permanent disposal facilities.

PROGRAM ELEMENT: PERSONNEL

The RCP must be staffed with a sufficient number of trained personnel. The evaluation of license applications and the conduct of inspections require staff with in-depth training and experience in radiation

protection and related subjects. In addition, in States regulating the disposal of low-level radioactive waste in permanent disposal facilities, the RCP should be staffed with individuals with training and experience in engineering, earth science, and environmental science. The staff must be adequate in number to assure licensing, inspection, and enforcement actions of appropriate quality to assure protection of the public health and safety. Periodic training of existing staff is necessary to maintain capabilities in a rapidly changing technological environment. Program management personnel must be qualified to exercise adequate supervision in all aspects of a State radiation control program.

Indicators and Guidelines

Qualifications of Technical Staff (Category II)

o Professional staff should have bachelor's degree or equivalent training in the physical and/or life sciences. Additional training and experience in radiation protection for senior personnel including the director of the radiation protection program should be commensurate with the type of licenses issued and inspected by the State. For States regulating uranium mills and mill tailings, staff training and experience should also include hydrology, geology, and structural engineering. For programs which regulate the disposal of low-level radioactive waste in permanent facilities, staff training and experience should include civil or mechanical engineering; geology, hydrology, or other earth science; and environmental science.

o Written job descriptions should be prepared so that professional qualifications needed to fill vacancies can be readily identified.

Staffing Level (Category II)

o Professional staffing level should be approximately 1-1.5 person-year per 100 licenses in effect. The RCP must not have less than two professionals available with training and experience to operate the RCP in a way which provides continuous coverage and continuity.

o For States regulating uranium mills and mill tailings, current indications are that 2-2.75 professional person-years of effort, including consultants, are needed to process a new mill license (including in situ mills) or major renewal, to meet requirements of Uranium Mill Tailings Radiation Control Act of 1978. ~~This effort must include expertise in radiological matters, hydrology, geology, and structural engineering~~[2]

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[2] Additional guidance is provided in the Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement (46 FR 7540, 36969 and 48 FR 33376).

o States which regulate the disposal of low-level radioactive waste in permanent disposal facilities should allow an annual baseline RCP staff effort of 3-4 professional technical person-years. Staff resources should be adequate to conduct inspections on a routine basis during operation of the LLW facility, including inspection of incoming shipments and licensee site activities. During periods of peak activity, additional staff or specialty consultants should be on a timely basis. For example, processing a license application would require a minimum of eight staff-years, plus contractual assistance, to complete a review within 15 months from the date of receipt of the application, as required under Section 9(2) of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

Staff Supervision (Category II)

o Supervisory personnel should be adequate to provide guidance and review the work of senior and junior personnel.

o Senior personnel should review applications and inspect licenses independently, monitor work of junior personnel, and participate in the establishment of policy.

o Junior personnel should be initially limited to reviewing license applications and inspecting small programs under close supervision.

Training (Category II)

o Senior personnel should have attended NRC core courses in licensing orientation, inspection procedures, medical practices and industrial radiography practices. [For/mill/states,/mill/training/should also/be/included.]/

o The RCP should have a program to utilize specific short courses and workshops to maintain an appropriate level of staff technical competence in areas of changing technology.

o In States with regulatory responsibility for uranium mills or the disposal of low-level radioactive waste in permanent disposal facilities, staff should be afforded opportunities for training which is consistent with the needs of those programs.

Staff Continuity (Category II)

o Staff turnover should be minimized by combinations of opportunities for training, promotions, and competitive salaries.

o Salary levels should be adequate to recruit and retain persons of appropriate professional qualifications. Salaries should be comparable to similar employment in the geographical area.

o The RCP organization structure should be such that staff turnover is minimized and program continuity maintained through opportunities for promotion. Promotion opportunities should exist from

junior level to senior level or supervisory positions. There also should be opportunity for periodic salary increases compatible with experience and responsibility.

PROGRAM ELEMENT: LICENSING

It is necessary in licensing by-product, source, and special nuclear materials that the State regulatory agency obtain information about the proposed use of nuclear materials, facilities and equipment, training and experience of personnel, and operating procedures appropriate for determining that the applicant can operate safely and in compliance with the regulations and license conditions. An acceptable licensing program includes: preparation and use of internal licensing guides and policy memoranda to assure technical quality in the licensing program (when appropriate, such as in small programs, NRC Guides may be used); consultation and prelicensing inspection of complex facilities (e.g., waste disposal sites, mills, irradiators, etc.); and the implementation of administrative procedures to assure documentation and maintenance of adequate files and records.

Indicators and Guidelines

Technical Quality of Licensing Actions (Category I)

o The RCP should assure that essential elements of applications have been submitted to the agency, and that these elements meet current regulatory guidance for describing the isotopes and quantities to be used, qualifications of persons who will use material, facilities and equipment, and operating and emergency procedures sufficient to establish the basis for licensing actions. Additionally, in States which regulate the disposal of low-level radioactive waste in permanent disposal facilities, the RCP should assure that essential elements of waste disposal applications meet current regulatory guidance for waste product and volume, qualifications of personnel, facilities and equipment, operating and emergency procedures, financial qualifications and assurances, closure and decommissioning procedures and institutional arrangements in a manner sufficient to establish a basis for licensing action. Licensing activities should be adequately documented including safety evaluation reports, product certifications or similar documentation of the license review and approval process.

o Prelicensing visits should be made for complex and major licensing actions.

o Licenses should be clear, complete, and accurate as to isotopes, forms, quantities, authorized uses, and permissive or restrictive conditions.

o The RCP should have procedures for reviewing licenses prior to renewal to assure that supporting information in the file reflects the current scope of the licensed program.

Adequacy of Product Evaluations (Category I)

o RCP evaluations of manufacturer's or distributor's data on sealed sources and devices outlined in NRC, State or appropriate ANSI Guides should be sufficient to assure integrity and safety for users.

o The RCP should review manufacturer's information in labels and brochures relating to radiation health and safety, assay, and calibration procedures for adequacy.

o Approval documents for sealed source or device designs should be clear, complete and accurate as to isotopes, forms, quantities, uses, drawing identifications, and permissive or restrictive conditions.

o Approval documents for radioactive waste packages, solidification and stabilization media, or other vendor products used to treat radioactive waste for disposal should be complete and accurate as to the use, capabilities, limitations, and site specific restrictions associated with each product.

Licensing Procedures (Category II)

o The RCP should have internal licensing guides, checklists, and policy memoranda consistent with current NRC practice.

o In States which regulate the disposal of low-level radioactive waste in permanent disposal facilities, the RCP should have program-specific licensing guides, plans and procedures for license review, minimum approval standards, and policy memoranda which relate to specific aspects of waste disposal. The program should include the preparation of safety evaluation reports, product certifications, or similar documentation of license review and approval process.

o License applicants (including applicants for renewals) should be furnished copies of applicable guides and regulatory positions.

o The present compliance status of licensees should be considered in licensing actions.

o Under the NRC Exchange-of-Information program, evaluation sheets, service licenses, and licenses authorizing distribution to general licensees should be submitted to NRC on a timely basis.

o Standard license conditions comparable with current NRC standard license conditions should be used to expedite and provide uniformity in the licensing process.

o Files should be maintained in an orderly fashion to allow fast, accurate retrieval of information and documentation of discussions and visits.

PROGRAM ELEMENT: COMPLIANCE

Periodic inspections of licensed operations are essential to assure that activities are being conducted in compliance with regulatory requirements and consistent with good safety practices. The frequency of inspections depends on the amount and the kind of material, the type of operation licensed, and the results of previous inspections. The capability of maintaining and retrieving statistical data on the status of the compliance program is necessary. The regulatory agency must have the necessary legal authority for prompt enforcement of its regulations. This may include, as appropriate, administrative remedies, orders requiring corrective action, suspension or revocation of licenses, the impounding of materials, and the imposing of civil or criminal penalties.

Indicators and Guidelines

Status of Inspection Program (Category I)

o State RCP should maintain an inspection program adequate to assess licensee compliance with State regulations and license conditions. The inspection program in all States should provide for the inspection of licensees' waste generation activities under the State's jurisdiction.

o In States which regulate the disposal of low-level radioactive waste in permanent disposal facilities, the RCP should include provisions for pre-operational, operational, and post-operational facility inspections. The inspections should cover all program elements which are relevant at the time of the inspection and be performed independently of any resident inspector program. In addition, inspections should be conducted on a routine basis during the operation of the LLW facility, including inspection of incoming shipments and licensee site activities.

o The RCP should maintain statistics which are adequate to permit Program Management to assess the status of the inspection program on a periodic basis. Information showing the number of inspections conducted, the number overdue, the length of time overdue and the priority categories should be readily available.

o At least semiannual inspection planning should be done for number of inspections to be performed, assignments to senior vs. junior staff, assignments to regions, identification of special needs and periodic status reports. When backlogs occur, the program should develop and implement a plan to reduce the backlog. The plan should identify priorities for inspections and establish target dates and milestones for assessing progress.

Inspection Frequency (Category I)

o The RCP should establish an inspection priority system. The specific frequency of inspections should be based upon the potential hazards of licensed operations, e.g., major processors, and industrial

radiographers should be inspected approximately annually. Smaller or less hazardous operations may be inspected less frequently. The minimum inspection frequency including for initial inspections should be no less than the NRC system.

Inspectors' Performance and Capability (Category I)

o Inspectors should be competent to evaluate health and safety problems and to determine compliance with State regulations. Inspectors must demonstrate to supervision an understanding of regulations, inspection guides, and policies prior to independently conducting inspections.

o For the inspection of complex licensed activities such as permanent low-level radioactive waste disposal facilities, a multidisciplinary team approach is desireable to assure a complete compliance assessment.

o The compliance supervisor (may be RCP manager) should conduct annual field evaluations of each inspector to assess performance and assure application of appropriate and consistent policies and guides.

Response to Actual and Alleged Incidents (Category I)

o Inquiries should be promptly made to evaluate the need for onsite investigations.

o Onsite investigations should be promptly made of incidents requiring reporting to the Agency in less than 30 days. (10 CFR 20.403 types.)

o For those incidents not requiring reporting to the Agency in less than 30 days, investigations should be made during the next scheduled inspection.

o Onsite investigations should be promptly made of non-reportable incidents which may be of significant public interest and concern, e.g., transportation accidents.

o Investigations should include in-depth reviews of circumstances and should be completed on a high priority basis. When appropriate, investigations should include reenactments and time-study measurements (normally within a few days). Investigation (or inspection) results should be documented and enforcement action taken when appropriate.

o State licensees and the NRC should be notified of pertinent information about any incident which could be relevant to other licensed operations (e.g., equipment failure, improper operating procedures).

o Information on incidents involving failure of equipment should be provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency.

o The RCP should have access to medical consultants when needed to diagnose or treat radiation injuries. The RCP should use other technical consultants for special problems when needed.

Enforcement Procedures (Category I)

o Enforcement Procedures should be sufficient to provide a substantial deterrent to licensee noncompliance with regulatory requirements. Provisions for the levying of monetary penalties are recommended.

o Enforcement ~~procedures~~ letters should be issued within 30 days following inspections and should employ appropriate regulatory language clearly specifying all items of noncompliance and health and safety matters identified during the inspection and referencing the appropriate regulation or license condition being violated.

o Enforcement letters should specify the time period for the licensee to respond indicating corrective actions and actions taken to prevent re-occurrence.(normally 20-30 days). The inspector and compliance supervisor should review licensee responses.

o Licensee responses to enforcement letters should be promptly acknowledged as to adequacy and resolution of previously unresolved items.

o Written procedures should exist for handling escalated enforcement cases of varying degrees.

o Impounding of material should be in accordance with State administrative procedures.

o Opportunity for hearings should be provided to assure impartial administration of the radiation control program.

Inspection Procedures (Category II)

o Inspection guides consistent with current NRC guidance, should be used by inspectors to assure uniform and complete inspection practices and provide technical guidance in the inspection of licensed programs. NRC Guides may be used if properly supplemented by policy memoranda, agency interpretations, etc.

o Written inspection policies should be issued to establish a policy for conducting unannounced inspections, obtaining corrective action, following up and closing out previous violations, interviewing workers and observing operations, assuring exit interviews with management, and issuing appropriate notification of violations of health and safety problems.

o Procedures should be established for maintaining licensees' compliance histories.

o Oral bricfing of supervisors or the senior inspector should be performed upon return from non-routine inspections.

o For States with separate licensing and inspection staffs procedures should be established for feedback of information to license reviewers.

Inspection Reports (Category II)

o Findings of inspections should be documented in a report describing the scope of inspections, substantiating all items of noncompliance and health and safety matters, describing the scope of licensees' programs, and indicating the substance of discussions with licensee management and licensee's response.

o Reports should uniformly and adequately document the result of inspections including confirmatory measurements, status of previous noncompliance and identify areas of the licensee's program which should receive special attention at the next inspection. Reports should show the status of previous noncompliance and the results of confirmatory measurements made by the inspector.

Confirmatory Measurements (Category II)

o Confirmatory measurements should be sufficient in number and type to ensure the licensee's control of materials and to validate the licensee's measurements. In States which regulate the disposal of low-level radioactive waste in permanent disposal facilities, measurements should also be adequate to confirm non-radiological aspects of licensing operations such as soils and materials testing and environmental sampling and analysis to demonstrate compliance with 10 CFR Part 61 and assure facility performance.

o RCP instrumentation should be adequate for surveying license operations (e.g., survey meters, air samples, lab counting equipment for smears, identification of isotopes, etc).

o RCP instrumentation should include the following types: GM Survey Meter, 0-50 mr/hr; Ion Chamber Survey Meter, several r/hr; micro-R-Survey meter; Neutron Survey Meter, Fast and Thermal; Alpha Survey Meter, 0-1000,000 c/m; Air Samplers, Hi and Lo Volume; Lab Counters, Detect 0.001 uC/wipe; Velometers; Smoke Tubes; Lapel Air samplers.

o Instrument calibration services or facilities should be readily available and appropriate for instrumentation used. Licensee equipment and facilities should not be used unless under a service contract. Exceptions for other State agencies, e.g., a State University, may be made.

o Agency instruments used for surveys and confirmatory measurements should be calibrated within the same time interval as required of the licensee being inspected.

Dated at Rockville, MD

this _____ day of _____.

FOR THE NUCLEAR REGULATORY COMMISSION

Samuel J. Chilk
Secretary of the Commission

Enclosure 2

Draft letter to Congress forwarding Federal Register Notice

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee are copies of a public announcement and a proposed revision to the NRC Policy Statement, "Guidelines for Review of Agreement State Radiation Control Programs" which is to be published in the Federal Register.

The Policy Statement was last amended June 4, 1987. The Nuclear Regulatory Commission is proposing revisions to update the Policy Statement and to incorporate editorial and other minor changes.

The Commission is issuing the proposed revision amendment for a 60-day public comment period.

Sincerely,

Harold R. Denton, Director
Office of Governmental and
Public Affairs

Enclosures:
1. Public Announcement
   (to be attached when the announcement is issued)
2. Federal Register Notice
   (to be attached by OCA when the FRN is signed)

cc: Representative James V. Hansen

IDENTICAL LETTERS SENT TO THOSE ON ATTACHED LIST.

Enclosure 2

The Honorable John D. Breaux, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

cc: Senator Alan K. Simpson

The Honorable Philip Sharp, Chairman
Subcommittee on Energy and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

cc: Representative Carlos J. Moorhead

Enclosure 3

Draft Public Announcement

NRC Proposed Revisions to Policy Statement for Evaluation of Agreement State Radiation Control Programs

The Nuclear Regulatory Commission is publishing for public comment proposed revisions to its policy statement, containing guidelines for review of Agreement State radiation control programs.

The guidelines were last revised June 4, 1987. They are used by the NRC staff when reviewing the radiation control programs of the 29 States who regulate certain by-product, source and special nuclear materials licensees under agreements with NRC. NRC staff has found the guidelines to be effective in helping ensure that these State radiation control programs remain adequate to protect public health and safety and compatible with NRC's program.

Revisions are being proposed to update the guidelines and to incorporate editorial and other minor changes.

The proposed revisions were published in the Federal Register on _____, __, 1989 at ____ FR _____. Interested persons are invited to submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Document and Services Branch by _____.

Enclosure 3