



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

JUL 12 1990

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

FROM: Sheldon A. Schwartz, Deputy Director *Sheldon A. Schwartz*  
Beth Hayden, Senior Program Analyst *Beth Hayden*  
Office of Governmental and Public Affairs

SUBJECT: RESULTS OF COMPATIBILITY SURVEY OF STATE VIEWS

Attached are the results of the survey of State views on compatibility that you requested in your memorandum dated March 30, 1990. We obtained the views of 16 State representatives and found all States to be very interested in talking about the issue of Agreement State compatibility. Overall, we found that the States are very supportive of the Agreement States Program. Any criticism should be taken in a positive manner, as suggestions for improving the States' partnership with NRC. Responses to each of the questions used in the survey are provided at Appendix E to the report.

In response to specific issues you identified regarding compatibility, most States interviewed do not equate "compatible" with "identical" except for certain basic radiation standards in 10 CFR Part 20 and regulations affecting interstate commerce activities. They believe that the same level of protection should be afforded but that the means for providing that protection can vary among the States. As one State put it, "NRC and State regulations should exist in harmony and be equally effective in protecting public health and safety."

Most States expressed the view that too many regulations are categorized as Division 1 compatibility, requiring identical regulations to be adopted by States. They stressed the need for development of compatibility criteria with participation from the States and the application of this criteria to existing and future NRC regulations, again with participation from the States.

Lastly, the majority of States indicated that three years is a reasonable period for adopting compatibility requirements. Difficulties in meeting this schedule, seem to stem mostly from unavailability of staff to draft regulations or involvement of the State legislature, some of which meet only every two years.

Based on these findings, we recommend establishment of a task force, having both NRC and State representatives, to do the following in about six months:

- 1) Review and modify, as appropriate, existing compatibility criteria.
- 2) Analyze and resolve the relationship between "compatibility" and "public health and safety."
- 3) Identify under what circumstances State and Federal requirements should be identical and when variations can be permitted, and
- 4) Review governing legislation and regulatory program and recommend any changes to improve NRC's compatibility framework.

*per S.A. SCHWARTZ*

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We also recommend institutionalizing a formal compatibility review process with State participation. More specifically, a review committee with NRC and State participants should be established to apply the task force's compatibility criteria to existing and future NRC regulations to determine which rules need to be identical (Division 1) and which ones may vary.

We will be available to discuss the results of the survey and our recommendations at your convenience.

Attachment:  
Report on Compatibility Survey of State Views

cc: C. Kammerer