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

FROM: John G. Davis, Director
Office of Nuclear Material
Safety and Safeguards

SUBJECT: COMMENTS ON PROCEDURES FOR DEVELOPING MOUs
WITH STATES (NMSS 821142)

We have reviewed the revised guidance on developing NRC-State Memoranda and in general, we find this draft satisfactory. However, we have the following specific suggestions:

1. On page 3, we think the process for developing memoranda of understanding should require a public announcement and a notice in the Federal Register before an MOU is concluded. The Federal Register notice should include a request for public comment.
2. We suggest that the procedure for developing MOU's with states be incorporated into the NRC Manual for ease of future reference.
3. The difference between an umbrella MOU and a subagreement is not clear. For example, can NRC seek specific MOU's without an umbrella MOU, or should NRC seek umbrella MOU's with each State so that all specific MOU's would be subagreements? Additionally, we would suggest that examples of an umbrella MOU and subagreement should be included.

Thank you for the opportunity to review this draft.

(Signed) John G. Davis
John G. Davis, Director
Office of Nuclear Material
Safety and Safeguards

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