



RICHARD F. CELESTE
GOVERNOR

STATE OF OHIO
OFFICE OF THE GOVERNOR
COLUMBUS 43266-0601

September 20, 1990

Mr. Kenneth Carr
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Carr:

Some months ago, we had a conversation regarding the State of Ohio's desire to enter into a Memorandum of Understanding (MOU) with the Nuclear Regulatory Commission. Upon the advice of Ohio's Utility Radiological Safety Board, I am prepared to pursue the establishment of the "generic Memorandum of Understanding" pursuant to our discussion.

I feel that it is in the best interest of Ohio to formalize its relationship with the NRC in areas relating to nuclear power plant issues. By signing this document, divisions of the NRC and the State of Ohio will be able to negotiate and enter into subagreements to closely participate in joint areas of concern.

The NRC staff has previously reviewed the MOU; however, it has been slightly amended. These minor changes do not affect the substance or intention of the MOU but rather are made, by suggestion, to clarify the existing functions of our State operation. The revised MOU will be sent to your staff for review under separate cover.

It is my intention to pursue and enhance State cooperation with the NRC to provide a safe environment and economical power for the citizens of Ohio. In this regard, I urge your favorable consideration of the Memorandum of Understanding.

Best regards,

Richard F. Celeste
Governor

MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF OHIO AND THE U.S. NUCLEAR REGULATORY COMMISSION

I. Scope

This Memorandum of Understanding (MOU) between the State of Ohio and U.S. Nuclear Regulatory Commission (hereafter "NRC") provides a basis for NRC/State cooperation as it relates to the regulatory oversight of nuclear power plants and other nuclear production or utilization facilities and sets forth mutually agreeable principles of cooperation between the State of Ohio and NRC in areas subject to the jurisdiction of Ohio or the NRC or both. This Memorandum is intended to provide the basis for subsequent detailed subagreements between both parties as permitted by Section 274(i) of the Atomic Energy Act of 1954, as amended.

II. Background

The Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, authorize the NRC to regulate the radiological and national security aspects of the construction and operation of any nuclear production or utilization facilities, except for certain authority over air emissions granted to States by the Clear Air Act, in order to assure the common defense and security and to protect the public health and safety.

The NRC and the States have complementary responsibilities in protecting public health and safety and the environment. NRC believes that this mission can best be served by a policy of cooperation with State governments and has formally adopted a policy statement. "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities," (54 FR 7530, February 22, 1989). The policy statement outlines NRC's interaction with State governments to ensure close cooperation between the State and NRC. Close cooperation between the two parties will help assure the goals and policies of Ohio and Federal law will be carried out efficiently and expeditiously without diminishing the responsibilities or authorities of either party.

With the execution of this MOU, Ohio and the NRC agree to consult regularly and to cooperate in exploring and devising appropriate procedures to minimize duplication of effort to the extent permitted by Ohio and Federal law, to avoid delays in decision-making, and to ensure the exchange of information. The goal of the Memorandum is to effectively use the resources of Ohio and the NRC in order to accomplish the purposes of both parties.

III. Principles of Cooperation

Toward the goals of both parties, the State and NRC agree to explore areas of cooperation which may include the development of detailed subagreements. These areas include, but are not limited to, State observation and participation of NRC inspection activities, low-level radioactive waste package and transportation inspections performed by the State, emergency preparedness planning, decommissioning of nuclear facilities, environmental reviews, radiological monitoring around operating nuclear facilities, and routing for transportation of spent fuel. However, the scope of the cooperative efforts shall not include any function promulgated in Section 274(b) of the Atomic Energy Act of 1954, as amended.

Subagreements under this MOU may provide for activities to be performed by either party under mutually agreeable guidelines and criteria which assure that the needs of both are met. Such subagreements shall not affect, vary, or restrict any existing agreement or contract between the NRC and any State agency; nor shall it affect, vary, or restrict existing activities performed by a State agency pursuant to the Ohio Revised Code.

NRC and the State of Ohio agree, in good faith, to make available to each other pertinent information. This would include the possibility of sharing with Ohio proprietary and other information in NRC's possession that is exempt from mandatory public disclosure. The State shall conform to NRC practice regarding disclosure of such information.

Each agrees to explore means by which its training programs can be made available to the other.

Nothing in this Memorandum is intended to restrict or expand the constitutional or statutory authority of either the NRC or the State of Ohio or to affect or vary the terms of any future agreement between the NRC and the State of Ohio under the authority of Section 274(b) of the Atomic Energy Act of 1954, as amended, nor is anything in this MOU intended to restrict or expand the authority of the State of Ohio for matters not within the scope of this MOU.

If disagreements or conflicts arise about matters within the scope of this MOU, the NRC and the State of Ohio will work together to resolve those differences.

IV. Contacts

The principal NRC contact under this Memorandum shall be the NRC Regional State Liaison Officer. The principal State of Ohio contact shall be the Governor-appointed State Liaison Officer to the NRC. Subagreements will name appropriate officials as contacts.

V. Effective Date, Modification, Termination

This Memorandum of Understanding shall take effect upon signing by the Governor of Ohio and the Chairman of the NRC. The MOU will be subject to periodic reviews and may be amended or modified upon written agreement by both parties, and may be terminated upon 30 days written notice by either party.

FOR THE STATE OF OHIO

Richard F. Celeste, Governor
Dated at _____
This ____ day of _____

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Kenneth M. Carr, Chairman
Dated at _____
This ____ day of _____