

JUL 22 1994

TRANSMITTAL OF STATE AGREEMENTS PROGRAM INFORMATION
(SP-94-107)

Your attention is invited to the attached correspondence which contains:

INCIDENT AND EVENT INFORMATION.....

PROGRAM MANAGEMENT INFORMATION.....XX DRAFT STATEMENT OF POLICY
PUBLISHED IN THE FEDERAL REGISTER ON JULY 21, 1994 ON
ADEQUACY AND COMPATIBILITY

TECHNICAL INFORMATION.....

OTHER INFORMATION.....

Supplementary information: Enclosed for your information is a copy of the July 21, 1994 Federal Register Notice on "Adequacy and Compatibility for NRC and Agreement State Radiation Control Programs Necessary to Protect Public Health and Safety; Draft Statement of Policy." Comments are due on or before October 19, 1994 and should be sent to the Docketing and Services Branch per the Federal Register's instructions.

If you have any questions regarding this correspondence, please contact me or the individual named below.

POINT OF CONTACT: Cardelia H. Maupin
TELEPHONE: (301) 504-2312
FAX: (301) 504-3502
INTERNET: CHM@NRC.GOV

/s/
Paul H. Lohaus, Deputy Director
Office of State Programs

Enclosure:
As stated

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 22, 1994

ALL AGREEMENT AND NON-AGREEMENT STATES, STATE LIAISON OFFICERS,
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INTERNET: CHM@NRC.GOV

A handwritten signature in cursive script, appearing to read "Paul H. Lohaus".

Paul H. Lohaus, Deputy Director
Office of State Programs

Enclosure:
As stated

Program: This meeting will review Fellowships for College Teachers applications in Political Science and Jurisprudence, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1995.

11. Date: August 12, 1994

Time: 8:00 a.m. to 5:30 p.m.

Room: 315

Program: This meeting will review Fellowships for University Teachers applications in Classical, Medieval, and Renaissance Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1995.

12. Date: August 15, 1994

Time: 8:00 a.m. to 5:30 p.m.

Room: 315

Program: This meeting will review Fellowships for University Teachers applications in Romance Languages and Literatures, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1995.

13. Date: August 16, 1994

Time: 8:00 a.m. to 5:30 p.m.

Room: 315

Program: This meeting will review Fellowships for University Teachers applications in Political Science, Law, and Jurisprudence, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1995.

14. Date: August 16, 1994

Time: 8:00 a.m. to 5:30 p.m.

Room: 415

Program: This meeting will review Fellowships for College Teachers applications in Religious Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1995.

15. Date: August 18, 1994

Time: 8:00 a.m. to 5:30 p.m.

Room: 315

Program: This meeting will review Fellowships for University Teachers applications in Religious Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1995.

16. Date: August 18, 1994

Time: 8:00 a.m. to 5:30 p.m.

Room: 415

Program: This meeting will review Fellowships for College Teachers applications in Classical, and Medieval Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1995.

17. Date: August 19, 1994

Time: 8:00 a.m. to 5:30 p.m.

Room: 315

Program: This meeting will review Fellowships for University Teachers applications in American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1995.

David Fisher,

Advisory Committee Management Officer.

[FR Doc. 94-17691 Filed 7-20-94; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Notice of Workshop

The National Science Foundation (NSF) will hold a one day workshop on August 1, 1994. The Workshop will take place at the Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Sessions will be held from 11 a.m. to 3:30 p.m.

The goal of the Workshop is to provide a forum for gathering the views of leaders in the higher education community on the present condition of undergraduate education in science, mathematics, engineering and technology, and obtain advice about how to improve it.

The Workshop will not operate as an advisory committee. It will be open to the public. Participants will include approximately 15 leaders in science, mathematics and engineering education.

For additional information, contact Dr. Robert Watson, Director, Division of Undergraduate Education, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306-1666.

Dated: July 15, 1994.

Dr. Robert F. Watson,

Division Director, Undergraduate Education.

[FR Doc. 94-17727 Filed 7-20-94; 8:45 am]

BILLING CODE 7556-01-M

NUCLEAR REGULATORY COMMISSION

Adequacy and Compatibility for NRC and Agreement State Radiation Control Programs Necessary to Protect Public Health and Safety; Draft Statement of Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft statement of policy.

SUMMARY: The Nuclear Regulatory Commission is revising its general statement of policy regarding the review of Agreement State radiation control

programs. This action is necessary to clarify the meaning and use of the terms "adequate" and "compatible" as applied to an Agreement State radiation control program. This draft policy statement would not be intended to have the force and effect of law or binding effect; it is intended as guidance to the Agreement States, NRC staff, and the public to make clear how the Commission intends to evaluate the adequacy and compatibility of NRC and Agreement State programs. Comments are solicited on the draft policy statement and specific questions contained in this notice.

DATES: Comments are due on or before October 19, 1994.

ADDRESSES: Send written comments to Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch. Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm on Federal workdays.

FOR FURTHER INFORMATION CONTACT: Cardelia Maupin, State Agreements Program, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504-2312.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Background
 - Results of Discussions with Various Groups
 - A. States
 - B. Regulated Community
 - C. Environmental Group
- II. Discussion
 - A. Adequate
 - B. Compatibility
 - C. Compatibility and Adequacy Determination of Agreement States
 - D. Termination of Agreements
 - E. Specific Questions for Public Comment
- III. Policy Statement
 - A. Definitions
 - B. Elements of an Adequate Program
 - C. Elements of a Compatible Program
 - D. Compatibility Criteria
 - E. Implementation
 - F. Examples for the Compatibility Criteria
 - G. Examples of More Stringent Requirements
- IV. Paperwork Reduction Act Statement

I. Background

The terms "compatible" and "adequate" constitute core concepts in the Commission's Agreement State program under Section 274 of the Atomic Energy Act (AEA) of 1954, as amended, in 1959. Subsection 274d states that the Commission shall enter into an Agreement under subsection b., discontinuing NRC's regulatory authority over certain materials in a

State, if the State's program is both adequate to protect public health and safety and compatible with the Commission's regulatory program. Subsection 274g. authorizes and directs the Commission to cooperate with the States in the formulation of standards to assure that State and Commission standards will be coordinated and "compatible." Subsection 274(j)(1) requires the Commission to periodically review the Agreements and actions taken by the States under the Agreements to ensure compliance with the provisions of section 274. Although the terms "compatible" and "adequate" are fundamental requirements in the Agreement State program under Section 274 of the AEA, these terms are not defined in the Act. Neither has the Commission provided a formal definition or formal comprehensive guidance on how the terms should be interpreted in implementing Section 274. The guiding concept over the years since the beginning of the Agreement State program in the area of compatibility has been to encourage uniformity to the maximum extent practicable while allowing flexibility, where possible, to accommodate local regulatory concerns. This concept has been implemented in case-by-case decisions by the Commission and in internal procedures developed by the staff to assign designations of degrees of "compatibility" (i.e. uniformity), from "essentially verbatim" to "no degree of uniformity required," to sections of the Commission's regulations. More recently, the Commission has attempted to involve the States earlier in the process of developing new regulations and determining what level of "compatibility" (i.e. uniformity) will be required of the Agreement States.

The Commission's approach to making compatibility determinations has evolved slowly over the life of the Agreement State program. At the same time, since 1962, the Agreement State program has expanded and developed significantly both in the number of Agreement States, as well as depth of experience and expertise of State regulators. To clarify the matter of compatibility, the Commission has directed the staff to develop a comprehensive interpretation and application of compatibility.

On April 2, 1993, the Commission directed the staff to develop a compatibility policy for all program areas other than low level radioactive waste. While developing the policy, the staff participated in discussions with the Agreement States, the non-Agreement States, the regulated community, and the general public. A

working group was formed and a draft issues paper was developed. The draft issues paper was discussed with the Agreement States in a public meeting in May 1993 and draft options, SECY-93-290, were discussed in October 1993 at the All Agreement States Meeting. The Agreement and non-Agreement States, the regulated community and the general public participated in a public workshop on the final issues paper in July 1993.

Results of Discussions With Various Groups

A. States

The States would like to see a minimum number of requirements for compatibility determinations. From the comments at the July 1993 public workshop and during the October 1993 All Agreement States Meeting in Tempe, Arizona, the following positions, though not a formal consensus, emerged:

- The States are in favor of:
1. uniformity of requirements that are necessary to assure interstate commerce, i.e., labels, signs and symbols.
 2. uniformity of radiation standards necessary to protect public health and safety. However, States want the flexibility to set stricter dose limits when local conditions warrant them.
 3. early and substantive involvement in the deliberations on the development of regulations.

B. Regulated Community

The regulated community desires strict adherence to uniform national radiation standards so that licensees meet the same standards in all States and will not be subject to different regulations in different States.

C. Environmental Group

An environmental advocacy group indicated that Federal and State regulations should be the minimum requirements with the proviso that communities may have the flexibility to go beyond those regulations.

In the formulation of this draft policy statement, the staff has carefully considered the views of the Agreement States, the regulated community, the environmental group and other members of the public.

II. Discussion

The question posed by the current task to develop a compatibility policy centers on making a determination of what components or elements of a State radiation control program are needed beyond those which establish and maintain an adequate radiation control program. Presently, adequacy of

Agreement State programs is only applied to program elements in terms of their direct or indirect bearing on public health and safety and compatibility is only applied to the degree of conformity between State regulations and NRC's regulations. However, staff believes that some regulations should be a matter of adequacy to protect public health and safety and some program elements should be a matter of compatibility. In order to fully understand this concept, the relationship between adequacy and compatibility must be examined.

Section 274 of the Atomic Energy Act requires that Agreement State programs be both "adequate to protect the public health and safety" and "compatible with the Commission's program." Thus, under the proposed compatibility policy, these separate findings must be based on consideration of two different objectives; first, providing for an acceptable level of protection for public health and safety in an Agreement State (the "adequacy" component), and second, providing for the overall national interest in radiation protection, (the "compatibility" component). An "adequate" program, including regulations or other legally binding measures (e.g., license conditions) and program elements (e.g., organization and resources) should consist of those attributes considered necessary by the Commission to maintain an acceptable level of protection of the public health and safety within the Agreement State. A "compatible" program, including radiation protection standards and other program elements, should consist of those attributes considered necessary by the Commission to meet a larger national interest in radiation protection. The requirements for adequacy would focus on the protection of public health and safety within a particular State, whereas the requirements for compatibility would focus on the extraterritorial effect of State action or inaction either on other States or on the national program for radiation protection. As a basis for determining what ultimately will be required for compatibility, the Commission must first identify what is necessary for a State program to be "adequate."

A. Adequate

Under the draft policy, "adequate" would focus on those elements of a State program that are necessary to provide a level of protection of the public health and safety within the State that is equivalent to, or greater than, that provided by the NRC regulatory program for its licensees. The requirements for "adequate" would not require that NRC regulations or other

program elements be incorporated in an essentially identical manner. Under the adequate provision, States would also be allowed to establish requirements through measures other than regulations, such as license conditions.

B. Compatibility

The "compatibility" requirement would focus on those elements of a State program which would be required to be essentially identical with the NRC regulatory framework in order to achieve a larger national interest beyond that required for adequate protection of the public health and safety within the State. The draft policy establishes four criteria¹ that the NRC would use to determine which elements of the NRC regulatory program, including specific NRC regulations, that the State would be required to incorporate in an essentially identical manner into its regulatory program. The dose limits and radiation-protection related release limits in 10 CFR Part 20 and 10 CFR Part 61 applicable to all licensees, or any subsequent amendments thereto, or other NRC regulations which are required to be essentially identical for compatibility purposes will automatically be required to be identical.² States will not have the flexibility to deviate from the program elements that the Commission requires for compatibility.

C. Compatibility and Adequacy Determination of Agreement States

The staff has developed a management directive for the use of common performance indicators in review of the Agreement States and regional materials program. The development of the common performance indicators for the evaluation of Agreement States and the NRC regional offices will be directly related to adequacy requirements for Agreement State programs, and consequently, will need to be closely coordinated with the staff efforts to define the elements of an adequate State program. In January 1994, the staff provided to the Commission a paper further describing the use of common

performance indicators in NRC region and Agreement State reviews. The staff is currently implementing a pilot program on the common performance indicators program. The current proposed common performance indicators program contemplates using a Management Review Board (MRB) to make the decision on the adequacy of existing Agreement State programs. The initial adequacy determination of a proposed new Agreement State program will be made by the Office of State Programs, rather than the MRB, because the adequacy of a proposed new program is not dependent on effectiveness of actual program implementation. The staff plans to follow this same split of responsibilities for the compatibility determination of an Agreement State program, with the MRB making the compatibility determinations for existing Agreement State programs, and the Office of State Programs making the initial compatibility determinations for proposed new programs. The initial adequacy and compatibility determinations for proposed new Agreement State programs are reviewed and approved by the Commission. Indicators of compatibility will also be developed by the staff.

D. Termination of Agreements

Termination of an Agreement can occur when an Agreement State program is either inadequate or incompatible. The proposed MRB, reviewing discrete common performance indicators, would judge the overall adequacy of an Agreement State program. Similarly, the MRB would review discrete "compatibility indicators" and determine the overall compatibility of an Agreement State program. For either of the adequacy or compatibility determination, failure to satisfy an individual indicator may not necessarily result in an overall finding of inadequacy or incompatibility. In some situations, individual indicator weakness(es) could result in a "marginal" finding by the MRB calling for Agreement State improvements and the State program may be placed on probation. In extreme cases, indicator(s) failure could lead to inadequate or incompatible findings resulting in the initiation of program suspension or termination. In terms of the compatibility evaluation, the significance of performance indicator "incompatibility" in an individual State will be judged on the basis of the impact on the national program.

E. Specific Questions for Public Comment

In responding to this notice, the following questions should be specifically addressed along with any additional comments.

1. Under what circumstances should Agreement States be permitted to establish more stringent requirements, for their licensees, than those established by the Commission? Should this also include the ability to establish stricter dose limits for particular classes of licensees?

2. Are the four criteria in the proposed policy statement for determining whether a Commission regulation or other program element should be adopted in a manner essentially identical by the Agreement States sufficient to ensure protection of the national interest in radiation protection? What examples could be used to illustrate how each criterion would be applied?

3. What are some examples of State action to establish stricter requirements than those established by the Commission, or establish requirements where the NRC has not?

4. What limits, if any, should be placed on the power of a State to preclude or, by exceptionally stringent regulations, effectively preclude a particular practice?

5. Are there any other dose or radiation-protection related release limits in the Commission's regulations which should be included under the criterion number 3 of the compatibility criteria? Should the dose limits contained in 10 CFR Part 61 be included under this criterion?

6. Should the draft adequacy and compatibility policy statement be applicable to the regulation of low-level waste disposal instead of continuing to consider questions of compatibility in this area on a case-by-case basis?

7. Are there currently areas or situations in Agreement State regulations or other Agreement State requirements that would not meet the proposed policy statement?

8. Should States be permitted to establish more stringent standards for radiation-protection related release limits?

III. Policy Statement

The purpose of this Policy Statement is to provide a comprehensive interpretation and application of the terms "adequate" and "compatible" as they apply to the NRC Agreement State regulatory programs.

The terms "compatible" and "adequate" constitute core concepts in

¹ The compatibility criteria are specified in Section III.D, below.

² In issuing this Draft Policy Statement for comment, the Commission is revisiting its earlier decision to review compatibility of Agreement State programs in the low level radioactive waste area on a case-by-case basis. The Commission based its earlier decision on a belief that such case-by-case consideration could best address the special circumstances that confront Agreement States in that area. Using the case-by-case approach, the Commission has determined that the low level radioactive waste regulations of Pennsylvania and Illinois are compatible.

the Commission's Agreement State program under Section 274 of the Atomic Energy Act (AEA) of 1954, as amended, in 1959. Subsection 274d. states that the Commission shall enter into an Agreement under subsection b., discontinuing NRC's regulatory authority over certain materials in a State, if the State's program is both adequate to protect public health and safety and compatible with the Commission's regulatory program. Subsection 274g. authorizes and directs the Commission to cooperate with the States in the formulation of standards to assure that State and Commission standards will be coordinated and "compatible." Subsection 274j(1) requires the Commission to periodically review the Agreements and actions taken by the States under the Agreements to insure compliance with the provisions of section 274.

A. Definitions

For the purpose of evaluating the adequacy of Agreement State regulatory programs to protect public health and safety, the following terms are defined:

1. Adequate

The acceptable level of protection for the public health and safety from the radiation hazards associated with the use of byproduct, source, and special nuclear materials.

2. An Adequate Agreement State Program

An effectively implemented regulatory program containing elements considered necessary by the Commission to provide an acceptable level of protection for the public health and safety from the radiation hazards associated with the use of byproduct, source, and special nuclear materials.

3. Compatible

The consistency between NRC and Agreement State regulatory programs which is needed for the regulation of byproduct, source and special nuclear material which assures an orderly and effective regulatory pattern in the administration of the national radiation protection program. Compatibility shall be aimed at ensuring that interstate commerce is not impeded, that effective communication in the radiation protection field is maintained, that dose limits and radiation-protection related release limits applicable to all licensees are maintained, and that information needed for the study of trends in radiation protection and other national program needs is obtained.

4. A Compatible Agreement State Program

A regulatory program containing elements considered necessary by the Commission to effectively implement the term "compatible" as defined above.

5. Element

"Element" or "program element" is used to describe any of the essential components and functions of a radiation protection regulatory program. The term includes any aspect of a radiation protection regulatory program that is necessary to implement a program that is adequate to protect public health and safety and is compatible with the NRC regulatory program. The term "element" may include organizational structure, staffing level, inspection frequency, regulations, policies and procedures or any other component or function that the Commission considers necessary.

6. Practice

The term "practice" describes a use, procedure or activity associated with the application, possession, storage or disposal of byproduct, source and special nuclear materials. The term "practice" is very broad and encompassing in nature. For example, the term "practice," as applied in the policy statement, not only applies to very general activities involving radioactive materials such as industrial radiography, low-level waste disposal, nuclear medicine procedures, and well logging, but also includes specific activities conducted within these very broad activities, such as shallow land burial, sanitary sewerage disposal, and incineration of materials.

7. Radiation Protection Standards

As used in this Policy Statement, the term "radiation protection standards" means dose limits and radiation-protection related release limits in 10 CFR Part 20 and 10 CFR Part 61 applicable to all licensees, or any subsequent amendments thereto.

B. Elements of an Adequate Program

1. Protection

The Agreement State program shall be designed and administered to protect the public health and safety of its citizens against radiation hazards.

2. Regulations

Except for dose limits and radiation-protection related release limits in 10 CFR Part 20 and 10 CFR Part 61 applicable to all licensees, or any subsequent amendments thereto, or other regulations which are required to be essentially identical for compatibility

purposes, an Agreement State program shall adopt regulations or other legally binding measures, equivalent to, or more stringent than, those designated by the NRC.

3. Inspection

The State regulatory program shall provide for the inspection of the possession and use of radioactive materials by the regulatory authority. The State inspection of licensee facilities, equipment, procedures and use of materials shall provide reasonable assurance that the public health and safety is being protected. Inspection and testing shall be conducted to assist in determining compliance with regulatory requirements. Frequency of inspection shall be related directly to the hazards associated with amount and kind of material and type of operation licensed. The minimum inspection frequency, including initial inspections, shall be no less than the NRC inspection frequency. An adequate inspection program includes: preparation and use of procedures and policy memoranda to assure technical quality in the inspection program and review of inspection actions by senior staff or supervisors. The inspection staff technical expertise should be similar to NRC staff qualifications.

4. Enforcement Program

Licensee noncompliance with requirements necessary for the safe possession and use of radioactive materials shall be subject to enforcement through legal sanctions, and the regulatory authority shall be authorized by law with the necessary powers for prompt enforcement.

5. Staffing and Personnel Qualifications

The regulatory agency shall be sufficiently staffed with an adequate number of qualified personnel to implement the radiation control program effectively. Agreement State staff shall be qualified using criteria no less stringent than criteria used for NRC staff.

6. Administrative Procedures

State practices for assuring the effective administration of the radiation control program, including provisions for public participation where appropriate, shall be incorporated in procedures for:

- (a) Formulation of rules of general applicability;
- (b) Approving or denying applications for licenses authorizing the possession and use of radioactive materials; and
- (c) Taking enforcement actions.

7. Statutes

State statutes and/or duly promulgated regulations shall be established to authorize the State to carry out the requirements under Section 274b of the Atomic Energy Act, as amended and any other statutes as appropriate, such as Public Law 95-604, Uranium Mill Tailings Radiation Control Act (UMTRCA).

8. Laboratory Support

The State shall have available calibrated field and laboratory instrumentation sufficient to independently determine the licensee's control of materials, to validate the licensee's measurements, and to respond to events involving radioactive material.

9. Licensing

The State regulatory program review of license applications for the purpose of evaluating the applicant's qualifications, facilities, equipment, procedures and use of materials shall provide reasonable assurance that the public health and safety are being protected. An adequate licensing program includes: preparation and use of licensing guides and policy memoranda to assure technical quality in the licensing program and review of licensing actions by senior staff or supervisors. In addition, procedures involving the licensing of products containing radioactive material intended for interstate commerce should require a high degree of uniformity with those of the NRC. The review staff technical expertise should be similar to NRC staff qualifications.

10. Investigation (Response to Events)

The State regulatory program shall provide for timely and effective investigation of incidents, reportable events, allegations and any potential wrongdoing.

11. Budget

The State radiation control program (RCP) shall have adequate budgetary support to implement an effective program. The total RCP budget must provide adequate funds for salaries, training, travel costs associated with the compliance program, laboratory and survey instrumentation and other equipment, contract services, and other administrative costs.

C. Elements of a Compatible Program**1. Radiation Labels, Signs, and Symbols**

States must have radiation labels, signs and symbols identical to that of the national standard.

2. Uniform Manifest

State regulatory programs shall establish a manifest system in accordance with 10 CFR Part 20.

3. Transportation Regulations

State regulations regarding transportation of radioactive materials must be identical or essentially verbatim with those in 10 CFR Part 71.

4. Event Reporting

The State regulatory program shall require licensee reporting in a manner so that information on identical type events is consistent with the reporting established by the NRC. This information shall be provided to the NRC.

5. Reciprocity

The State regulatory program shall have reciprocal recognition of out-of-State licensees and Federal licensees through a process which authorizes the safe conduct of similar operations within the Agreement State.

6. Records and Reports

The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys and disposal of materials, (b) keep records of the receipt and transfer of the material, (c) maintain reports of significant incidents involving radioactive materials.

7. Radiation Protection Terminology

The State regulatory program shall adopt fundamental radiation protection terminology in a manner essentially identical to NRC definition of these terms to ensure clear communication about radiation protection. Some examples of these terms are "byproduct material;" "total effective dose equivalent;" "sievert;" "gray;" and "becquerel."

8. Radiation Protection Standards

The State regulatory program shall adopt dose limits and radiation-protection related release limits in 10 CFR Part 20, and 10 CFR Part 61 applicable to all licensees, or any subsequent amendments thereto.

D. Compatibility Criteria

The following criteria shall be applied to program elements and regulations to determine whether they must be adopted by Agreement States in a manner essentially identical to that of the NRC for the purposes of compatibility:

1. avoids a significant burden on interstate commerce;
2. ensures clear communication on fundamental radiation protection terminology;
3. ensures the establishment of the dose limits and radiation-protection related release limits in 10 CFR Part 20 and 10 CFR Part 61 applicable to all licensees, or any subsequent amendments thereto;
4. assists the Commission in evaluating the effectiveness of the overall national program for radiation protection.

If none of the above criteria is met, the State would have the flexibility to design its own program including incorporating more stringent³ requirements provided that:

- a. the requirements for adequacy are still met; and
- b. the more stringent requirements do not preclude or effectively preclude a practice within the national interest without an adequate public health and safety or environmental basis.

E. Implementation

Notwithstanding the provisions above, the Agreement States shall exercise their regulatory authority in a responsible manner and shall not adopt more stringent regulations or requirements as a means to bar or preclude a practice without an adequate safety or environmental basis, or bar a practice needed in the national interest. In order to permit the NRC to provide early coordination and oversight of any proposed more stringent regulations or requirements, NRC will request Agreement States to identify any such regulations or requirements and provide opportunity for NRC review before publication as a draft rule for comment or before the institution of the requirement as a legally binding measure.

F. Examples⁴ for the Compatibility Criteria

1. Avoids a Significant Burden on Interstate Commerce
 - The adoption of transportation requirements for all Agreement States should be essentially identical to assure that the flow of radioactive materials in or through another

³ Local governmental entities are not usually authorized by the NRC under Section 274 to regulate radiological safety. Thus, with limited exception, the authority to set more stringent requirements would not extend to localities unless approved by the Commission through a Section 274 Agreement.

⁴ The examples are not part of the Policy Statement and are neither exhaustive nor controlling.

jurisdiction is not impeded. For example, if States were allowed to change 10 CFR 71.47, "External Radiation Standards for all Packages" then it would be very difficult to transport radioactive material packages.

2. Ensures Clear Communication on Fundamental Radiation Protection Terminology

—The definition of the terms "sievert" and "gray" (or "rem," "rad") would need to be adopted essentially identically by all Agreement States.

3. Ensures the Establishment of Dose Limits and Radiation-Protection Related Release Limits in 10 CFR Part 20 and 10 CFR Part 61 Applicable to all Licensees, or Any Subsequent Amendments Thereto

—The basic dose limits and radiation-protection related release limits for all classes of licensees set forth in Subpart C, "Occupational Dose Limits," and Subpart D, "Radiation Dose Limits for Individual Members of the Public," of 10 CFR Part 20 would need to be adopted essentially identical by all Agreement States along with any other subsequent amendments to 10 CFR Part 20 that may set forth dose limits. 10 CFR Part 61.41, "Protection of general population from releases of radioactivity" and 10 CFR Part 61.43, "Protection of individuals during operations" would also need to be adopted essentially identically by all Agreement States.

4. Assists the Commission in Evaluating the Effectiveness of the Overall National Program for Radiation Protection

—The adoption of 10 CFR 35.33, "Notifications, reports, and records of misadministrations" would be adopted by the Agreement States in a manner essentially identical to that of the NRC.

G. Examples of More Stringent Requirements

As noted above, if the State program is equivalent to, or more stringent than, NRC's program to assure the protection of the public health and safety, and it incorporates all the elements of the NRC program identified by the Commission as necessary to achieve the national interest in radiation protection, including the requirement to establish regulations which are uniform with the dose limits and radiation-protection related release limits in 10 CFR Part 20

¹ The examples are not part of the Policy Statement and are neither exhaustive nor controlling.

and 10 CFR Part 61 applicable to all licensees, or any subsequent amendments thereto, then a State should generally have the flexibility to tailor its program. More stringent requirements, other than the above mentioned dose limits and radiation-protection release limits could be applicable to all classes of licensees in a State. For example, an Agreement State's recordkeeping provisions for all licenses could be more stringent than NRC's. Other examples of State actions which impose stricter requirements than NRC regulations, and which would be "adequate" under the draft policy statement, are—

1. State of Florida—20.304

Between 1957 and 1981, several State representatives expressed concern to the Commission over the risk from burials of radioactive waste allowed by 10 CFR 20.304, that was in effect at that time. This regulation, "Standard's for Protection Against Radiation, Burial of Small Quantities of Radionuclides" provided that licensees could bury small quantities of radionuclides without prior NRC approval. The State of Florida submitted a request to the NRC to be more stringent by precluding this practice within the State because of its high ground water level. The State's exemption request was reviewed and approved by the NRC.

2. Shallow Land Burial

Several States prohibit the practice of shallow land burial of low-level waste. These more stringent regulations would be allowed under the draft policy statement even though a practice is prohibited. There is no overriding national interest in allowing shallow land burial of low-level waste. A different result would likely be obtained if disposal of low-level waste altogether was prohibited, unless the State was able to convince NRC of special public health and safety or environmental basis for this action.

3. Texas Industrial Radiography Certification

Texas has established a program for the certification of industrial radiography that is more rigorous than Commission requirements. This program requires persons to perform 200 hours of on-the-job training, complete 40 hours of classroom instruction and successfully complete an examination before receiving authorization to conduct radiographic services with radioactive materials. (This example is based on the assumption that the training

requirements in 10 CFR 34 do not meet any of the four compatible criteria.)

IV. Paperwork Reduction Act Statement

This draft statement of policy does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (434 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0029.

Dated at Rockville, Maryland, this 15th day of July, 1994.

For the Nuclear Regulatory Commission:

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 94-17728 Filed 7-20-94; 8 45 am]

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[Docket Nos. 50-424-OLA-3; 50-425-OLA-3; Re: License Amendment (Transfer to Southern Nuclear) ASLBP No. 96-671-01-OLA-3]

Georgia Power Company, et al. (Vogtle Electric Generating Plant, Units 1 and 2); Notice (Prehearing Conference)

Atomic Safety and Licensing Board. Before Administrative Judges: Peter B. Bloch, Chair, Dr. James H. Carpenter, Thomas D. Murphy.

Pursuant to 10 CFR 2.752, we will hold a public prehearing conference from 10 am until about noon on July 29 at the Hearing Room, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland. The purpose of the conference will be to discuss contested motions, if any, and for case management.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chair.

[FR Doc. 94-17729 Filed 7-20-94; 8 45 am]

BILLING CODE 7590-01-M

[Docket No. 030-02278; License No. 24-00513-32 EA 94-113]

The Curators of the University of Missouri-Columbia, Columbia, Missouri; Confirmatory Order Modifying License (Effective Immediately)

I

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