



MARYLAND DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway • Baltimore, Maryland 21224
(410) 631-3000

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Parris N. Glendening
Governor

Jane Nishida
Secretary

MAR 30 1995

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Mr. Richard L. Bangart, Director
Office of State Programs
United States Nuclear Regulatory Commission
Washington DC 20555-0001

Dear Mr. Bangart:

Your March 14, 1995 letter to Secretary Jane Nishida concerning proposed changes in U.S. Nuclear Regulatory Commission (NRC) fee policy regarding Agreement State training, travel, and technical support has been referred to me for response.

As the Director of the Maryland Department of the Environment's Air and Radiation Management Administration, I realize the value of NRC's no cost training, travel, and technical support to the Radiological Health Program of Maryland. I am also aware of the funding constraints that have been imposed on the NRC due to Congressionally mandated 100% cost recovery. It is regrettable, however, that the Commission's decision to reduce resources provided to states will erode a model federal-state partnership program that has been in place for many years.

Your letter raises fairness and equity issues, and states that NRC licensees are burdened with providing the full funding of the Agreement State budget by the fees collected from them. I recommend that there be a cost-benefit analysis of the Agreement State program before the Commission's decision is implemented.

In Maryland, we would again have to increase radioactive materials user fees to insure funding for the continuation of training, travel, and technical support at a level that maintains quality radiation program performance. Radioactive material user fees were last increased on July 5, 1994. Another fee increase in such a short time, regardless of justification, would likely be cause for concern and strong opposition from the regulated community and the State legislature.

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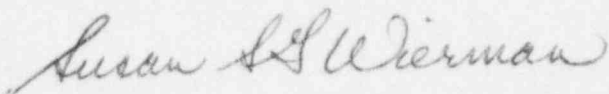
Mr. Richard L. Bangart
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For those states not able to provide funding for the services now provided by the NRC, a decision to return the state radiation program to the NRC may seem appropriate and will most likely be seriously considered. Should that decision be made by a number of states, the impact on the NRC Headquarters and State Regional Programs Offices overall and on NRC licensees would be significant. Several thousand former Agreement State licensees would suddenly be brought under the jurisdiction of the NRC requiring staff increases on a national level and necessitating even larger fees from NRC licensees, or a reduction in services needed to protect the public health and welfare of our citizens. I believe, therefore, that any discussion of fairness and equity should begin with our obligation to the public.

Agreement State programs benefit radiation safety nationwide. The experience, training, and expertise of radiation control program staffs, in the long run, save thousands of dollars in accident, incident, and contamination prevention. I hope that there is still the opportunity for reconsideration of this decision, particularly in view of the unfilled vacancies on the current Commission. A decision of this magnitude should only be made when all five Commissioners are present. Hopefully, in future debate, we will have a greater opportunity to influence the final decision.

Should you have any questions concerning this letter, please feel free to contact me at (410) 631-3255, or Mr. Roland G. Fletcher, Program Manager of the Radiological Health Program, at (410) 631-3300.

Sincerely,


for Merrylin Zaw-Mon, Director
Air and Radiation Management Administration

MZM:dpn

cc: Mr. Craig Z. Gordon
The Honorable Jane Nishida
Mr. Richard Ratliff