



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

April 10, 1996

OFFICE OF THE
SECRETARY

MEMORANDUM TO: James M. Taylor
Executive Director for Operations

FROM: John C. Hoyle, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-96-050 - TO SEEK
AUTHORIZATION TO ACCEPT RELINQUISHMENT OF
SEALED SOURCE AND DEVICE EVALUATION AUTHORITY
FROM THE AGREEMENT STATES OF IOWA, NORTH
DAKOTA, AND UTAH

The Commission (with all Commissioners agreeing) has approved the staff proposal for the NRC to reassume regulatory authority for sealed source and device evaluation in Iowa, North Dakota, and Utah. The attached letters and public announcement should be substituted for those provided in the subject paper. The following sentence should be added to the end of the first paragraph of each letter and at the end of the public announcement.

Iowa [or North Dakota or Utah or all three, as appropriate] will retain authority to regulate the manufacture and use of sealed sources and devices within the State in accordance with its section 274b agreement with the NRC.

The staff should recommend to Iowa, North Dakota and Utah that they provide public notice of this action to their licensees. Also, the publication and effective dates should be changed from April 1, 1996 to an appropriate date.

(EDO)

(SECY Suspense: 4/26/96)

Attachments:
As stated

SECY NOTE: THIS SRM, SECY-96-050, AND THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
OGC
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)

Iowa, North Dakota and Utah;
Relinquishment of Sealed Source and Device Evaluation Authority
and Reassumption by the Commission

AGENCY: Nuclear Regulatory Commission

ACTION: Notice of Reassumption of Sealed Source and Device
Evaluation Authority from the States of Iowa, North Dakota, and
Utah

SUMMARY: Notice is hereby given that effective April 1, 1996,
the Nuclear Regulatory Commission will reassume regulatory
authority for sealed source and device evaluations in the
Agreement States of Iowa, North Dakota, and Utah in response to
requests from those States to relinquish that authority.

EFFECTIVE DATE: April 1, 1996

FOR FURTHER INFORMATION CONTACT: Stephen Salomon, Office of
State Programs, U.S. Nuclear Regulatory Commission, Washington,
DC 20555-0001. Telephone: (301) 415-2368. Internet:
SNS@NRC.GOV

SUPPLEMENTARY INFORMATION:

Currently, Iowa, North Dakota, and Utah have agreements with the
Nuclear Regulatory Commission (NRC) which grant these States
authority to regulate specific categories of radioactive
materials formerly regulated by NRC. These agreements have been
entered into pursuant to section 274b of the Atomic Energy Act of
1954, as amended. Recently, the NRC received letters from North
Dakota Governor Edward T. Schafer (September 25, 1995), Iowa
Governor Terry E. Branstad (January 22, 1996), and Utah Governor
Michael O. Leavitt (January 16, 1996), each requesting to
relinquish his State's authority to evaluate sealed sources and
devices, and that the NRC reassume this authority. The requested
NRC action would involve reassertion of regulatory authority by
NRC over activities currently regulated by these States pursuant
to their agreements with NRC. The Governors note there has been
little or no need to conduct such evaluations in the past and
given no future prospects for device evaluations, they do not
believe they can continue to justify the costs to the State to
maintain this authority.

The Commission has agreed to these requests and has notified
these Agreement States that effective April 1, 1996, the NRC will
reassume authority to evaluate and approve sealed source and
device applications within these States.

FOR THE NUCLEAR REGULATORY COMMISSION

John C. Hoyle, Secretary
U.S. Nuclear Regulatory Commission

The Honorable Edward T. Schafer
Governor of North Dakota
Bismarck, North Dakota 58505-0001

Dear Governor Schafer:

In response to your September 25, 1995 request to relinquish North Dakota's authority to evaluate and approve sealed source and device applications, I asked the NRC staff to prepare a paper on the issue so that the Commission could act on your request. After reviewing your proposal and the staff's analysis, the Commission has decided to reassume regulatory authority for sealed source and device evaluations within the State of North Dakota effective April 1, 1996. I have enclosed for your information a copy of the draft Federal Register notice announcing this change. We anticipate publication of the notice prior to April 1, 1996.

Your staff may contact Richard L. Bangart, Director, Office of State Programs, at (301) 415-3340, if they have any questions regarding this matter.

Sincerely,

Shirley Ann Jackson

Enclosure: As stated

cc: Dana K. Mount, Director
Division of Environmental Engineering
North Dakota Department of Health

The Honorable Michael O. Leavitt
Governor of Utah
Salt Lake City, Utah 84114-0601

Dear Governor Leavitt:

In my letter to you of February 15, 1996, I informed you that I had asked the NRC staff to prepare a paper regarding your January 16, 1996 request to relinquish Utah's authority to evaluate sealed source and device applications. After reviewing your proposal and the staff's analysis, the Commission has decided to re assume regulatory authority for sealed source and device evaluations in the State of Utah effective April 1, 1996. I have enclosed for your information a copy of the draft Federal Register notice announcing this change. We anticipate publication of the notice prior to April 1, 1996.

Your staff may contact Richard L. Bangart, Director, Office of State Programs, at (301) 415-3340, if they have any questions regarding this matter.

Sincerely,

Shirley Ann Jackson

Enclosure: As stated

cc: William J. Sinclair
Division of Radiation Control
Utah Department of Environmental Quality

The Honorable Terry E. Branstad
Governor of Iowa
Des Moines, Iowa 50319

Dear Governor Branstad:

In my letter to you of February 26, 1996, I informed you that I had asked the NRC staff to prepare a paper regarding your January 22, 1996 request to relinquish Utah's authority to evaluate sealed source and device applications. After reviewing your proposal and the staff's analysis, the Commission has decided to re assume regulatory authority for sealed source and device evaluations in the State of Utah effective April 1, 1996. I have enclosed for your information a copy of the draft Federal Register notice announcing this change. We anticipate publication of the notice prior to April 1, 1996.

Your staff may contact Richard L. Bangart, Director, Office of State Programs, at (301) 415-3340, if they have any questions regarding this matter.

Sincerely,

Shirley Ann Jackson

Enclosure: As stated

cc: Donald A. Flater, Chief
Bureau of Radiological Health
Iowa Department of Public Health