

October 11, 2006

MEMORANDUM FOR: Luis A. Reyes
Executive Director for Operations

Karen D. Cy
General Counsel

FROM: Annette L. Vietti-Cook, Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS - MEETING WITH ORGANIZATION OF AGREEMENT STATES (OAS) AND CONFERENCE OF RADIATION CONTROL PROGRAM DIRECTORS (CRCPD), 9:30 A.M., TUESDAY, SEPTEMBER 12, 2006, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

Representatives from the Organization of Agreement States (OAS) and the Conference of Radiation Control Program Directors (CRCPD) conducted their annual briefing of the Commission to discuss their concerns and recommendations on the following topics:

- Energy Policy Act of 2005 Rulemaking and Transition Plan
- National Source Tracking System (NSTS) and Category 3 Sources
- Interactions with Other Federal Agencies
- Historical and Current Relationship
- Management Directive 5.3
- National Materials Program - Pilot 2 (Radiographer Certification)
- NRC Reorganization
- New Agreement States

The Commission confirmed NRC continued support to the States and acknowledged the value State Radiation Control Programs add to our mutual goal of protecting the American people.

The staff should work with OAS and CRCPD to ensure that States are afforded the maximum flexibility possible to implement the rulemakings and transition plans associated with the Energy Policy Act of 2005.

One of the concerns raised in the briefing was the multiple requests to States for information from other Federal Agencies and its impact on a State's resources. The staff has been tasked to work with the Commission and the States toward development of a short paper to further examine this issue. The staff's paper should address potential costs to States resulting from requests from other agencies seeking licensee information.

The OAS and CRCPD raised concerns over the potential resource impacts resulting from the recent Commission decision to expand the NSTS to include Category 3 sources. The staff, in consultation with the Agreement States, should provide the Commission with an analysis of the resource implications for States in expanding the NSTS to include these additional radioactive sources.

The Commission is supportive of sending letters to Governors that express the NRC's continued commitment of support to the States' programs, outline the issues and challenges States face, and identify areas where States need to focus their resources in the regulation of nuclear materials. The staff should work with OAS and CRCPD to determine the appropriate scope and time for such a letter.

The Commission looks forward to the next OAS and CRCPD annual briefing, encourages participation of smaller state programs during that briefing, and looks forward to feedback on the effectiveness of the new Office of Federal and State Materials and Environmental Management Programs.

cc: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR