

January 24, 2003

SUMMARY OF COMMENTS ON SA-101, "REVIEWING COMMON PERFORMANCE INDICATOR #1, STATUS OF MATERIALS INSPECTION PROGRAM"

**I. Sent to the Agreement States for Comment: October 24, 2002 (STP-02-074)**

**Comments Dated:** Washington, November 6, 2002 (email)  
Georgia, November 22, 2002 (email)  
Florida, January 15, 2003 (oral comment at 2003 IMPEP refresher training course)

**Response to/Resolution of Comments:**

**Washington**

Comment 1:

Page 1 lists the objectives of this procedure. Several of the objectives do not have further mention in either the "Evaluation Procedures" or "Review Guidelines" sections. For instance, newly re-lettered item II. F. (determining that inspections are not scheduled with any geographic bias) could be addressed in the evaluation procedure by reviewing the "overdue" inspections and noting whether the locations are disproportionate with the state-wide or region-wide distribution of licensees. In any event, each objective should be given a general direction, or better a specific guideline, in the body of the procedure.

Response:

We agree with the intent of the comment and will revise the procedure to include in the guidance the three objectives that were not mentioned outside of the Objectives, Section II(C), II(D) and II(F). The corresponding revised guidance can be found in Section V(D)(11), V(B)(3) and V(B)(8).

Comment 2:

Page 3, Section B.2. of the Evaluation Procedures, notes that "Overdue core inspections for Priority 1, 2, and 3 licensees include inspections conducted at intervals that exceed the NRC IMC 2800 frequencies, with acceptable windows, by more than 25%: ... " and then goes on to specify the acceptable window, which happens to be 25% of the frequency. I believe that inserting "with acceptable windows" is both unnecessary and confusing. Unnecessary because the window IS 25%, and confusing because the evaluation criteria is 25%. This sentence addresses what constitutes an overdue inspection rather than the total "percentage of overdue core inspections for the review period". This is a distinction that needs to be made but not here. I would suggest revising the sentence to read "Overdue core inspections for Priority 1, 2, and 3 licensees include inspections conducted at intervals that exceed the NRC IMC 2800 frequencies with the following maximum windows: ... "

Response:

We agree with this comment and the procedure will be revised.

Comment 3:

This same paragraph notes that "a different set of criteria may be applied" if the licensees has received an extension on its inspection frequency. An incomplete example is given. I suggest the following be used " ... e.g., Priority 1 licensees whose inspection frequency has been extended to once every 2 years would be overdue if the inspection is completed greater than 6 months -- instead of the normal 3 month window --past the inspection due date".

Response:

We agree with this comment and the procedure will be revised.

Comment 4:

Since some reciprocity inspection information is being collected, per the objective, some guidance is needed on how to assess the information. Right now, it appears that only the number of reciprocity inspections completed is collected. There is no information collected on the number of reciprocity licensees entering the state and certainly no assessment of percentages or how to assess if the number done is adequate.

Response:

We believe that the procedure provides guidance on how to assess reciprocity information. In Section V(D)(7), the procedure directs the principal reviewer to evaluate "whether reciprocity inspections are completed in accordance with the guidance given in IMC 1220 or the details of and justification for the Agreement State's alternative reciprocity inspection policy." IMC 1220, Appendix III, details the guidance on number of reciprocity inspections to be performed. Although IMC 1220 provides a baseline as to the number of reciprocity inspections, if a State or Region has adopted an alternative reciprocity inspection policy, the IMPEP team will assess the policy and present their determination to the Management Review Board. Based on past experience, we do not believe that additional criteria other than IMC 1220 should be developed to assess if the number of reciprocity inspections done is adequate. However, in order to determine if 20 percent of the priority 1, 2 and 3 candidate licensees were inspected in accordance with the present guidance in IMC 1220, issued June 6, 2002, Section V(E)(8) will be revised to reflect the necessary information needed. Note, the number of reciprocity licensees entering the State is not the key information. Also, the questionnaire will need to be revised include a request for this information.

Comment 5:

As noted previously, each objective should have a statement in either the "Evaluation Procedure" or "Review Guidelines" which addresses the specific objective. In addition to Objectives II.B. and II.F. which have already been mentioned above, Objectives II.C. and II.D. need guidance (even a simple restatement could suffice).

Response:

We agree with this comment with regards to Section II(C) and II(D) and have addressed the revision in response to Washington's Comment 1. See the response to Washington's Comment 4 for Section II(B).

Comment 6:

On Page 6, item D.9. should be stated "Whether the Region or State considers ... " (instead of "If the Region ... " for consistency with the rest of the section.

Response:

We agree with this comment and will revise the procedure.

Comment 7:

On page 7, section E. "Review Information Summary" states "a tally" will be included and then goes on to list items that are "counted". However, the original item 7 is not struck out ("Any Agreement State inspection frequencies that do not match those detailed in NRC IMC 2800.") Since this is not an item that is "counted" or "tallied", it should be struck off the list.

Response:

We agree with the comment and will delete the information in the original item 7. However, the principal review may need the information on the specifics of the inspection frequencies that do not match those detailed in IMC 2800. Section V(D)(6) will be revised as follows:

6. Whether inspection frequencies used by an Agreement State are at least as frequent as those listed in NRC IMC 2800. The principal reviewer should obtain Agreement State inspection frequencies that do not match those detailed in NRC IMC 2800 to assist in the overall evaluation of the performance for this indicator.

Comment 8:

On Page 8, item 7. mentions a tally of the reciprocity inspections completed. Another item should be added to capture the number of reciprocity requests received so an assessment of the adequacy of the inspection program for reciprocity can be determined. If some factor such as number of requests is not captured, there is no way to objectively evaluate the "status" of the inspection program in this area. The one number by itself doesn't tell us anything so either "complete the equation" or don't bother collecting the information on reciprocity inspections!

Response:

Based on comment 4 from Washington, item 7 has been revised to be consistent with the existing guidance in IMC 1220. There will be no additional change to the procedure based on this comment.

Comment 9:

Appendix A, item 3, grammatical issue: "Multiple due inspections ... are counted as a single event." Subject-verb tense correction.

Response:

This correction will be made.

Comment 10:

Worksheet -- Would be more useful if there were a couple of columns for "date inspection findings issued" and "days since inspection". The "Notes" column could be shortened dramatically and a separate page used for "footnoted" information.

Response:

We agree with the comment to add a column for "date inspection findings issued" and shortening the "Notes" column, however we do not believe that it is appropriate to include a "days since inspection" column. The table's primary purpose is to provide the principal reviewer all information necessary to calculate overdue inspections. We believe that the additional column may cause confusion with the overdue inspection calculation.

Comment 11:

Appendix B, the second Q&A should address more thoroughly the case where, within the 3 year period, one inspection may have been completed early in the period and was (for example) 2 months overdue when completed. If this were a Priority 1 licensee, it could be 6 months overdue now. The information to capture for this licensee is that it is 6 months overdue. The Answer that is given in the draft procedure would have you capture the fact that it was 2 months overdue "several years ago" and totally miss the point that it is NOW overdue by 6 months.

Response:

We disagree with this revision. At this time, we believe the information in Frequently Asked Question (FAQ) #2 is appropriate and clear where more than one inspection for a given licensee should have occurred during the review period and did not. During some of the reviews, priority 1 licensees had received no inspection during the review period. According to FAQ #2, there would be only one overdue inspection, not three. The example in Washington's Comment 11 would be counted as two inspections where one is overdue by 2 months and the second is overdue by 6 months and not yet completed according to the procedure. There will be no change to the procedure based on this comment.

Comment 12:

Appendix B, the fourth Q&A addresses the situation where the data is not readily available. The Answer has the reviewer pulling files for the data and obtaining the total number of inspections conducted by the state. The Answer should make it clear that the overdue calculation should not use the total number of inspections but rather the total number of files reviewed. The Answer should specifically caution that the formula given in Appendix A is for situations where the state (or Region) data base can be used to obtain the information for all licensees. If sampling must be done (pulling files) the formula must be applied only to the files sampled.

Response:

We agree that the answer to the FAQ #4 should be clarified to note the number of core inspections conducted by the State and that reviewer will need to document the basis for the calculations if the team is unable to obtain all the necessary information for the calculation.

Comment 13:

13. Appendix B, last Q&A, last sentence, states that a particular rating "is" appropriate if certain factors apply. I suggest that the sentence be amended to read: "However, if the State has not addressed the root cause ...then a rating of ... unsatisfactory may be appropriate".

Response:

The correction will be made.

**Georgia**

Comment:

We appreciate the opportunity to review and comment on draft revision to STP Procedure SA-101, "Reviewing Common Performance Indicator #1, Status of Materials Inspection Program." Elizabeth Drinnon and I have reviewed the revision and have no substantive comments. The revision is straight forward and easier to read.

Response:

No response is necessary.

**Florida**

Comment:

If a well established licensee has a name change only, is the first inspection completed under the new name considered an initial inspection?

Response:

If the only change that occurs is a name change, the license inspection should not be considered an initial inspection. The following FAQ will be added to Appendix B.

**Q:** What if an established licensee has a name change only, should the reviewer considered the first inspection to be conducted under the new name and license number as an initial inspection?

**A:** If a licensee has only had a name change and license number, the inspection should not be considered as an initial inspection.

**II. Sent to the NRC Offices for Comment: October 24, 2002**

**Comments Dated:** Region II, October 31, 2002 (email)  
OCG, November 4, 2002 (telephone message)  
NMSS, November 7, 2002 (email)  
Region I, November 12, 2002 memorandum  
Region III, November 20, 2002 (email)  
Region IV, November 26, 2002 (email)

## **Region II**

### Comment:

The date performed on the sample on the Inspection Status Worksheet should be **6/1/03**.

### Response:

The correction will be made.

## **OGC**

### Comment:

OGC has no legal objections to the revision of STP Procedure SA-101.

### Response:

No response is necessary.

## **NMSS**

### Comment 1:

On page 1, Section II.B. It makes mention that one of the objectives of SA-101 is to "verify that core reciprocity licensees are inspected in accordance with the frequencies prescribed in NRC IMC 1220...." Core reciprocity inspections are priorities 1, 2, and 3. Now lets move to page 8, Section V.E.7. Guidance is provided here to help the principal reviewer calculate the number of "Reciprocity inspections that were completed during the review period."

Looking back at the objective in section II.B., I think section V.E.7. needs clarification as to what type of reciprocity inspections should the reviewer be tallying. Should the reviewer needs to count core reciprocity inspections, or non-core reciprocity inspections, or both? According to the objective in section II.B. the answer will be for the reviewer to tally only core reciprocity inspections, but this is implied and not explicitly stated in section V.E.7.

### Response:

We agree with this clarification however, we will delete the word "core" from section II(B) to be consistent with the existing guidance in IMC 1220 (see response to comment 4 from Washington.)

## **Region I**

### Comment:

The revision to SA-101 clarifies and improves the procedure for evaluating this indicator. The Region has no comments on this procedure.

### Response:

No response is necessary.

## **Region III**

Comment 1:

Item II.A refers to priority 7 licenses. IMC 2800 now includes only priorities 1, 2, 3, and 5.

Response:

We disagree with this comment. IMC 2800, dated December 2000 still contains the reference to priority 7 licenses. The Temporary Instruction (TI) for 2800 which is being piloted during this period has several changes including the elimination of priority 7 licenses. If these changes are finalized at the conclusion of the TI, then SA-101 will be revisited and revised.

Comment 2:

Item V.C.4 misspells "aggressive."

Response:

The correction will be made.

Comment 3:

Items V.D.1, 2 and 3 discuss core inspections and initial inspections as if they are mutually exclusive. In fact, initial inspections are a subset of core inspections.

Response:

We agree with this comment and consistent with the definition of core inspections in the procedure will delete "and initial" from these sections.

**Region IV**

Comment:

We have reviewed the procedure and have no comments. Thank you for providing us an opportunity to comment on Procedure SA-101.

Response:

No response is necessary.