

SUMMARY OF COMMENTS ON SA-119, "FOLLOW-UP IMPEP REVIEWS"

I. Sent to the Agreement States for Comment: November 7, 2002 (STP-02-079)

Comments Dated: Illinois #1, November 8, 2002 (email)
Iowa, November 19, 2002 (email)
Illinois #2, December 3, 2002 (letter)
Georgia, December 5, 2002 (email)

Response to/Resolution of Comments:

Illinois #1

Comment 1:

On page 4 of 9, IV.H.6.; the first word should be "Prepares" instead of "Prepare".

Response:

This correction will be made.

Comment 2:

On page 5 of 9, V.B.1.; the information provided here does not match the answer to the first "Frequently ask Questions". The answer should be revised.

Response:

We agree with this comment and the first Frequently Asked Question (FAQ) will be revised as follows to be consistent with the procedure.

Generally, IMPEP team members will not automatically be on the follow-up review team. With the exception of the RSAO, team members should be different from those who conducted the previous IMPEP review. For Agreement State follow-up IMPEP reviews, the RSAO will be a member of the follow-up review team.

Iowa

Comment:

After a review of the proposed Draft STP Procedure SA-119 and discussions with Chief of the Bureau of Radiological Health, Donald A. Flater, I have been asked to inform you that Iowa has no issues with the process change.

Response:

No response is necessary.

Illinois #2

Comment 1:

Management Document System. The NRC apparently needs to maintain an appreciation of the place of new procedures in the management document system. In this draft, for example, two appendices, C and D, appear to belong somewhere else. The two appendices provide sample documents for transmitting a final report and acknowledging a response from an NRC region or Agreement State. The body of the draft procedure, however, makes only passing reference to these activities. It depends instead upon references to existing procedures SA-100 and SA-106, where the sample documents probably belong.

Response:

We agree with this comment and comment 2 below. During the drafting of this procedure, Appendices A through D were developed after the procedure had been initially drafted, but the procedure was not revised to include reference to the appendices. The procedure will be revised to clearly identify the samples of letters and reports for a follow-up review and additional guidance can be found in SA-100 and SA-106 for issuing reports and conducting MRB meetings.

Comment 2:

Organization of the Draft Procedure. The relationship between the body of the procedure and the other appendices should also be reviewed. The only reference to the appendices in the body of the procedure is the list in section VI. Subsection V.D of the body, for example, instructs the IMPEP team leader to send a scheduling letter to the NRC regional director or Agreement State radiation control program director. Although a sample letter for this purpose appears in Appendix A, the body makes no reference to either the existence or significance of it. The reader is thus left to ponder whether the language of the sample letter is mandatory or merely an example of acceptable wording.

A similar ambiguity exists between subsection V.J of the body and the sample documents in Appendix B. Here, subsection V.J assigns the IMPEP team leader the responsibility of drafting the follow-up report and cover letter, but fails to refer to or identify the significance of the Appendix B documents to that task.

Response:

We agree with this comment with regards to Section V(D) and V(J) and have addressed the revision in response to Illinois #2, Comment 1. See the above response.

Comment 3:

Staffing the Follow-up Review - Conflicting Information. The procedure contains conflicting statements about the individuals who are likely to participate in the follow-up review. The NRC needs to resolve the difference between subsection V.B of the body and the answer to the first question in Appendix E.

Response:

We agree with this comment with regards to Section V(B) and the first FAQ and have addressed the revision in response to Illinois #1, Comment 2. See the response to Illinois #1's Comment 2 for Appendix E.

Georgia

Comment:

I have reviewed SA-119 Follow-up IMPEP Reviews of NRC Regional and Agreement States materials programs under IMPEP. I do not have any comments to offer. It appears to be reasonable. Thank you for the opportunity to review and comment.

Response:

No response is necessary.

II. Sent to the NRC Offices for Comment: November 7, 2002

Comments Dated: Region II, November 14, 2002 (memorandum)
OCG, November 25, 2002 (marked copy)
Region I, December 2, 2002 (email)
Region III, December 2, 2002 (email)
NMSS, December 4, 2002 (email)
Region IV, December 9, 2002 (email)

Region II

Comment:

This is in response to your memo of the same subject dated November 7, 2002, and the All Agreement State letter STP-02-079. Mr. Woodruff reviewed the package and we have no comments for consideration on this procedure.

Thanks for the opportunity to review and comment on this important procedure. The development is very timely in view of the number of Programs that are under Heightened Oversight and Monitoring, and the potential need for more follow-up reviews.

Response:

No response is necessary.

OGC

Comment:

STP needs to fix the FAQ to make it consistent with page 5 of 9 regarding membership of the IMPEP follow-up team.

Response:

We agree with this comment with regards to Section V(B) and the first FAQ and have addressed the revision in response to Illinois #1, Comment 2. See the response to Illinois #1's Comment 2 for Appendix E.

Region I

Comment 1:

The guidance for the assignment of personnel for the followup review should indicate that a two person review team will not have an Agreement State member (NRC Team Leader and the RSAO). A three person team (or larger) should have at least one Agreement State member.

Response:

We agree with this comment and will revise Section V(B)(3) by adding the following statement:

If the team consists of three team members or more, at least one member should be an Agreement State representative.

Comment 2:

The guidance for conducting the on-site review should indicate that the team can make new recommendations based on findings for only those indicator(s) applicable to the followup review.

Response:

We agree with this comment and will revise Section V(A)(1) as follows:

The follow-up review will include a complete review of one or more of the common and/or non-common performance indicators. Normally, these are indicators where the previous IMPEP review resulted in findings of "satisfactory with recommendations for improvement" or "unsatisfactory." A review of the program's response to previous IMPEP review recommendations dealing with these indicators may be closed out by the IMPEP team and MRB. Additional recommendations for these indicators may also be developed during the follow-up review. The team may also make recommendations for changes to review findings for these indicators.

Comment 3:

The numbering for the SS&D sections in the boilerplate draft followup report are not correct.

Response:

This correction will be made.

Comment 4:

In Appendix E, the first and third Q&As indicates that a reviewer from the original review team will be part of the followup review. This contradicts the guidance section in the procedure. These Q&As should be revised for consistency with the guidance section of the procedure.

Response:

We agree with this comment with regards to Section V(B) and the first FAQ and have addressed the revision in response to Illinois #1, Comment 2. See the response to Illinois #1's Comment 2 for Appendix E. We will also clarify that normally, with the exception of the RSAO, the team member will not be a member of the follow-up review team.

Region III

Comment 1:

Section IV.H.6. Change "Prepare" to "Prepares"

Response:

This correction will be made.

Comment 2:

Section IV.I Title. Should be "Regional State Agreements Officer"

Response:

This correction will be made.

Comment 3:

Sections IV.I.2 and V.A.2. The follow-up review procedure is complicated by requiring that the Periodic Meeting agenda from SA-116 be used. Rather than mention the Periodic Meeting criteria, we suggest that this procedure simply state that program areas, outside the focus of the follow-up review, should also be discussed with the State as part of the performance review.

Response:

We appreciate the comment concerning the complication of integrating the periodic meetings with the follow-up review. One of the objective for developing this procedure was to capture this practice and provide clarification for both the reviewers, NRC staff and the Agreement States. We believe that the procedure as written accomplishes that goal. If additional experience with this procedure indicates that there is still confusion as to the conduct of the periodic meetings, we will consider a revision during the next review of the procedure. There will be no change to the procedure based on this comment.

Comment 4:

Section V.G.2. The title of SA-116 was identified earlier in the document and does not need to be written here.

Response:

This correction will be made.

Comment 5:

Section V.H. Examples of what constitutes "third party attendance" at reviews should be added.

Response

We agree with this comment and will revise Section V(H) to include the phrase “such as public or media representatives.”

Comment 6:

Section V.J.2.c. This section (and Appendix B) incorrectly states that STP will provide concurrence on draft reports.

Response:

We agree with this comment and will revise the procedure.

Comment 7:

Section VII. The title of SA-122 is "Heightened Oversight" and has been developed.

Response:

This correction will be made.

Comment 8:

Appendix E. The answer to the first question is incorrect. Original team members (other than the RSAO) are not follow-up review team members.

Response:

We agree with this comment with regards to Section V(B) and the first FAQ and have addressed the revision in response to Illinois #1, Comment 2. See the response to Illinois #1's Comment 2 for Appendix E.

Comment 9:

Other minor typographical errors were discussed with Lance Rakovan.

Response:

The corrections will be made.

NMSS

Comment 1:

Page 1, Part IV, Roles and Responsibilities: The first paragraph defines STP as the lead office for coordination of Agreement State follow-up reviews, and NMSS as the lead office for coordination of NRC Regional follow-up reviews. Does a definition of "lead office" exist? What is STP's role when NMSS is the lead office? Conversely, what does NMSS have a role when STP is the lead office? If so, it would seem appropriate to define that role in this part.

Response:

The specific responsibilities for each office are covered in Management Directive 5.6 and STP Procedure SA-100, *Integrated Materials Performance Evaluation Program (IMPEP)*. We do not agree that it is necessary to repeat that information in this procedure for follow-up reviews, however, we will revise the procedure to indicate that additional information for the roles and responsibilities under IMPEP can be found in SA-100.

Comment 2:

Page 6, Part V. D. 1: In the first line, following " . . . Radiation Control Program Director . . . ", suggest adding "or the NRC Regional Director, Division of Nuclear Materials Safety (DNMS)"

Subsection "b." of this part indicates an action appropriate to Agreement States. Suggest the addition of a subsection "c." to indicate the parallel action for NRC Regions.

Response:

In Section V(D)(1), the phrase ""or the NRC Regional Director, Division of Nuclear Materials Safety (DNMS)" is part of the procedure that was sent out for comment. There will be no change to the procedure based on this comment.

We agree with the comment on a V(D)(1) (b) and will revise the procedure to include the following parallel language:

- c. For Regional reviews, copies of the memorandum should be sent to the team members, NMSS IMPEP contact and Director, IMNS .

Comment 3:

Page 8, Part V. K: The previous section ("J") has subsections for Agreement States and for NRC Regions. A parallel treatment may be appropriate in section "K".

Response:

We appreciate the comment, but consistent with other procedures on IMPEP, when the activity is the same or very similar whether an Agreement State or a Region is under review, we do not develop parallel sections. This has not caused confusion in the past. If problems arise in implementation of this procedure, we will revisit this issue and revise IMPEP procedures as appropriately. There will be no change to the procedure based on this comment.

Comment 4:

Page 8, Part V. K.1: It is not clear whether subsections "a." and "b." are intended to be linked by "and" or "or."

Response

We agree with the comment and will move the ";" in V(K)(1)(b) to before the "or" to indicate that the linkage is (a), (b) or (c).

Comment 5:

Page 8, Part V. K. 2: In subsection "b." it is stated that the report will be distributed to ". . . the MRB members, including the Agreement State Liaison" Does this apply for both the Agreement States and the NRC Regions? (A careful reading of the entire procedure may make this clear, but there does appear to be some potential for confusion).

Response:

We appreciate the comment, but we believe both Management Directive 5.6 and STP procedure SA-106 clearly state that the Agreement State Liaison receives all information for both Agreement States and NRC Regional reviews. However, we will add a clarification in the parenthetical for V(K)(2)(a) to indicate a memorandum similar to the letter in Appendix C to the Regional Administrator will be developed by team leader for Regional final IMPEP reports.

Region IV

Comment:

Section V. A. discusses the scope of the follow-up IMPEP reviews. We suggest that you clarify the period of the review in that section.

Response:

We agree with the comment and will revise the procedure as follows:

The follow-up review will include a complete review of one or more of the common and/or non-common performance indicators since the previous IMPEP review.