

COMMENTS ON STP-02-079

SA-119

FOLLOW-UP IMPEP

REVIEWS

From: "Collins, Steve" <Collins@idns.state.il.us>
To: "KJK@nrc.gov" <KJK@nrc.gov>
Date: 11/8/02 3:50PM
Subject: RE: STP-02-079, Opportunity to Comment on Draft STP Procedure SA-119, "Follow-up IMPEP Reviews"

Kathleen, please forward these editorial type comments to the appropriate staff person. Thanks.

1. On page 4 0 9, IV.H.6.; the first word should be "Prepares" instead of "Prepare".
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.

The above are my personal comments and do not necessarily reflect the views of anyone else. My employer may or may not chose to make these or other comments.

-----Original Message-----

From: Kathaleen Kerr [mailto:KJK@nrc.gov]
Sent: Friday, November 08, 2002 1:51 PM
To: STP-ANNOUNCEMENTS@nrc.gov
Subject: STP-02-079, Opportunity to Comment on Draft STP Procedure SA-119, "Follow-up IMPEP Reviews"

All Agreement States Letter STP-02-079, with its enclosure, is contained in the attached electronic file and can be located in ADAMS at ML023110511.

The Office of State and Tribal Programs All Agreement States Letters will be posted at the STP web site: <http://www.hsrdoernl.gov/nrc/home.html>

Any problems should be reported to Jim Myers, jhm@nrc.gov.

From: "Johns, George" <GJOHNS@health.state.ia.us>
To: "'KXS@nrc.gov'" <KXS@nrc.gov>
Date: 11/19/02 5:51PM
Subject: Follow-up IMPEP Reviews

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.

Regards,

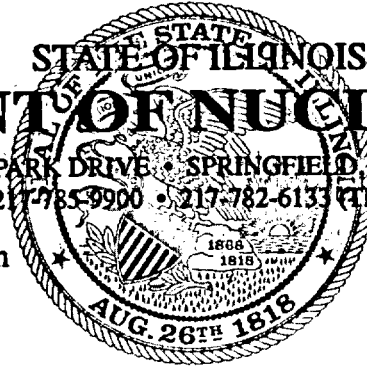
George F. Johns, Jr.
Bureau of Radiological Health
Iowa Department of Public Health
(515) 725-0307

CC: "Flater, Don" <DFLATER@health.state.ia.us>

STATE OF ILLINOIS DEPARTMENT OF NUCLEAR SAFETY

1035 OUTER PARK DRIVE • SPRINGFIELD, ILLINOIS 62704
217-785-9900 • 217-782-6133 (TDD)

George H. Ryan
Governor



Thomas W. Ortziger
Director

December 3, 2002

U.S. Nuclear Regulatory Commission
ATTN: Kathleen Schneider, STP
1 White Flint North
11555 Rockville Pike, 3rd Floor
Rockville, MD 20852

02 DEC -9 PM 2:48

STP

Re: Draft STP Procedure SA-119, "Follow-up IMPEP Reviews" (STP-02-079)

Dear Ms. Schneider:

The Illinois Department of Nuclear Safety hereby submits the following comments on the above-identified draft STP procedure. The procedure would describe the process for performing follow-up reviews of NRC regional and Agreement State materials programs under the Integrated Materials Performance Evaluation Program. It would provide guidance for scheduling follow-up reviews, selecting personnel, conducting the reviews, and reporting results.

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.

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

December 3, 2002

Page 2

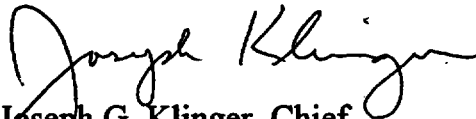
either the existence or significance of it. The reader is thus left to ponder whether the language of the sample letter is mandatory or merely an example of acceptable wording.

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.

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

Thank you for the opportunity to comment on this draft procedure. My telephone number is 217-785-9930 if you have questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Klinger". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Joseph G. Klinger, Chief
Division of Radioactive Materials

JGK:kjc

cc: Jim Lynch, NRC Region III

From: "Tom Hill" <THill@dnr.state.ga.us>
To: <kxs@nrc.gov>
Date: 12/5/02 10:41AM
Subject: STP Procedure SA-119 (STP-02-079)

Kathy, 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.

November 14, 2002

MEMORANDUM TO: Paul H. Lohaus, Director
Office of State and Tribal Programs

FROM: Douglas M. Collins, Director
Region II Division of Nuclear Materials Safety

SUBJECT: DRAFT STP PROCEDURE SA-119,
"FOLLOW-UP IMPEP REVIEWS"

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.

cc: Kathleen Schneider, STP

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 7, 2002

MEMORANDUM TO :

Martin J. Virgilio, Director
Office of Nuclear Material Safety and Safeguards

Stuart A. Treby, Assistant General Counsel
Rulemaking and Fuel Cycle, OGC

George Pangburn, Director
Division of Nuclear Materials Safety, RI

Douglas M. Collins, Director
Division of Nuclear Materials Safety, RII

Marc Depas, Acting Director
Division of Nuclear Materials Safety, RIII

Kenneth Brockman, Director
Division of Nuclear Materials Safety, RIV

FROM:

Paul H. Lohaus, Director
Office of State and Tribal Programs

A handwritten signature in black ink, appearing to read "Paul H. Lohaus", is written over the typed name and title.

SUBJECT:

DRAFT STP PROCEDURE SA-119,
"FOLLOW-UP IMPEP REVIEWS"

Attached for your review and comment is the new draft Office of State and Tribal Programs (STP) Procedure SA-119, *Follow-up IMPEP Reviews*. This procedure describes the process to be used by Integrated Material Performance Evaluation Program (IMPEP) teams for preparing, conducting and reporting results of follow-up IMPEP reviews of NRC Regional and Agreement State materials program. The Agreement States are also reviewing and commenting on this procedure.

We would appreciate receiving your comments within 30 days from the date of this letter.

If you have any questions regarding this correspondence, please contact me at (301) 415-3340 or Kathleen Schneider at (301) 415-2320

Attachment:
As stated

OGC-02- 004224

3. A radiation control program experiencing serious difficulties because of the loss of key staff, loss of operating funds, or other acute problems may receive a follow-up IMPEP review that focuses on all aspects of the program. All common and applicable non-common performance indicators will be reviewed during a full follow-up IMPEP review. A follow-up IMPEP review of this type should be conducted for a program that does not receive satisfactory findings for the majority of the performance indicators.

B. Assignment of Personnel For Follow-up IMPEP Reviews

1. 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.
2. Assignment of staff to specific performance indicators will be according to the qualifications established in MD 5.10, *Formal Qualifications for Integrated Materials Performance Evaluation Program (IMPEP) Team Members*.
3. Team members should be chosen to evaluate the indicator(s) based on the scope of the review. Team size should be appropriate to cover all designated indicators, as well as to discuss remaining program areas.
4. The criteria for selecting team members established in STP Procedure SA-100, *Integrated Materials Performance Evaluation Program (IMPEP)*, should be followed in choosing team members for a follow-up review.

C. Scheduling Follow-up IMPEP Reviews

Follow-up review scheduling should be completed along with routine scheduling as detailed in STP Procedure SA-100 and should follow the time frame reflected in the previous final IMPEP report or as directed by the MRB. Follow-up reviews are normally performed approximately one year following either the previous IMPEP review or MRB meeting.

D. Scheduling Letter and Review Questionnaire

1. The team leader should send a letter to the Radiation Control Program Director or the NRC Regional Director, Division of Nuclear Materials Safety (DNMS) at least 60 days prior to the follow-up review. The letter should reference the discussion which established the review date, detail the dates of

Appendix E

Frequently Asked Questions

- Q:** If I'm on the review team for a program that is to receive a follow-up review, will I automatically be on the follow-up review team?
- A:** Not automatically. We try to have as many of the original team members as practical come back to participate on the follow-up review, however it is not a necessity and there are many important factors. The scope of the follow-up review is very important. Only the principle reviewers of the indicators receiving a full review need participate in the follow-up review. Also, in some circumstances, it may be desirable to have a new team member on the follow-up review team to give a different perspective.
- Q:** Will a follow-up review always follow a period of Heightened Oversight?
- A:** Generally, a follow-up review will follow a period of Heightened Oversight, although the findings of the follow-up review may not necessarily lead to the end of the Heightened Oversight period.
- Q:** How long do I need to hold on to my review materials once the review is over?
- A:** Normally, we ask that team members retain their review materials only until the final report is issued. However, if a follow-up review is scheduled, team member should retain their materials until the follow-up review report has been issued.
- Q:** What recommendations can be closed out during a follow-up review?
- A:** Recommendations can only be closed out if they are fully evaluated during a review. Thus, all recommendations can be closed out during a full follow-up IMPEP review, but the recommendations discussed during the periodic meeting-like portion of a limited scope follow-up review cannot be closed out until the next full IMPEP review.

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Document Date: Date Received

Task Basis No:

OSP

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11/08/02

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Request Type: BLUE

Pending Before:

Facility: (-)

Description:

DRAFT STP PROCEDURE SA-119, "FOLLOW-UP IMPEP
REVIEWS"

Referred to:

Date Due:

Date Received:

12/10/02

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ETs 11/12/02

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LIEBERMAN

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Remarks:

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Comments:

Lexis

Yes: No: ☒

OGC Subject Files

Yes: No: ☒

If Yes, indicate file location using
OGC Subject Files Index.

ARENA: M

TIME: ☒

Please call H. Kern
at 415-3340

for pickup

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USNRC - OGC

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11-25-2002
J. Thibault

STP -
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From: Duncan White
To: Schneider, Kathleen
Date: 12/2/02 8:42AM
Subject: Comments on Draft Procedure SA-119 "Followup IMPEP Reviews"

Region I has the following comments regarding the draft procedure SA-119 "Followup IMPEP Reviews":

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

CC: Costello, Frank; Lohaus, Paul; Pangburn, George

From: James Lynch
To: Kathleen Schneider
Date: 12/2/02 3:32PM
Subject: Region III Comments on SA-119

Kathy,

Attached are Region III DNMS comments on the draft procedure SA-119 "Follow-up IMPEP Reviews."

-Jim

CC: Duncan White; Josephine Piccone; Lance Rakovan; Linda McLean; Paul Lohaus;
Richard Woodruff; Vivian Campbell

December 2, 2002

Region III Comments on Draft STP Procedure SA-119

"Follow-up IMPEP Reviews"

1. Section IV.H.6 Change "Prepare" to "Prepares"
2. Section IV.I Title Should be "Regional State Agreements Officer"
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.
4. Section V.G.2 The title of SA-116 was identified earlier in the document and does not need to be written here.
5. Section V.H Examples of what constitutes "third party attendance" at reviews should be added.
6. Section V.J.2.c This section (and Appendix B) incorrectly states that STP will provide concurrence on draft reports.
7. Section VII The title of SA-122 is "Heightened Oversight" and has been developed.
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.

Other minor typographical errors were discussed with Lance Rakovan.

A. MRB :

1. Provides direction, usually through a prior IMPEP review finding, or review of the results of a periodic meeting on the need for a follow-up review.
2. For follow-up reviews where an MRB meeting is held to review follow-up IMPEP review findings, the roles and responsibilities of the MRB and the guidelines to be followed by the MRB are the same as those detailed in STP Procedure SA-106, *Management Review Board*.
3. For follow-up reviews where an MRB meeting is not held, MRB members are responsible for reviewing and concurring on the final follow-up IMPEP report usually within two weeks. The Deputy Executive Director for Materials, Research, and State Programs will sign out the final follow-up IMPEP report.

B. Director, STP:

1. Attends Agreement State follow-up IMPEP review exit meetings or designates the Deputy Director, STP to attend;
2. Acts as an MRB member per STP Procedure SA-106, *Management Review Board*, and concurs on final follow-up IMPEP reports.

C. Deputy Director, STP:

1. Attends Agreement State IMPEP review exit meetings as designated by the Director, STP;
2. If an MRB meeting is held, signs out Agreement State follow-up review proposed final reports to the MRB per STP Procedure SA-106.
3. If an MRB meeting is not held, concurs on issuance of the Agreement State final follow-up review report to the MRB per STP Procedure SA-106.

D. IMPEP Project Manager, STP:

1. Reviews and provides feedback on all Agreement State follow-up IMPEP reports to both the IMPEP team leader and STP management;
2. Coordinates MRB meetings per STP Procedure SA-106, as necessary.

E. Director, NMSS:

1. Designates the appropriate NMSS division director(s) to attend NRC Regional follow-up IMPEP review exit meetings;
2. Acts as an MRB member per STP Procedure SA-106 and concurs on final follow-up IMPEP reports.

F. Director, Division of Industrial and Medical Nuclear Safety (IMNS);

1. Attends NRC Regional IMPEP review exit meetings, as designated;
2. If an MRB meeting is held, signs out the NRC Regional follow-up review proposed final reports to the MRB per STP Procedure SA-106.
3. If an MRB meeting is not held, concurs on issuing NRC Regional final follow-up review report to the MRB per STP Procedure SA-106.

G. NMSS IMPEP Contact:

1. Coordinates Regional MRB meetings per STP Procedure SA-106.

H. IMPEP Team Leader:

1. Coordinates and conducts assigned follow-up IMPEP reviews;
2. Completes the IMPEP report in accordance with Management Directive (MD) 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*, STP Procedure SA-106, and this procedure;
3. Designates an IMPEP team member to act as principal reviewer for each applicable performance indicator;
4. Signs out draft follow-up IMPEP reports to Agreement States;
5. Presents review findings at an MRB meeting if a MRB meeting is conducted.
6. Prepares the final follow-up review report for transmittal to the MRB per STP Procedure SA-106, if an MRB meeting is not convened.

I. Regional State Agreement Officer (RSAO):

1. Completes the review of their assigned indicator(s) in accordance with the applicable STP procedures and writes their assigned section(s) of the follow-up IMPEP report;
2. Ensures the periodic meeting portion of the follow-up IMPEP review is completed and prepares the meeting summary, as necessary;
3. Presents review findings at an MRB meeting, if a MRB meeting is convened.

J. IMPEP Team Member:

1. Completes the review of their assigned indicator(s) in accordance with the applicable STP procedures and writes their assigned section(s) of the follow-up IMPEP report;
2. Presents review findings at the MRB meeting, if a MRB meeting is convened.

V. GUIDANCE**A. Scope of Follow-up IMPEP Reviews:**

1. 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 improvements" 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. The team may also make recommendations for changes to review findings for these indicators.
2. For Agreement State follow-up reviews, the radiation control program must also be considered as a whole, even during a limited scope follow-up review. To accomplish this goal, the meeting agenda in STP Procedure SA-116, *Periodic Meetings with Agreement States*, will be followed (the normal schedule for periodic meetings outlined in SA-116 should not be followed, if a follow-up review is conducted). Consistent with the periodic meeting procedure, though all common and applicable non-common performance indicators should be discussed, recommendations should only be closed for indicators that are fully reviewed and evaluated by the team as part of the follow-up review.

the program review, and request the Radiation Control Program Director schedule a closeout meeting of appropriate senior State managers or NRC Regional Administrator for the purpose of discussing the results of the review.

- a. The closeout meeting should take place on the final day of the review.
- b. For Agreement States, copies of the letter should be sent to team members, IMPEP Project Manager, NRC Regional State Liaison Officer, RSAO, and the Director, STP.

2. The team leader and the Radiation Control Program Director or Regional Director, DNMS should agree if a questionnaire is necessary. If appropriate, the letter should include a current IMPEP questionnaire. The questionnaire may be modified to include only those questions dealing with the indicator(s) applicable to the review. In addition to the printed version of the questionnaire, an electronic copy should also be provided.

E. Preparation For Follow-up IMPEP Reviews

Guidance for review preparation can be found in STP Procedure SA-100.

F. Entrance Meeting

Guidance for entrance meetings can be found in STP Procedure SA-100.

G. On-site Review

1. Guidance for conducting the on-site portion of a review can be found in STP Procedure SA-100. This guidance should be applied to only the specific indicators that are receiving a complete review.
2. Guidance for conducting the other aspects of the follow-up review can be found in STP Procedure SA-116, Periodic Meetings with Agreement States.

H. Third Party Attendance in Reviews

Guidance for third party attendance at reviews can be found in STP Procedure SA-100.

I. Summarizing Review Findings

Guidance for summarizing review findings can be found in STP Procedure SA-100.

J. Draft Reports

1. The team leader is responsible for preparing the draft report following a follow-up IMPEP review.
2. For Agreement States:
 - a. The review team members should complete their portions of the draft report and submit them to the team leader within 7 days of the exit meeting (NOTE: Calendar days, not work days).
 - b. The team leader is responsible for integrating the information from the team members and submitting both the follow-up IMPEP draft report and letter to the State requesting factual comments to IMPEP Project Manager, within 17 days of the exit meeting.
 - c. The draft follow-up report and cover letter should be dispatched within 30 days following the exit meeting. The review report shall be prepared by the team leader for concurrence by STP, and shall be signed out by the team leader.
 - d. A secretary, STP will be designated as lead secretary for that follow-up IMPEP review and will work with the team leader.
3. For NRC Regions:
 - a. The review team should complete their portions of the draft report and submit them to the team leader within 5 calendar days of the exit meeting.
 - b. The team leader is responsible for integrating the information from the team members and submitting both the IMPEP draft report and letter to the Region requesting factual comments to the Division Director, IMNS within 7 days of the exit meeting.

developing a team recommendation regarding the program for the MRB, and submitting the proposed final report to the MRB for its consideration. If the comments are extensive, a separate comment resolution document should be prepared by the team leader for submittal to the MRB. Contact the IMPEP Project Manager for additional guidance on format.

- b. The lead secretary, STP will schedule the MRB for Agreement State reviews in consultation with the team leader per STP Procedure SA-106. A copy of the State's or NRC Region's comments on the draft report will accompany the proposed final report presented to the MRB.
- c. Specific guidance on conducting MRB meetings and the preparation of proposed final reports is contained in STP Procedure SA-106.
- d. Specific guidance on the issuance of proposed final and final reports, and follow-up actions can be found in STP Procedure SA-100.

VI. APPENDICES

Appendix A - Sample letter scheduling a follow-up IMPEP review.
Appendix B - Sample draft report cover letter and boilerplate draft follow-up report.
Appendix C - Sample letter for final report.
Appendix D - Sample acknowledgment letter.
Appendix E - Frequently Asked Questions.

VII. REFERENCES

1. NRC Management Directive 5.6, *Integrated Materials Performance Evaluation Program*.
2. NRC Management Directive 5.10, *Formal Qualifications for Integrated Materials Performance Evaluation Program (IMPEP) Team Members*.
3. STP Procedure SA-100, *Integrated Materials Performance Evaluation Program (IMPEP)*.
3. STP Procedure SA-106, *Management Review Board*.
4. STP Procedure SA-122, *Heightened Oversight and Monitoring (to be developed)*.

From: Richard Struckmeyer
To: Lance Rakovan; Paul Lohaus
Date: 12/4/02 1:38PM
Subject: IMNS Comments on Draft STP Procedure SA-119, Follow-up IMPEP Reviews"

Please see attached file.

Lucy / Deani - This closes NMSS Ticket No. 200200293.

CC: Deani Riffle; Lucia Lopez; Marissa Bailey

(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.

(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.

(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".

(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."

(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).

From: Vivian Campbell
To: Kathleen Schneider
Date: 12/9/02 4:27PM
Subject: Draft STP Procedures SA-1192, "Follow-up IMPEP Reviews"

Kathy,

Thank you for the opportunity to review and comment on this procedure. We have only one minor comment, as follows:

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.

Thank you,

Vivian Campbell

Connie,

Please close out Action Item 02-333.

CC: Connie Spagnoli; Jack Whitten; Ken Brockman