

**COMMENTS ON STP-03-002**

**OPPORTUNITY TO COMMENT ON DRAFT OPTIONS FOR  
NEW PERIODIC MEETING PROCEDURES**

**STP-03- 002****COMMENTS RECEIVED**

STATE	YES/DATE	NO
ALABAMA		✓
ARIZONA		✓
ARKANSAS		✓
CALIFORNIA		✓
COLORADO		✓
FLORIDA	February 21, 2003	
GEORGIA	February 21, 2003	
IOWA	January 14, 2003	
ILLINOIS	February 20, 2003	
KANSAS		✓
KENTUCKY		✓
LOUISIANA	February 20, 2003	
MAINE		✓
MARYLAND		✓
MASSACHUSETTS		✓
MISSISSIPPI	February 25, 2003	
NEBRASKA	March 6, 2002	
NEVADA		✓
NEW HAMPSHIRE		✓
NEW MEXICO		✓
NYS DOH		✓
NY DOL	February 21, 2003	
NY DEC		✓
NYC DOH		✓
NORTH CAROLINA		✓
NORTH DAKOTA		✓
OHIO		✓
OKLAHOMA		✓
OREGON		✓
RHODE ISLAND		✓
SOUTH CAROLINA	February 20, 2003	
TENNESSEE		✓
TEXAS	February 20, 2003	
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY		✓

UTAH	February 21, 2003	
WASHINGTON		✓
MINNESOTA		✓
PENNSYLVANIA		✓
WISCONSIN		✓
Region 1	February 21, 2003	
Region 2	April 15, 2003	
Region 3	April 17, 2003	
Region 4	April 17, 2003	

Jeb Bush  
Governor



John O. Agwunobi, M.D., M.B.A.  
Secretary

February 21, 2003

U.S. Nuclear Regulatory Commission  
Attn: Osiris Siurano, STP  
One White Flint North  
11555 Rockville Pike, Third Floor  
Rockville, MD 20852

Re: Draft Summary Document, "Options for Enhancing Periodic Meetings"  
(STP-03-002)

Dear Mr. Siurano:

This letter is to provide Florida's comments regarding the draft summary document on options for enhancing periodic meetings.

Florida disagrees that any enhancement to the periodic meeting process is needed. Specifically, both proposed options are a serious overkill to a problem that is not apparent. We currently monitor and document all aspects of our program on a routine basis, which the Nuclear Regulatory Commission (NRC) is welcome to review at anytime. In fact, we would encourage them to do so at the current periodic visits. We cannot afford to develop or institute a separate process and additional work for no added benefit to our program.

We believe that the current periodic meeting process is adequate and useful. If there is reason for concern regarding a particular state or NRC region this should be able to be followed up on within the scope of the current process.

In summary, we disagree that the proposed options for enhancing periodic meetings are appropriate or needed. The extra resources that would be needed to implement these changes are not justified. Monitoring of state and NRC programs between reviews can be accomplished without the proposed changes.

Thank you for the opportunity to comment on this important issue. If you have any questions, please contact me at (850) 245-4266.

Sincerely,

A handwritten signature in cursive script that reads "William A. Passetti".

William A. Passetti, Chief  
Bureau of Radiation Control

cc: Richard Woodruff, NRC Region II

03 MAR -3 PM 3:13

STP

# **Georgia Department of Natural Resources**

4244 International Parkway, Suite 114, Atlanta, Georgia 30354

Lonice C. Barrett, Commissioner

Environmental Protection Division

Harold F. Reheis, Director

(404) 362-2675

February 21, 2003

U.S. Nuclear Regulatory Commission  
ATTN: Osiris Siurano, STP  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852

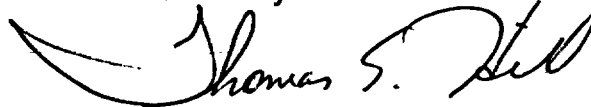
Re: Draft Summary Document, "Options for Enhancing Periodic Meetings  
Procedure" (STP-03-002)

Dear Mr. Siurano:

We have reviewed the summary document and fail to see any evidence of the problems the modifications to the periodic meeting is purporting to correct. Georgia has found the current process to be effective and not burdensome of time or resources. And we do not see any added value to our Program by either of the options. It is our recommendation that NRC continue with the procedure as detailed in OSP's procedure SA-116.

Thank you for the opportunity to review and comment on the referenced summary document. If you have questions or seek clarification, I may be reached at (404) 362-2675 or [thill@dnr.state.ga.us](mailto:thill@dnr.state.ga.us).

Sincerely,



Thomas E. Hill, Manager  
Radioactive Materials Program

Ecopy: R Woodruff



# STATE OF IOWA

THOMAS J. VILSACK  
GOVERNOR

SALLY J. PEDERSON  
LT. GOVERNOR

DEPARTMENT OF PUBLIC HEALTH  
JANE COLACECCHI, ACTING DIRECTOR

January 14, 2003

Paul Lohaus, Director  
Office of State and Tribal Programs  
US Nuclear Regulatory Commission  
One White Flint North  
1155 Rockville Pike, 3<sup>rd</sup> Floor  
Rockville, MD 20852

Dear Mr. Lohaus:

SUBJECT: NRC DRAFT OPTIONS FOR PERIODIC MEETING PROCEDURES (STP-03-002)

The Iowa Department of Public Health (IDPH) is of the opinion that a combination of the two proposed options for periodic meetings would be the ideal situation. Self-audits and limited review should elevate the performance of State Programs.

The use of self-audits is always appropriate for any program to make sure all key issues of the program are being addressed and possibly uncover any deficiencies within the program. That being said, an audit is only as revealing as the auditor decides it will be. The use of a limited review of State records during a Periodic Meeting could be used to enhance the State's audit program. The aspect of "fresh eyes" reviewing any program can only enhance the performance of that program.

Regarding the meeting length, the complexity of each Program would be the determining factor, but IDPH feels that a minimum of an eight-hour day should be spent with each Program.

If you have any questions or comments, please contact Nancy A. Farrington at (515) 725-0310 or me.

Sincerely,

Donald A. Flater, Chief  
Bureau of Radiological Health  
(515) 281-3478

Enclosure

*STP-006 Template*  
*RIDS Code: SP03*

arcconmentPM

401 SW 7<sup>th</sup> STREET, SUITE D / DES MOINES, IOWA 50309-4611

DEAF RELAY (HEARING OR SPEECH IMPAIRED) 1-800-735-2942 / INTERNET: [HTTP://WWW.IDPH.STATE.IA.US/](http://www.idph.state.ia.us/)

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515-281-5605  
FAX/515-281-4958

DIV. OF ADMINISTRATION  
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DIV. OF HEALTH PROTECTION & ENVIRONMENTAL HEALTH  
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FAX/515-281-4529

DIV. OF HEALTH PROMOTION, PREVENTION & ADDICTIVE BEHAVIORS  
515-281-3641  
FAX/515-281-4535

DIV. OF TOBACCO USE PREVENTION & CONTROL  
515-281-6225  
FAX/515-281-6475

February 20, 2003

U.S. Nuclear Regulatory Commission  
ATTN: Osiris Siurano, STP  
One White Flint North  
11555 Rockville Pike, Third Floor  
Rockville, MD 20852

Re: Draft Summary Document, "Options for Enhancing Periodic Meetings"  
(STP-03-002)

Dear Mr. Siurano:

The Illinois Department of Nuclear Safety hereby submits the following comment on the above-identified draft summary document. The document describes an expansion of periodic meetings held between formal IMPEP reviews. The NRC proposes to augment periodic meetings in response to the recommendation of an NRC-Agreement State working group on IMPEP lessons learned. The working group's April 1, 2002, report alleges that the current periodic meeting process has failed to reveal reliably a deterioration in Agreement State programs.

We disagree with this assertion and strongly oppose the notion of expanding periodic meetings. The proposal in the draft summary document is a knee-jerk reaction to an imagined problem - a reaction that would involve considerable expenditure of Agreement State resources for marginal benefit. The working group's report, which is the basis of this proposal, makes an unsubstantiated leap to judgment by failing to back up its contention with case histories demonstrating that certain Agreement State programs have deteriorated unbeknownst to the NRC. We are unaware of any such cases, and since the report fails to describe any, we conclude that it is invalid on this topic.

We believe that the current periodic meeting process, as established by OSP procedure SA-116, is effective. This procedure defines the scope of meetings as "discussions, information exchange, identification of potential areas of improvement for both NRC and Agreement State programs, and assessment of IMPEP review planning,

U.S. Nuclear Regulatory Commission  
February 20, 2003  
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not for a formal evaluation." We find this to be efficient and useful in the management of our program. Indeed, the working group's report acknowledges the effectiveness of the current process before taking the tangent that increased complexity is somehow necessary.

In conclusion, we believe that the present scope of periodic meetings should be retained until the NRC provides evidence that change is needed. Until then, the Illinois Department of Nuclear Safety is unlikely to expend resources furnishing information and analyses for meetings that have been expanded to resemble IMPEP reviews.

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

Sincerely,

Joseph G. Klinger, Chief  
Division of Radioactive Materials

JGK:JME

cc: Jim Lynch, NRC Region III



## **MEMORANDUM**

**TO: OSIRIS SIURANO**

**FROM: MICHAEL HENRY, STATE LIAISON OFFICER**

**SUBJECT: STP-03-002**

**DATE: FEBRUARY 20, 2003**

We would like to comment on the proposals regarding Periodic Meetings within the IMPEP program. Louisiana and NRC conducted a Periodic Meeting yesterday, and it proved to be very effective.

Essentially, we used option 2, a review of key program elements, as the format. Managers in each of the program elements explained the status of their program results, including possible deficiencies such as overdue inspections and inadequate supervisory accompaniments. Following the review, exit interviews were held with upper management.

No file reviews were conducted. Louisiana feels that this is the correct approach, and that mini IMPEP reviews would be too resource intensive and unnecessary. Our recommendation is to conduct a review of key program elements, but without file reviews.

**From:** Robert Goff <rgoff@msdh.state.ms.us>  
**To:** "osp@nrc.gov" <osp@nrc.gov>  
**Date:** 2/25/03 2:49PM  
**Subject:** New Periodic Meeting Procedures

Good afternoon Osiris:

In 1998, the Mississippi Radiation Program experience a large turnover in staff, which resulted in a backlog of inspections and delays in adopting certain regulations. Mississippi responded by hiring and training additional personnel, prioritizing inspections and balancing staff workload. In 2001, the IMPEP Team and the Management Review Board, both commended Mississippi in its efforts to addressing these issues, as well, as maintaining a radiation program adequate to protect the public health and safety and compatible with NRC. Self-audits, especially for small programs, coupled with more detailed periodic reviews, as proposed, would have hinder our efforts of maintaining an adequate and compatible program.

The current IMPEP Program has provisions for heighten oversight. The frequency of periodic meetings and state reviews can be adjusted on the basis of the findings from their last review, or significant program changes. No additional periodic reviews or self-audits should be required of the states. The current IMPEP Program was a cooperative effort between the states and NRC and was a major improvement over the previous method used for conducting state programs reviews. The proposed procedures for periodic reviews appear to be taking a major step backwards and places additional burdens on the states in an era of limited resources.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Bob

Robert W. Goff , Director  
Division of Radiological Health  
(601) 987-6893 (601) 987-6887 Fax

## NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM

STATE OF NEBRASKA  
MIKE JOHANNIS, GOVERNOR

March 6, 2003

U.S. Nuclear Regulatory Commission  
ATTN: Osiris Siurano, STP  
One White Flint North  
11555 Rockville Pike, Third Floor  
Rockville, MD 20852

Re: STP-03-002 – Opportunity to Comment on Draft Options for New Periodic Meeting Procedures

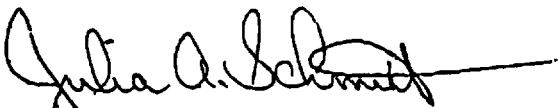
Dear Mr. Siurano:

Thank you for the opportunity to comment on STP-03-002 – "Opportunity to Comment on Draft Options for New Periodic Meeting Procedures." The Nebraska Department of Health and Human Services Regulation and Licensure objects to expanding periodic meetings as outlined.

We support the continuance of periodic meetings in their present scope for the benefits they offer to both the NRC and the Agreement States, but we cannot support either option presented in the draft. We find both options to be overly burdensome and not in keeping with NRC's philosophy of performance-based oversight. Implementation of either of these options penalizes the majority of states with satisfactory IMPEP findings by increasing regulatory burden, irrespective of performance. NRC efforts and attention should be focused on the relatively few states that are struggling.

If you have any questions, please contact me at (402)471-0528 or [julia.schmitt@hhss.state.ne.us](mailto:julia.schmitt@hhss.state.ne.us).

Sincerely,

  
Julia A. Schmitt, Manager  
Radiation Control Programs

February 21, 2003

U.S. Nuclear Regulatory Commission  
ATTN: Osiris Siurano, STP  
One White Flint North  
11555 Rockville Pike, Third Floor  
Rockville, MD 20852

Re: Draft Summary Document, "Options for Enhancing Periodic Meetings" (STP-03-002)

Dear Mr. Siurano:

Pursuant to All Agreement States Letter STP-03-002, the New York State Department of Labor hereby submits comments on the draft "Options for Enhancing Periodic Meetings Procedures". The Department is opposed to the proposed procedural changes as both burdensome and unnecessary. We also find the proposal fundamentally incompatible with the nature of the relationship between the State and the Commission.

1. Burdensome.

The periodic feedback obtained from comprehensive program audits such as IMPEP, is invaluable for managers' assessments of their programs' performance. However, the amount of staff time and resources required to conduct such audits necessarily detracts from program operations. The frequency of such audits must be carefully chosen to optimize performance feedback while avoiding the deleterious effects of the audits themselves. The four-year interval between IMPEP reviews seems appropriately chosen to accomplish this. If anything, it could be safely extended to five or six years, without diminishing the reviews' value. The current proposal to "enhance" periodic meetings would amount to conducting mini-IMPEP reviews at eight- or nine-month intervals. State resources could not support such an additional burden nor would any benefit accrue to the States from adopting such a measure. Since four years is about the minimum time required to implement recommendations and assess their effectiveness, decreasing the audit interval is unlikely to produce information meaningful to program managers.

2. Unnecessary.

The Commission has not presented any evidence that, but for the lack of timely information, an Agreement State program has deteriorated so precipitously that the Commission was unable to effectively intervene before public health and safety was endangered. Short of this, no need for a more aggressive inter-IMPEP interaction can be established. Indeed, whether the Commission could intervene effectively in any event is open to question.

3. Incompatible.

The Agreement State program is not a "delegated" program. The State programs receive no funding from congress, and enforce State regulations authorized under State statutes, not federal ones. Nevertheless, the Commission has historically overstated its "oversight" responsibilities with respect to

the States and has consistently ratcheted the meaning of the term "compatible" at the expense of "cooperate" such that the States have been reduced from the status of co-equal partners ever closer to that of licensees. The current proposal represents another click of that ratchet and we strenuously oppose it on that ground.

Thank you for this opportunity to comment.

Sincerely,

Clayton Bradt, CHP  
Principal Radiophysicist  
New York State Department of Labor

**From:** "Pearce O'Kelley" <OKELLETP@dhec.sc.gov>  
**To:** <osp@nrc.gov>  
**Date:** 2/20/03 10:54AM  
**Subject:** Comments to changes in Periodic Meetings

The following are South Carolina's Comments to STP-03-002 Options for New Periodic Meeting Procedures:

1. The entire premise of increasing the scope of periodic meeting is not consistent with NRC's stated policy of moving toward performance-based regulation.
2. The changes are said to be in accordance with recommendation 3-1 of the IMPEP lessons learned working group report. Nowhere in the report is option 2 ever mentioned, therefore where did it originate. Also, the only comments for increasing the scope of the meeting were from NRC staff. No agreement state comment recommended increasing the scope.
3. The recommendations represent an increased workload on state and regional programs without any supporting documentation that these changes are needed or justified.
4. NRC is proposing increasing the time between inspections for their licensees. This proposal shortens the time between state programs audits/inspections. Why the difference in philosophy?
5. If any changes are made to the periodic meetings, either in scope or frequency, they should only be for programs on heightened oversight or close to it.
6. Option 2 results in a mini-IMPEP. If this is used, the scope and time of the main IMPEP should be reduced.

In closing, NRC has not demonstrated a need for changes to the scope and frequency of the periodic meetings. Making states aware of the need to inform NRC of impending problems that could affect their program's performance can be achieved without these over-reacting changes. South Carolina is opposed to the changes being recommended.

**CC:** "Jim Peterson" <PETERSJK@dhec.sc.gov>

**From:** Cindy Cardwell <Cindy.Cardwell@tdh.state.tx.us>  
**To:** "osp@nrc.gov" <osp@nrc.gov>  
**Date:** 2/20/03 5:27PM  
**Subject:** Comments on STP-03-002

Mr. Siurano, <<periodicmtgcomments.doc>>

Attached please find comments on STP-03-002 from the Texas Department of Health, Bureau of Radiation Control. If you have problems accessing the document, please contact me.

Cindy Cardwell

**CC:** Richard Ratliff <Richard.Ratliff@exch.tdh.state.tx.us>, Ruth McBurney <Ruth.McBurney@exch.tdh.state.tx.us>, Arthur Tate <Arthur.Tate@exch.tdh.state.tx.us>



## Texas Department of Health

Eduardo J. Sanchez, M.D., M.P.H.  
Commissioner of Health

1100 West 49th Street  
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Gary R. Bego  
Chief Operating Officer

Radiation Control  
(512) 834-6688

Charles E. Bell, M.D.  
Executive Deputy Commissioner

February 20, 2003

Paul H. Lohaus, Director  
Office of State and Tribal Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: STP-03-002

Dear Mr. Lohaus:

Staff members of the Texas Department of Health, Bureau of Radiation Control, have reviewed the draft summary document on "Options for Enhancing Periodic Meetings" and offer the following comments.

It is our understanding that these options were developed as a result of a recommendation from the IMPEP "Lessons Learned" working group. We have reviewed that working group's report. The focus of the recommendation was to have the periodic meeting become an effective tool for determining Agreements States performance and the recommendation includes a suggestion to use self-audits as a means of accomplishing this.

Both options presented in the draft summary document are burdensome, are overly prescriptive, and appear to be an excessive response to the working group recommendation.

At first glance, Option One appears to be less prescriptive than Option Two because it provides for a state to perform a self-audit. However, it describes a process by which the Nuclear Regulatory Commission (NRC) will develop, with comment from the states, a final self-audit procedure that will be incorporated into STP SA-116. We feel that this process, if it is not reduced considerably in the amount of information required, is equivalent to preparation for a full IMPEP review because the option requires that the self-audit contain all or selected IMPEP common and non-common performance indicators. The option also indicates that the state self-audit procedures should be compatible with NRC procedures. While we agree that program reviews should be performed using consistent criteria, we believe use of the word "compatible" is inappropriate. The end result of a state utilizing Option One is that the state incurs an additional burden to prepare what is essentially a response to an IMPEP questionnaire disguised as a self-audit procedure. There is essentially no flexibility for a state to develop its own self-audit program.



Paul H. Lohaus  
Page Two

Option Two is essentially the same as Option One, except the self-audit is referred to as a Review of Key Program Areas. The key program areas identified are the IMPEP common and non-common performance indicators. The difference is that the burden is somewhat shifted to the Regional State Agreement Officer Lead to review selected records. However, the state is still required to complete what essentially is an IMPEP questionnaire.

While we support the continuance of periodic meetings for the benefits they offer to both NRC and our program, we do not support either option presented in the draft summary. We note that the IMPEP "Lessons Learned" working group recommendation went on to state, "The Working Group reviewed STP Procedure SA-116, "Periodic Meetings with Agreement States Between IMPEP Reviews," and noted that many of the enhancements offered by the survey responders are already covered by the existing procedure. There appears to be some uncertainty as to the role of the Agreement State Project Officer (ASPO), Office of State and Tribal Programs, and the Regional State Agreement Officer (RSAO)." If many of recommended enhancements are already covered by the existing procedure, we do not see a need for such a drastic revision to it, as suggested in the draft summary. Rather, it appears that more adequate training in the procedure and a greater effort to increase awareness of the procedure are necessary.

In keeping with the working group's recommendations, the discussion during the periodic meetings should focus on any changes to the state's program based on its last IMPEP report. This should focus the discussion on the IMPEP common and non-common performance indicators and highlight any issues, such as drastic permanent changes in staffing or budget, that could potentially impact the outcome of the next full IMPEP review. The exercise of completing a complete new IMPEP questionnaire is unnecessary.

In a time when NRC is implementing performance-based regulation and inspection in response to the NRC goal of reducing regulatory burden, the options presented in the draft summary accomplish the opposite of this goal for the Agreement State/NRC relationship. Implementation of either of these options penalizes the majority of states with satisfactory findings by increasing regulatory burden.

We appreciate the opportunity to provide comments. Please contact me if you have any questions.

Sincerely,

Richard A. Ratliff, P.E., Chief  
Bureau of Radiation Control  
Texas Department of Health

**From:** "Bill Sinclair" <BSINCLAIR@utah.gov>  
**To:** <OSP@nrc.gov>  
**Date:** 2/21/03 12:56PM  
**Subject:** STP-03-002, Periodic Meeting Changes

Osiris Siurano:

The State of Utah has several comments concerning changes suggested to the Periodic Meeting Process:

First, we agree with the State of Illinois comment that opposes the notion of expanding periodic meetings. Illinois states that "The proposal in the draft summary document is a knee-jerk reaction to an imagined problem - a reaction that would involve considerable expenditure of Agreement State resources for marginal benefit."

If the NRC philosophy is "Risk Informed/Performanced Based," this process appears to contradict that philosophy. If the periodic IMPEP review shows no issues in the "key areas," why would these areas be looked at more frequently than in the past as suggested by the new process in the form of either of a state self-audit or a NRC limited inspection. If an Agreement State opts to increase inspection frequency for a licensee, NRC expects that there is a basis or rationale documented. It does not appear that the NRC has "made" the argument that would suggest a new paradigm is needed for periodic meetings.

Unless the IMPEP review questionnaire has been reduced in size significantly, updating this could take a significant amount of time.

In these tough economic times and with budget constraints/personnel layoffs in some states, etc, are states supposed to expend the limited resources available to conduct "annual self-audits" of compliance with their Agreement State status? Shouldn't these resources be utilized for assuring that RAM is being handled safely and appropriately to protect the public and the environment?

Self audits can be very time consuming. For Utah's self audits prior to IMPEP reviews, it can take each person in the RAM section up to a week or two to complete an audit of their assigned areas. In the meantime, licensing actions and inspections are not being conducted. We use that information to make the necessary adjustments to the program but typically do not compose a formal report regarding our audit. If we are required to write the report, the self audit becomes more time consuming. Up to this point, self-audits are conducted prior to each 4-year IMPEP review, a more frequent self-audit as required by this process may not be worthwhile or needed.

Should this be the policy applied to those "few" states that are found to be not adequate or incompatible during the IMPEP reviews and not to the entire 32 Agreement State programs.

Has the NRC has examined the time it will take for State personnel to conduct the groundwork prior to the meetings for either Options 1 or 2 as well as the increased time required for the meetings in Option 2?

The oversight of Agreement State programs is the responsibility of the

NRC. It the NRC trying to push the cost of doing their reviews on to the States by having States do the work for them in a self audit.

What is an adequate State self-audit from the NRC perspective? There are no formal procedures that have been developed for conducting self audits by the States by the NRC. We would then have to assume that NRC would be accepting of what each State determined would be an adequate self-audit.

Although we think there is value in meeting periodically with the Region and appropriate Headquarters representatives, we like the current flexibility of the process whereas the parties involved in the meeting jointly decide upon an agenda. Typically, we have 1 face to face periodic meeting in the "middle" of the IMPEP review period. This does allow closeout of any issues from the previous IMPEP and does allow for discussion of any significant issues (staffing, training, etc.). I would suggest maintaining the status quo.

Thanks for the opportunity to comment.

Bill Sinclair, Director  
Utah Division of Radiation Control

**CC:** <agodwin@arra.state.az.us>, <porterhj@columb34.dhec.state.sc.us>, <mhenry@deq.state.la.us>, <Mike.Boderick@deq.state.ok.us>, <OKELLETP@dhec.sc.gov>, <SCHMIPS@dhfs.state.wi.us>, <wjohNSTO@dhhs.state.nh.us>, <EBailey@dhs.ca.gov>, <bill\_passetti@doh.state.fl.us>, <BillD@doh.state.ri.us>, <maries@doh.state.ri.us>, <Gary.Robertson@DOH.WA.GOV>, <pjmerges@gw.dec.state.ny.us>, <RSUPPES@gw.odh.state.oh.us>, <gmiskin@health.nyc.gov>, <DFLATER@health.state.ia.us>, <asa01@health.state.ny.us>, <kxr01@health.state.ny.us>, <jwthompson@HealthyArkansas.com>, <julia.schmitt@hhss.state.ne.us>, <Eastvold@idns.state.il.us>, <K\_Allen@idns.state.il.us>, <vcooper@kdhe.state.ks.us>, <USCCJB@labor.state.ny.us>, <THill@dnr-gwia2.dnr.state.ga.us>, <john.volpe@mail.state.ky.us>, <rletcher@mde.state.md.us>, <rgoff@msdh.state.ms.us>, <beverly.hall@ncmail.net>, <stanley\_fitch@nmenv.state.nm.us>, <william\_floyd@nmenv.state.nm.us>, <SMARSHALL@nvhd.state.nv.us>, <Jake.Jacobi@state.co.us>, <kenneth.weaver@state.co.us>, <Bob.Hallisey@state.ma.us>, <jay.hyland@state.me.us>, <Linda.Bruemmer@state.mn.us>, <kwangler@state.nd.us>, <Terry.D.Lindsey@state.or.us>, <dallard@state.pa.us>, <Eddie.Nanney@state.tn.us>, <sjablons@tceq.state.tx.us>, <Cindy.Cardwell@tdh.state.tx.us>, <Richard.Ratliff@tdh.state.tx.us>, "Clark Clements" <CCLEMENTS@utah.gov>, "Craig Jones" <CWJONES@utah.gov>, "Gwyn Galloway" <GGALLOWAY@utah.gov>, "Julie Felice" <JFELICE@utah.gov>, "Philip Griffin" <PGRIFFIN@utah.gov>

**From:** Duncan White  
**To:** Siurano-Perez, Osiris  
**Date:** 2/21/03 1:22PM  
**Subject:** COMMENTS ON DRAFT OPTIONS FOR NEW PERIODIC MEETING PROCEDURES

Region I has reviewed the draft options for new periodic meeting procedures and has the following comments.

Region I's experience with the current periodic meeting format (SA-116 "Periodic Meetings with Agreement States between IMPEP Reviews") has been very positive in providing an accurate measure of the performance for the Region's Agreement States. Specifically, periodic meetings with the State of Rhode Island in July 2001 and Maryland in November 2002 identified performance issues that resulted in the NRC closely monitoring these States. Based on these experiences and our experience using the meeting summaries to prepare for IMPEP reviews of Agreement States in other Regions, we recommend that the Office of State and Tribal Programs (STP) maintain the existing format.

Option 1 would require the State to perform a self-audit that is incorporated as part of the periodic meeting summary. Although self-audits would provide valuable insight into the status of the State's materials program, it should be recognized that most States (as does the NRC) have their own management tools and indicators to measure the performance and productivity of their programs. If the State's performance remains satisfactory (as defined by IMPEP criteria), the NRC should be flexible in allowing the State to manage its own program and not impose additional requirements on them. The current periodic meeting procedure should be modified to encourage self-audits, not require them.

Option 2 of the draft procedure would require the review of key program areas by NRC staff if the State did not perform a self-audit. This would amount to a scaled back IMPEP review and require the expenditure of additional resources. As indicated above, if an Agreement State's performance remains satisfactory (as defined by IMPEP), there is no need for an audit. As indicated above, Region I's experience with current format of periodic management meetings has been good and are only aware of a few examples where the results of these meetings were not borne out at the IMPEP review. Region I recommends that Option 2 should not be pursued further.

**CC:** Costello, Frank; Lohaus, Paul; Pangburn, George; Piccone, Josephine

**From:** Douglas Collins  
**To:** Paul Lohaus  
**Date:** 4/15/03 12:45PM  
**Subject:** Comments on Periodic Meetings

This is in response to your memorandum dated March 31, requesting comments on the Agreement States' responses to proposed changes to the Periodic Meeting process.

We continue to believe the self-assessment option provides the greatest benefit based on our experience, but agree that we should not require such actions.

Given the objections to both proposals, it might be useful to implement a modified version of Option 2 and our current process. We might focus on key areas of performance with independent looks at currently existing (at each State, such as monthly management reports, computer summaries, etc.) systems, reports, etc. that form the basis of each State's conclusions regarding the health of the PIs.

**CC:** Elmo Collins; George Pangburn; Marc Dapas; Osiris Siurano-Perez; Richard Woodruff; Robert Trojanowski

**From:** James Lynch  
**To:** Josephine Piccone  
**Date:** 4/17/03 5:00PM  
**Subject:** Comments on periodic meeting procedure

Josie,

Marc Dapas asked me to forward Region III's comments on periodic meeting options in response to your March 31 request.

We noted the significant pushback from the Agreement States indicating that the proposed options were burdensome and unnecessary. We believe that any changes to the periodic meeting process should be approached from a performance standpoint and minimize additional burden on the States.

During periodic meetings we always advocate the use of self assessments by States. In most cases that advice is taken, but some do not agree with the value potential. Managers of one Region III Agreement State (Illinois) have repeatedly told us that effective management precludes the need for self assessments. Requiring self assessments, per Option 1, may not be the best alternative based on this experience.

Borrowing a bit from both Options, perhaps a slimmed down questionnaire could be a workable solution. The State could use the document to identify program changes, and in effect, accomplish some of the same goals of a self assessment.

We see value in doing limited record review during periodic meetings, as outlined in Option 2, especially in areas identified as having problems during the previous IMPEP review.

We recommend that Periodic Meetings be a maximum of two days and should be at the same (roughly 16-month) frequency or even just once at the midpoint between IMPEP reviews (24 months).

Our review of Option 2 identified two items that need further clarification. First, in VII(A)(2)(a) "NRC Program Impacts," additional time should also be identified for limited record review; and second, in VII(B)(1) "States Program Impacts" States need to provide staff to assist in limited record review as is stated in III(C).

-Jim

**CC:** Douglas Collins; Elmo Collins; George Pangburn; Marc Dapas; Osiris Siurano-Perez;  
Paul Lohaus



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064**

April 17, 2003

**MEMORANDUM TO:** Josephine M. Piccone, Deputy Director  
Office of State & Tribal Programs

**FROM:** Elmo E. Collins, Director */RA/*  
Division of Nuclear Materials Safety, RIV

**SUBJECT:** OPPORTUNITY TO COMMENT ON DRAFT  
OPTIONS FOR NEW PERIODIC MEETING  
PROCEDURES

This is in reference to your memorandum dated March 31, 2003, requesting comments on the options being considered for new periodic meeting procedures. Overall, Options 1 and 2 don't appear to be consistent with the intent of periodic meetings. The States have the responsibility to know the performance and status of their programs. Both options seem to shift this responsibility to the NRC.

We have the following comments on this proposal:

**1. OPTION 1: Self Audits**

This option appears to be overly prescriptive to the States. The States need the responsibility and flexibility to devise a meaningful measure of performance consistent with the size and scope of their programs. We recognize that self audits can be an effective management tool. However, if the focus is not appropriate, self audits can become unduly burdensome.

**2. OPTION 2: Review of Key Program Areas**

Given that the performance of the majority of the Agreement States has been found satisfactory during IMPEP reviews, we don't see the added benefit in reviewing key program areas between IMPEP reviews. Option 2 appears to be onerous to NRC as well as the States and will be perceived as mini-IMPEP reviews. Effective procedures have been developed and implemented for States that are having difficulties with their programs.

**3. PROPOSED ALTERNATIVE:**

Region IV suggests that the current periodic meeting procedure be improved so that additional factual information aligned with the performance indicators is requested and provided for review during the meeting. The review of this information should be kept performance oriented, consistent with current Agency philosophy. This factual information should be included in the summary meeting report.

Thank you for providing us the opportunity to comment on the draft options for periodic meeting procedures.

Memorandum to  
Josephine M. Piccone

-2-

cc:

G. C. Pangburn, RI

D. M. Collins, RII

M. L. Dapas, RIII



Memorandum to  
Josephine M. Piccone

-3-

bcc:  
V. Campbell  
L. Mclean

ADAMS: X\_ No      Initials: \_\_\_\_\_  
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