

July 25, 2000

SUMMARY OF COMMENTS ON SA-100, "IMPLEMENTATION OF THE INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM (IMPEP)"

I. Sent to the Agreement States for Comment: January 28, 2000 (SP-00-008)

Comments Dated: Washington, February 4, 2000 (email)
Georgia, March 1, 2000 (email)
Illinois, April 11, 2000
Texas, March 29, 2000 (mark-up)

NOTE: On April 12, 2000, the U.S. Nuclear Regulatory Commission (NRC) designated the Office of State Programs (OSP) as the Office of State and Tribal Programs (STP). The change provides Tribal Governments with a liaison point of contact at the NRC. The SA-100 procedures have been revised to reflect the new office name, although in this comment resolution document, the office designation of OSP has been left as OSP for administrative reasons.

Response to/Resolution of Comments:

Washington

Comment 1:

On page 1, item III, "Background": "The authority for review of Agreement States ..." State should be plural.

Response:

This correction will be made.

Comment 2:

On page 2, item IV.B.1, "Director, OSP": The Director of OSP also "assigns IMPEP Team Leader for Agreement State reviews."

Response:

We agree with the intent of the comment and revise the procedure to include in the guidance that the Director, OSP, approves the assignment of IMPEP team leaders for Agreement State reviews.

Comment 3:

On Page 2, item IV.B.2, "Director, OSP": Should be "Attends Agreement State ..." States should be singular.

Response:

This correction will be made.

Comment 4:

On page 3, item IV.F.1, "Director, Division of Industrial and Medical Nuclear Safety": Director, Division of IMNS also "assigns IMPEP Team Leader for review of NRC Regions."

Response:

We agree with the intent of the comment and will revise the procedure to include in the guidance that the Director, IMNS, approves the assignment of IMPEP team leaders for NRC Regional reviews.

Comment 5:

On page 4, item IV.I.1, "IMPEP Team Member": Should be "Completes the review of assigned indicator(s) and writes corresponding section(s) of the IMPEP report;" to avoid singular/plural problem with subject (IMPEP Team Member) and double use of plural "their".

Response:

This correction will be made.

Comment 6:

On page 5, item V.A.2 and 3, "Follow-up Reviews and Periodic Meetings with Agreement States Between IMPEP Reviews": References two OSP Procedures that do not appear in the list of references on Page 23. Also, I did not find these procedures (SA-116 and SA-119) in my collection, nor did I find them (easily) at the OSP web site. Have these been distributed to the Agreement States for review and comment? I must have missed them.

Response:

SA -116, "Periodic Meetings with Agreement States Between IMPEP Reviews" is a reference that will be added to the list of references in the procedure. This document has been previously distributed to the Agreement States for review and comment and has been finalized. It is available on the OSP web page under procedures. SA-119, "Follow-up Integrated Materials Performance Evaluation (IMPEP) Reviews" is a new procedure under development and is scheduled to be sent to the Agreement States for review in late FY 2000 and finalized in FY 2001. We are also including this reference to the guidance, although the document is not yet available.

Comment 7:

On page 5, item V.A.4, "Special Meetings": Discusses "special meetings", providing some criteria for determining when to hold one, but does not indicate who makes the decision to do so.

Response:

Item V.A.4.b. has been revised as follows:

A special meeting for a State or NRC Region may be scheduled **upon request by NRC or** when requested by the State or Region based on ~~the justification~~ **NRC's evaluation of the need** for such a meeting.

Comment 8:

On page 6, item V.5.a, "New Agreement States Meetings and IMPEP Reviews": References SA-118 but it is not listed among the references on page 23.

Response:

This reference will be added.

Comment 9:

On page 5, item V.B.1, "Annual IMPEP Schedule": Should be "Each July, NMSS and OSP ... " otherwise, the procedure requires that staff coordinate on July 1, regardless of whether it is a Saturday (as it will be this year) or a Sunday!

Response:

This correction will be made.

Comment 10:

On page 6, item V.C.2.a, "Routine IMPEP Reviews": States that "the review team shall consist of four members: Two from OSP/Regional State Agreements Officer... " and this would be an appropriate opportunity for NRC to consider saving some resources by reducing its commitment from three to two NRC staff. Similarly, the team for the Regions could also be reduced by one. However, the Agreement State representative would remain in both cases.

Response:

We appreciate the comment concerning reducing NRC resources by reducing its commitment to the IMPEP program, however we have found that in most cases 4 team members are appropriate. We will revise this section to allow flexibility in the number of IMPEP team members based on the individual State or Region.

Comment 11:

On page 7, item V.C.2.a, "Routine IMPEP Reviews": I think it is important that the RSAO always be a part of the team and propose that the wording should be "... Two from OSP including the Regional Agreement States Officer ... " to make it clear that leaving out the RSAO is not acceptable.

Response:

We also support the inclusion of the RSAO as a member of the IMPEP team, whenever possible. However, the procedure as written allows additional flexibility to OSP to assign the Agreement State Project Officer or an OSP staff member who is knowledgeable about the program if necessary due to unusual circumstances, scheduling or workload assignments. There will be no change to the procedure based on this comment.

Comment 12:

On page 11, item V.F.3, "Preparation For IMPEP Reviews of Agreement State and Regional Material Programs": Contains a subject/verb agreement issue and would read better as "... meeting room or otherwise suitable location(s) be available ... "

Response:

The correction will be made.

Comment 13:

On page 12, item V.F.4, "Preparation For IMPEP Reviews of Agreement State and Regional Material Programs": Requires a preliminary meeting of the team one week prior to the review. This seems wasteful (unnecessary travel) and could be more appropriately worded " ... the team leader should communicate with the review team ... " A face to face meeting does not seem essential to ascertaining whether all team members are prepared for the review.

Response:

We agree with this comment and will revise the procedure to allow this flexibility.

Comment 14:

On page 13, item V.H.8.e, "Deficiency Findings": Contains a "Note" that seems to confuse the issue. It notes that the term "suggestions" was used previously and that a response was not requested. However, "discussions" are to be documented. Are you saying avoid the use of the term "suggestion"? For instance: "We talked about doing such-and-such because the team believed it might enhance the program but no resolution/decision was made."

Response:

We agree that the "Note" adds confusion instead of clarity to this section and will remove the parenthetical phrase.

Comment 15:

On page 15, item V.H.8.f, "Deficiency Findings": Refers to "the team's recommended finding ... " this should be "findings" or "finding on each indicator".

Response:

We agree with this comment and will revise the procedure to include "finding on each indicator."

Comment 16:

On page 16, V.I.2, "Third Party Attendance in Reviews": Should be "If the public or media is permitted ... " "public" and "media" are singular nouns and when connected by "or" the verb should also be singular.

Response:

This correction will be made.

Comment 17:

On page 17, item V.J.6, "Summarizing Review Finding": Refers to the Director, Division of Nuclear Materials Safety. I take it this must be another level in NRC's hierarchy of "Directors": NMSS > IMNS > NMS?

Response:

The Director, Division of Nuclear Materials Safety is the Regional manager responsible for the materials program who reports to the NRC Regional Administrator. We have revised this section to clarify that this is a regional manager.

Comment 18:

On page 23, "References": Should add references to SA-116, SA-118, and SA-119.

Response:

The references will be added.

Comment 19:

On page 2 of Appendix B "Sample Checklist for the Team Leaders...": The Team Leader "meeting" with the team one week prior to the review. As stated in 13., a phone call could achieve the same understanding as a face to face meeting. Suggest "Team Leader communicates with team 1 week prior ... "

Response:

We agree with this comment. The procedure will be revised to state that the Team Leader should "communicate" with the team members 1 week prior to the onsite review.

Comment 20:

On page 7 of Appendix D "Format Guidance for IMPEP Reviews": Should say "use the Arabic number when using the number 10 or above."

Response:

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

Comment 21:

Appendix E, Draft Report, Appendices C, D, E, and F have a beginning note which states "No significant comments were identified by the IMPEP team." This could be confused to mean that the comments which are listed are not "significant". A better wording would be "Significant comments, when identified by the IMPEP Team, are listed following the file information."

Response:

The phrase "No significant comments were identified by the IMPEP team" is an explanatory note for listing casework where no comments are identified. Staff believes that the note is clear. There will be no change to the procedure based on this comment.

Georgia

Comment:

I have read the draft OSP Procedure SA-100, Implementation of the Integrated Materials Performance Evaluation Program and have no comments.

Response:

No response is necessary.

Illinois (4/11/00 letter)

Comment 1:

This document does not appear to include provisions for audits of NRC Headquarters such as the sealed source and device reviews. As the Department understands it, these are to be routine audits conducted under IMPEP. Please include these in the SA-100 procedure.

Response:

At the present time, Management Directive (MD) 5.6 does not include reviews of NRC Headquarter functions. Although an IMPEP type review of the SS&D headquarters function was performed in 1999 using the guidance and procedures developed for the Agreement States and Regional reviews, current practice is to implement MD 5.6 as written. When the results of the SS&D working group and reengineering of the SS&D program are available, staff will revisit this issue. There will be no change to the procedure based on this comment.

Comment 2:

In Section IV(I), page 4, please include additional duties of IMPEP team members such as interviews with appropriate staff and inspection accompaniments.

Response:

The procedure notes that the IMPEP team member is to “Conducts the review of all indicators in accordance with the applicable OSP procedures” and does not repeat the detailed information, which includes guidance on interviews and inspector accompaniments found in SA101 through SA-105. There will be no change to the procedure based on this comment.

Comment 3:

In Section V(C)(2), page 7, if this is truly to be a process involving a partnership in the audit of regulatory programs, the option of including additional Agreement State personnel on review teams should be provided, particularly for sealed source and device reviews of NRC.

Response:

We will revise this section to allow flexibility in the number of IMPEP team members including additional Agreement State personnel based on the individual State or Region.

Comment 4:

Section V(D), page 8, should prompt team leaders to schedule the tentative dates for the Management Review Board meeting at the same time they schedule the program review. This change should be reflected in OSP Procedure SA-106 as well.

Response:

We will revise section V(D)(2) to include the following sentence:

The team leader should indicate the time frame of the Management Review Board meeting based on the established review dates.

Comment 5:

In Section V(E), page 9, please indicate what steps are taken if the NRC or Agreement State fails to adequately address items in the questionnaire. In some cases, these deficiencies will need to be resolved prior to the actual audit so that team members can prepare adequately. If only minor deficiencies are present, these can be addressed during the audit itself.

Response:

There is no legal requirement for the Agreement State or Region to complete the questionnaire. It is considered a tool to assist the IMPEP review team. Our experience to date has been that in those cases where items are not addressed adequately, the team leader and team member has been able to work with the Region or Agreement State to address any deficiencies, both before and during the review. There will be no change to the procedure based on this comment.

Comment 6:

Items g. and h. in Section V(F), page 11, appear to apply to NRC Headquarters and Regions as well as the States. Please include these as items to be reviewed for NRC offices.

Response:

Item g refers to periodic meetings with the Agreement States, which follow SA-116. At this time, the NRC headquarters and the Regions do not conduct meetings similar to those outlined in SA-116. If this type of meeting is determined to be appropriate for the Regions, we will revise SA-100 in the future. In item h, the specific casework, unique to the transfer from NRC to the Agreement State jurisdiction is not comparable or tracked in the same manner as allegations entered in the NRC allegations system in accordance with MD 8.8 (even though allegations can be sent to NRC from an Agreement State). There will be no change to the procedure based on this comment.

Comment 7:

In V(G)(6), page 12, the team leader should also include a discussion of significant changes/innovations that the Agreement State under review is using. NRC program changes are not always more significant than those in the Agreement State.

Response:

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

Comment 8:

The sample correspondence listed in the appendices is for NRC audits of Agreement States. Applicable correspondence should be included for use in reviews of the Regions and NRC Headquarters.

Response:

The review of NRC headquarters is outside the scope of this procedure. The sample correspondence is applicable to the Regions, with minor changes. The staff did not believe that it was necessary to have a sample of each type of correspondence for the Regional review. There will be no change to the procedure based on this comment.

Comment 9:

Throughout the document and on page 23, references have been made to a number of Management Directives and OSP Procedures. If this document is to be used by IMPEP team members to prepare for reviews, the revision number or date these documents became final should be included. Management Directive 5.6 has been revised at least once since its inception.

Response:

In determining the style of the Office of State Programs procedures, a decision was made base on previous comments to other procedures to not include the dates of the referenced documents because of the workload to then revise all related documents. The latest revision of reference documents can be found on the OSP homepage. There will be no change to the procedure based on this comment.

Comment 10:

Spacing of the document should be corrected in Sections IV(H), V(J)(5) and V(K)(2).

Response:

The spacing was corrected for Section IV(H). There were no problems identified with the spacing for the last two sections referenced.

Texas

Comment 1:

Change all “should” to “shall.”

Response:

It is not appropriate to change all “should” to “shall” as this is a procedure which contains guidance for the IMPEP review teams. There will be no change to the procedure based on this comment.

Comment 2:

Section IV(B)(2), the Director, OSP should also attend the entrance meeting for the onsite portion of the IMPEP review.

Response:

Given travel and budget consideration, it is not possible for the Director, OSP to attend all entrance meetings. If there are specific reasons that a manager needs to be in attendance, a case-by-case decision can be made. There will be no change to the procedure based on this comment.

Comment 3:

Section IV(B), does not indicate who will coordinate with the Organization of Agreement States for the OAS volunteers?

Response:

In Section IV(D)(1), and Section V(C)(4)(a) the senior project manager for IMPEP coordination, OSP is responsible for the coordination of MRB meetings, including interactions with the Organization of Agreement States. We will revise the responsibility of this individual to include coordination with OAS in Section IV(D)(1).

Comment 4:

Section V(A)(4)(a)(ii), add an “or” at the end of the paragraph.

Response:

This correction will be made.

Comment 5:

Section V(C)(4)(a), is there a protocol for the senior project manager for the coordination with the OAS? Who at OAS should they contact? Also the cadre of 10-15 Agreement State personnel could potential require 0.25 FTE.

Response:

There is no protocol for the coordination at this time, however since the inception of IMPEP, the senior project manager has worked with the past chair of the OAS, who has also been an OAS Liaison to the MRB. Our experience to date has been successful when dealing with the Executive Committee, OAS. As the Executive Committee for OAS clarifies its roles and responsibilities, the senior project manager will coordinate with the OAS designee for coordination of Agreement State participation. There will be no change to the procedure based on this comment. Note, when IMPEP was designed, the expected resource for each participating IMPEP team member was calculated to be .1 FTE. The Agreement States contribute approximately 0.8 FTE -1 FTE annually in support of the IMPEP reviews. This information has been previously shared with the Agreement State program directors and the IMPEP team members.

Comment 6:

Section V(D)(1), what is the criteria for working around State's or NRC's conflict?

Response:

The team leader works with both the State and the IMPEP team members to establish a workable date for the review for all participants involved. We do not believe, based on past experience, that it is necessary to establish a formal criterion for dealing with scheduling conflicts. It should be noted that the Agreement States are sent copies of the IMPEP schedule in September to solicit feedback on the target month. This has been successful in identifying State conflicts such as emergency drills and legislation sessions. There will be no change to the procedure based on this comment.

Comment 7:

Section V(E)(1), change 60 days to 90 days.

Response:

We are not aware of any difficulty with the 60-day time frame at this time. We will continue at this time with the 60 day time frame until such time as experience indicates a need for change. There will be no change to the procedure based on this comment.

Comment 8:

Section V(E)(3), change as follows:

In addition to the printed version of the questionnaire, an electronic copy ~~should~~ shall be provided to the State or NRC Region at the same time as the mailing.

Response:

We agree with the comment and the procedure will be revised. However, note that the procedure number has changed to item V.E.4 due to the addition of new procedural wording.

Comment 9:

Section V(E)(6), insert "Prior to sending the questionnaire to the Agreement State" at the beginning of the section.

Response:

We agree with the comment and the procedure will be revised. Also note that the procedure number has changed to V.E.7 due to the addition of new procedural wording.

Comment 10:

Section V(E)(7), does NRC want to keep these or just have them available on site?

Response:

The information identified in this section is only necessary to have available. The organizational charts will be copied, the NRC does not need copies of the other information, unless a performance issue has been identified. There will be no change to the procedure based on this comment.

Comment 11:

Section V(F)(1)(d), the "representative correspondence" is according to whom? State or NRC?

Response:

The correspondence referred to in this section are NRC files. The procedure will be revised to reflect this clarification.

Comment 12:

Section V(F)(1)(e), why would the RSAO supply the regulations? Why not the Agreement State?

Response:

In an effort to minimize the impact of the IMPEP review on the State, we have identified other sources of information available to the IMPEP review team. The RSAOs maintain current copies of the State's regulations. There will be no change to the procedure based on this comment.

Comment 13:

Section V(F)(2), by whom and where are the "repetitive problems or deficiencies are identified".

Response:

This section deals with the preparation of the IMPEP review team prior to the onsite portion of the review. A clarifying phrase, "by the review team from past reviews" will be added to clarify this section.

Comment 14:

Section V(F)(3), all the information in this paragraph should be included in the scheduling letter, including and additional requirements such as phones, identifications. Also, alert the Radiation Control Program Director as to whom the team wants to interview.

Response:

We believe these details are best left to the individual team leader and the State management under review. Except in one situation early in the IMPEP cycle where communications broke down due to reassignment of a team leader, this exchange of information and coordination has been conducted successfully by the team leader. There will be no change to the procedure based on this comment.

Comment 15:

Section V(G)(5), include the information in this paragraph in the scheduling letter.

Response:

We believe these details are best left to the individual team leader and the State management under review. Normally the accompaniments will be conduct after the scheduling letter has be transmitted. There will be no change to the procedure based on this comment.

Comment 16:

Section V(H)(3), change “corrected” to “corrections made.”

Response:

This clarification will be made.

Comment 17:

Section V(H)(4)(d), revise the paragraph as follows:

~~These~~ Items from previous reviews should be evaluated as to the impact on the performance ~~on~~ of the program and closed if appropriate.

Response:

Based on comment 8 from NMSS, item V.H.4.d will be deleted. The information contained in this section is stated in V.H.4.b.iii. There will be no change to the procedure based on this comment.

Comment 18:

Section V(H)(5), clarify the paragraph as follows:

The review team should ~~ensure that as much~~ **acquire** information ~~is acquired as~~ is necessary to document the Region's or State's performance relative to each applicable performance indicator.

Response:

This clarification will be made.

Comment 19:

Section V(K)(2)(c), the term “dispatched” sounds like pony express. How about sent electronically, if possible?

Response:

We will revise the procedure to use the word “transmitted.” Electronic copies of the correspondence will be available in the NRC ADAMS system within 5 days of transmitting the letter.

Comment 20:

Section V(K)(4), the “30 days” should be changed to read “four weeks from receipt of the draft report” to be consistent with the draft language in the Appendices.

Response:

We agree with this comment and will revise the procedure to include this clarification.

Comment 21:

Section V(L), MRB should have Agreement State members.

Response:

As outlined in OSP Procedure SA-106, the Management Review Board has an Agreement State Liaison. There will be no change to the procedure based on this comment.

Comment 22:

Section V(M)(5), delete “lead secretary” from this paragraph.

Response:

The lead secretary has these responsibilities and duties. There will be no change to the procedure based on this comment.

Comment 23:

Section V(M)(5), delete “Agency wide Document Access and Management System (ADAMS)” at the end of the paragraph and replace it with ADAMS.

Response:

We agree with this comment and will revise the procedure.

Comment 24:

In Appendix E, Draft cover letter and Report Format with the Boilerplate for the Report, third paragraph. Depending on the review, a request for comments within four weeks from the receipt of the draft report could be too short.

Response:

Initially, NRC requested two weeks for comments. Base on our experience during the first year of IMPEP, four weeks was found to be acceptable by State regulatory agencies. If there are situations that require additional time, we will consider them on a case-by-case basis at that time. There will be no change to the procedure based on this comment.

II. Sent to the NRC Offices for Comment: January 28, 2000

Comments Dated: Region I, February 18, 2000
Region III, February 24, 2000

Region I

Comment 1:

On page 2, item IV.D, “Senior Project Manager for IMPEP Coordination, OSP”: Duties should also include staffing of IMPEP reviews and provide refresher and initial training for IMPEP members.

Response:

We agree with this comment and will revise the guidance accordingly.

Comment 2:

On page 6, item V.C.2, “Routine IMPEP Reviews”: Staffing for Agreement State reviews are normally three (for smaller States) or four (for larger States). Additionally, throughout the document, references to Regional NMSS, should be changed to “Region or NRC Region.”

Response:

We agree with this comment and will revise the procedure to indicate there is flexibility in the number of team members, depending on the size of the program. The procedure will be revised to change Regional NMSS to Region.

Comment 3:

On page 9, item V.F.1.c and h, “Preparation for IMPEP Reviews of Agreement State and Regional Material Programs”: Add to the end of the two indicated sections “dating back to the previous review of the Agreement State or NRC Region.”

Response:

We agree with this comment and will revise the procedure.

Comment 4:

On page 13, item V.I.2, “Third Party Attendance in Reviews”: Add a statement to the first paragraph of the section that indicates that the findings of the IMPEP review are preliminary until the MRB reviews and approves the finding and that a draft report will be publically issued within 30 days from the end of the review.

Response:

This information will be added to the guidance.

Comment 5:

Appendix C, “Onsite Summary Discussion Guidance”: The “script” provided in the Appendix duplicates the information covered during training. “Summarizing Review Findings” under V.J. should be deleted.

Response:

At this time, we believe this guidance assists the review team in conducting the summary discussion with the State or Region. There will be no change to the procedure based on this comment.

Region III

Comment 1:

On page 4, item IV.I.3, "IMPEP Team Members": The team member participation in the MRB meeting should be, optionally, in person, by video conference or by teleconference.

Response:

We agree with this comment and will revise the procedure.

Comment 2:

On page 4, item V.A.1.a, "Routine IMPEP Reviews": NRC Regional IMPEP reviews are being considered at four-year intervals. The most current policy should be reflected here.

Response:

The procedure will be revised to reflect the current policy. Additionally, Management Directive 5.6 will also be updated to incorporate the current policy.

Comment 3:

On page 4, item V.A.2, "Follow-up Reviews": We assume that OPS Procedures SA-119 "Follow-up IMPEP Reviews" is under development.

Response:

Yes, SA-119 is a new procedure under development and will be sent to the Agreement States and NRC offices for review. The document is not available yet, but we have chosen to list it in this guidance for future reference. There will be no change to the procedure based on this comment.

Comment 4:

On page 5, item V.B.1, "Annual IMPEP Schedule": The 12-month IMPEP schedule should include non-routine reviews, to the extent known, as well.

Response:

We agree and the procedure will be revised to remove the word "routine" from this sentence.

Comment 5:

On page 6, item V.C.2, "Routine IMPEP Reviews": Team staffing should be more flexible, depending on the complexity of the review. We agree that, for example, a four-person team is usually appropriate for a non-complex State program. However, if a State has multiple non-common indicators, such as SS&D, low-level waste, or uranium recovery, additional team member(s) are needed. If a State program is very small, a three member team may be appropriate.

Response:

We have found that in most cases 4 team members are appropriate. However, the procedure will be revised to allow flexibility in the number of IMPEP team members based on the individual State or Region.

Comment 6:

On page 10, item V.F.4, "Preparation for IMPEP Reviews of Agreement State and Regional Material Programs": A preliminary meeting of the team members is usually not necessary one week prior to a review. Adequate communication between the Team Leader and team members is essential but may be accomplished by telephone and e-mail conversations.

Response:

We agree with this comment. The procedure will be revised to indicate that the team leader should communicate with the review team one week before the review.

Comment 7:

In the Appendix A, "Sample Letter Scheduling the IMPEP Review and Questionnaire...": We have successfully provided the IMPEP questionnaire to States electronically, rather than by sending a computer disk.

Response:

This procedure will be revised.

Comment 8:

In Appendix B, "Sample Checklist for the Team Leaders...": Modify the sentence to read "The Team Leader should assemble and send to appropriate team members..." There is no reason to send information to team members that is totally unrelated to the indicators which they are assigned.

Response:

We agree with this comment and will revise the procedure accordingly.

Comment 9:

In the Appendix B, "Sample Checklist for the Team Leaders...": Past IMPEP reviews and responses are available on the OSP web site and do not need to be distributed to team members. The team should be instructed to download the past review documents.

Response:

We agree with the intent of this comment. The procedure will be revised to instruct the team leader to distribute the electronic links (web address) of the past IMPEP reviews and responses to the team members.

Comment 10:

In Appendix B, "Sample Checklist for the Team Leaders...": State regulations generally do not need to be distributed to all team members. Many States have regulations available on their web sites.

Response:

We agree with the intent of this comment. The procedure will be revised to instruct the team leader to distribute the electronic links, if appropriate or copies of current regulations from the RSAO, to the team members.

Comment 11:

In Appendix C, "Onsite Summary Discussion Guidance": The Principal Reviewer Guidance repeatedly uses the term "I will be recommending to the MRB that the State be found..." These IMPEP reviews are team reviews. An individual member of the team should not make recommendations to the MRB. We suggest that the guidance be modified to say "The team will recommend to the MRB that the State be found..."

Response:

We agree with this comment and will revise the procedure accordingly.

NMSS

Comment 1:

On page 2, item IV.B and IV.E, "Director, OSP": Add "Assigns Team Leaders and Team Members for IMPEP reviews."

Response:

We agree with the intent of the comment. We will revise the procedure to include in the guidance that the Director, OSP, approves the assignment of IMPEP team leaders for Agreement State reviews. Team members are assigned by the Senior Program Analyst, NMSS, for Regional reviews, and by the Senior Project Manager for IMPEP Coordination, STP, for Agreement State reviews.

Comment 2:

On page 4, item V.A.1a, "Routine IMPEP Reviews": Revise to read as follows: "Normally, IMPEP reviews are scheduled every four years."

Response:

We agree with the comment and will revise the procedure to incorporate the current policy. Additionally, Management Directive 5.6 will be updated to reflect the updated policy.

Comment 3:

On page 6, item V.C.2. a and b, "Routine IMPEP Reviews": Do we need to be so prescriptive with respect to team size? Some of the reviews involving several non-common indicators may require additional staffing. For example, in the uranium recovery area, we have found that it is very difficult for a Health Physicist to effectively evaluate surface water hydrology, geotechnical engineering, and groundwater analyses, and draw conclusions. Couldn't we add "at least" in front of four members in C2a and five members in C2b? The other option might be to more prescriptive with our questions, and have technical experts review the responses in advance of the team's review.

Response:

We have found that in most cases 4 team members are appropriate. However, as stated previously, we will revise this guidance to allow flexibility in the number of IMPEP team members based on the individual State or Region.

Comment 4:

In a related issue regarding workload, NMSS/DWM has found it difficult to complete reviews of the non-common indicators within the time allotted. It may be more efficient for the team to assign the review of sub-indicators such as allegations, training, and staffing to the same team member who is looking at these issues for the common indicators.

Response:

It is the individual team leader's responsibility to assign team member(s) to review an indicator. Additionally, past practice has shown that other team members do assist when needed. At this time, we see no need to further prescribe duties of the team leader or a specific team member, as this diminishes flexibility in the review program. There will be no change to the procedure at this time.

Comment 5:

On page 8, item V.E, "Scheduling Letter and Review Questionnaire": It should be stated somewhere in this section that, for Regional reviews, the scheduling letter should request a "closeout meeting" to be scheduled. The existing text discusses this only for Agreement State reviews.

Response:

We agree with this comment and will revise the procedure. An additional section, V.E.3., has been added to incorporate the text discussing closeout meetings for Regional reviews.

Comment 6:

Both of the terms "closeout meeting" and "exit meeting" are used in various places. Their equivalence should be indicated, or just one of the other term should be used.

Response:

The terms "closeout meeting" and "exit meeting" are synonymous. The procedure will be revised to include the use of "exit meeting" only.

Comment 7:

On page 11, item V.H.4.b.i, "Onsite Review": Shouldn't the phrase in quotes start with the word "close", not "closed". Similar comment on V.H.4bii regarding the word "verify" vs. "verified".

Response:

We agree with this comment and will revise the procedure accordingly.

Comment 8:

On page 12, item V.H.4.d should be 4.c. More importantly, what does this sentence contribute? If the antecedent to the word "these" is an open recommendation, (see 4biii), then it seems that V.H.4biii already covers it.

Response:

Item V.H.4.d will be removed and the information will be included in section V.H.4.b.iii.

Comment 9:

On page 12, item V.H.5, "Onsite Review": In line 2, add the words "and evaluate" following the word document. Simply documenting performance is not enough.

Response:

We agree with this comment and will revise the procedure to add the additional wording.

Comment 10:

On page 12, item V.H.6, "Onsite Review": In line 1, change "IMNS" to "NMSS".

Response:

The change will be made.

Comment 11:

On page 12, item V.H.7, "Onsite Review": This section discusses findings with safety significance. Shouldn't this be part of the ensuing section V.H.8?

Response:

We agree with the comment and will revise the procedure accordingly.

Comment 12:

On page 12, item V.H.8, "Deficiency Findings": The section heading should be "Problem or Deficiency Findings", in order to match the words that follow.

Response:

We believe the title "Deficiency Findings" is adequate. There will be no change in the procedure.

Comment 13:

On page 14, item V.J, "Summarizing Review Findings": This section is silent on the issue of regional or Agreement State findings that reflect on shortcomings in OSP or NMSS. Sometimes, these interactions between IMPEP team members and the subjects of the review produce valuable feedback that results in action items for OSP or NMSS. This section should indicate whether and how these action items or recommendations should be included in the report, or otherwise documented.

Response:

We agree with the comment and the following guidance will be added to the procedure in V.H.8:

- h. The review team may also identify shortcomings or weakness in the NRC's oversight program. These issues should be documented in the IMPEP report and any recommendations developed by the review team should be listed in the report as a recommendation to be addressed by NRC.

Comment 14:

On page 14, item V.J.5, "Summarizing Review Findings": The guidance should not prescribe the review summaries at this level of detail. While there is often merit in talking with reviewers or inspectors face-to-face throughout the week to clarify issues, it may not always be practical to conduct a first level exit or closeout summary at this level. It is a good idea in many cases, but it shouldn't be prescribed.

Response:

We agree that the guidance should not prescribe review summaries at this level of detail since discussions are ongoing throughout the week. The procedure will be revised to reflect this comment.

Comment 15:

On page 17, item V.K.3.a, "Draft and Proposed Final Reports": In line 2, change "3 working days" to "5 calendar days".

Response:

The change will be made.

Comment 16:

On page 17, item V.K.6, "Draft and Proposed Final Reports": This section should be broadened by adding a second sentence parallel to the first, indicating that NMSS will schedule the MRB for regional reviews in consultation with the team leader.

Response:

The lead secretary, OSP is responsible for scheduling the MRB for State *and* Regional reviews in consultation with the team leader per SA-106. This change occurred since the issuance of the draft SA-100 for comment. A clarifying statement will be added to this procedure.

Comment 17:

In Appendix A, "Sample Letter Scheduling the IMPEP Review and Questionnaire...", the Questionnaire, item Q23 and Q24: These questions need to be revisited. NMSS is concerned that these questions, which relate to wrongdoing, and allegations, can lead the State or Region into a response that is sensitive, and which should not be publicly-released. NMSS or OSP could miss this, as part of a larger questionnaire response, and inadvertently release this information, as part of a large ADAMS package. We should consider rewording these questions, or dropping them entirely.

Response:

Changes to the Questionnaire are out of the scope of this review, as changes to the Questionnaire necessitate OMB approval. The Questionnaire will be revisited during the next OMB review session, currently scheduled for 2001. A revision to the Questionnaire with modification to question 23 and 24 will be sent to the Agreement States and Regions for comment in FY 2000 in preparation for approval by OMB. There will be no change in the procedure at this time based on this comment.

Comment 18:

In Appendix D: This appendix provides general guidance and a number of conventions OSP may find useful. NMSS, while applauding SA-100 overall, may not execute each of these conventions for regional IMPEP reports. We will follow this Appendix, as it applies to Agreement State IMPEP reports.

Response:

STP and NMSS will continue to coordinate and will identify any conventions when applicable and appropriate. There will be no change in the procedure at this time based on this comment.

Region II

Comment 1:

Item Section IV.I.3, "IMPEP Team Member": An IMPEP team member should have the option of participating in the MRB meeting in person, by video conference, or by telephone conference.

Response:

We agree with this comment and will revise the procedure accordingly.

Comment 2:

Item V.A.1.a, "Routine IMPEP Reviews": Recent communication from NMSS suggest that the Regional reviews could be extended to a four year frequency, and we suggest that the wording be revised to accommodate the upcoming change.

Response:

The procedure will be revised to reflect the current policy.

Comment 3:

Item V.F.4, "Preparation For IMPEP Reviews": Good communication between the Team Leader and the team members is essential; however, the communication can usually be accomplished through telephone conversations and confirmed with e-mail messages prior to the on-site review.

Response:

We agree with this comment and will revise the procedure to state that the team leader will communicate with the review team prior to the on-site review.

Comment 4:

Item V.J.6.a, "Summarizing Review Findings": We suggest that the word "leader" be omitted from the first sentence. Experience has shown that the team member that reviews a specific indicator is best suited for summary discussions of the respective indicator at all levels, and helps the team member to focus the team's comments specific to the indicator.

Response:

We agree with this comment and will revise the procedure accordingly.

Comment 5:

Appendix A, "Sample Letter Scheduling the IMPEP Review and Questionnaire": We suggest that the team leader be given the option of providing the questionnaire and letter via e-mail in addition to a diskette.

Response:

We agree with this comment and will revise the procedure accordingly to state that the questionnaire is being furnished electronically as well as in printed form.

Comment 6:

Questionnaire, A(A.)IV.19 "Technical Quality of Licensing Actions": Renewal applications that have been pending for more than one year or more, does not reflect the current licensing goals for the Regions.

Response:

This comment will be forwarded to INMS for their consideration. Changes to the Questionnaire are out of the scope of this review, as changes to the Questionnaire necessitate OMB approval. The Questionnaire will be revisited during the next OMB review session, currently scheduled for 2001. A revision to the Questionnaire will be sent to the Agreement States and Regions for comment in FY 2000 in preparation for approval by OMB. There will be no change in the procedure at this time based on this comment.

Comment 7:

Questionnaire, B.I.27. "Legislation and Program Elements Required for Compatibility": The words Radiation Control Program should be capitalized.

Response:

This change will be made.

Comment 8:

In Appendix B, "Sample Checklist for the Team Leaders...":
(Revise)

The Team Leader should provide and/or confirm that the following information is available to each of the team members at least two weeks prior to the IMPEP.

State/Regional Responses to Questionnaires

Organizational Charts

Appropriate correspondence

Previous two IMPEP reports and responses

Reports on all periodic meetings with the State since the last IMPEP

(Revise)

Approximately one week prior to the onsite review, the Team Leader should review the IMPEP plans (and any issues) with the team members and confirm that the following information is

available to the team members as appropriate.

The State's current regulations

Status of State's regulations from OSP's RATS

A listing of all NRC allegations referred to the Agreement State from the NRC Region and the OSP

Response:

We do not believe it is necessary to breakdown the guidance to add specific time frames for team leaders for providing team members information, since much of the information is available prior to the time frame suggested in the comment. We would like to gather additional experience in the use of this appendix as written before revising it. There will be no change to the procedure resulting from this comment at this time.

Comment 8:

In Appendix C, "Onsite Summary Discussion Guidance": The Principal Reviewer Guidance repeatedly uses the words "I will be recommending to the MRB that the State be found..." We suggest the guidance be modified to say "The team will recommend to the MRB that the State (or Region) be found..."

Response:

We agree with this comment and will revise the guidance.

Comment 9:

In Appendix E, "Boilerplate for Draft Report": Some of the boilerplate of the draft report is missing from Section 3.2, Technical Quality of Inspections concerning the "outcome" of the inspector accompaniments. This additional information in the report was suggested during the State of Washington MRB meeting.

Response:

The following paragraph from the Washington report will be incorporated into the boilerplate:

[If appropriate] During the accompaniments, each inspector demonstrated appropriate inspection techniques and knowledge of the regulations. The inspectors were trained, prepared, and thorough in their audits of the licensees' radiation safety programs. Overall, each inspector utilized good health physics practices, their interviews with licensee personnel were performed in an effective manner, and their inspections were adequate to assess radiological health and safety at the licensed facilities.