

POLICY ISSUE NOTATION VOTE

June 12, 2001

SECY-01-0105

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: RESPONSE TO STAFF REQUIREMENTS MEMORANDUM
DATED JANUARY 25, 2001- BRIEFING ON STATUS OF
NUCLEAR MATERIALS SAFETY PROGRAM

PURPOSE:

To respond to Items 2 and 3 of the subject Staff Requirements Memorandum (SRM), and recommend whether the current strategic and performance goals should include separate sub-goals for those licensees regulated by the U.S. Nuclear Regulatory Commission (NRC), and those regulated by the Agreement States.

SUMMARY:

Based on the comments received from seven Agreement States, and all four NRC regions, the staff recommends that the current single set of national materials program goals and measures be maintained, and recommends that the metrics (i.e., the number of outcomes) be updated every year as new performance data become available. The staff also recommends that any ensuing changes to this set of goals and measures be coordinated in a collaborative manner with the Agreement States, to the extent possible.

BACKGROUND:

After a staff briefing on the status of the nuclear materials safety program on January 10, 2001, the Commission issued an SRM dated January 25, 2001. Items 2 and 3 of that SRM directed staff to:

Contacts: George J. Deegan, NMSS/IMNS
(301) 415-7834

Rosetta O. Virgilio, STP
(301) 415-2307

2. Solicit input from the Agreement States on the current set of national-level strategic and performance goals to determine whether modifications are warranted, including the desirability of establishing separate sub-goals for NRC and Agreement States;
3. Considering the input obtained in item 2, provide a recommendation to the Commission on whether the current national-level strategic and performance goals, which encompass Agreement State licensees, should include separate sub-goals for those licensees regulated by NRC and those regulated by Agreement States.

DISCUSSION:

In response to the SRM, the Office of State and Tribal Programs (STP) and the Office of Nuclear Material Safety and Safeguards (NMSS) worked jointly to prepare a letter to all Agreement States, requesting their comments on the issues raised by the Commission. This letter, Attachment 1, was transmitted on February 16, 2001, as STP-01-012. On February 21, 2001, a similar request was transmitted to the four NRC regional offices by electronic mail. In each case, comments were requested by March 30, 2001. As of May 15, 2001, STP and NMSS had received a total of 11 comments, including input from seven states and all four NRC regions. A full set of the comments appears as Attachment 2.

In Attachment 1, staff asked for comments not only on the current set of Strategic Plan goals, and the related strategic and performance level measures, but also on the metrics (i.e., the number of such events), and in particular, whether or not they should be reported collectively at the nation level, or separately, for NRC and Agreement States.

With regard to Item 2 of the SRM, there were no comments made in support of modifying the goals or measures, although there were a few in support of updating the metrics. Two States did not recommend specific changes to the goals or measures, but suggested the need for a more collaborative effort in developing or revising them in the future.

The joint working group of NRC and the Organization of Agreement States on Event Reporting also examined the question of possible changes to the Strategic Plan. The recent "Final Report of the Working Group on Event Reporting" includes a series of recommendations, some of which would, if adopted, be modifications to certain Strategic Plan measures. The Working Group report did not suggest the need for immediate changes to the Strategic Plan, nor the need for sub-metrics, and concluded that the data currently being collected are sufficient using the current measures. Decisions on the recommendations in the Working Group report serve as an opportunity to assess possible changes to the strategic plan, and the staff recommends that any revisions to the Strategic Plan goals and measures be developed in a more collaborative manner as a part of the next triennial Strategic Plan update. NMSS and STP staff, in conjunction with the Organization of Agreement States, is now beginning to develop an Action Plan to address the Working Group recommendations. As part of this effort, milestones will be included to reach consensus with the States on possible future Strategic Plan revisions to the materials arena safety goals and measures.

With regard to Item 3 of the SRM, the commenters, with the exception of one State, favored one national set of nuclear materials safety performance goals. Most of the commenters preferred a

unified tally against the single set of national goals, measures, and metrics. The thrust of the comments centered on the fact that the Agreement States and the NRC act collaboratively to regulate and improve radiation safety throughout the United States.

The metrics are primarily intended to identify national performance trends, and to help NRC and the Agreement States develop regulatory strategies that allow us to jointly maintain safe practices across the country. They are generally set at thresholds based on historical data that would indicate significant licensee safety performance trends at the national level. The staff agrees with most of the comments that the metrics should not be sub-divided on a State-by-State, or Region-by-Region basis. Although the data are available that would allow such reporting, the statistical significance of small numbers, combined with the differences in licensee population, would make interpretation difficult. With regard to the comments concerning the consequences for not meeting a numerical goal, it was never the staff's intention to draw a direct correlation between the absolute number of licensee events in an individual State or Region and an assessment of the adequacy of that regulatory program to protect the public health and safety.

Incident and event information is evaluated under the current set of common and non-common indicators used in the Integrated Materials Performance Evaluation Program (IMPEP). Information about events is made available to IMPEP teams as part of the preparations for the review.

RECOMMENDATIONS:

The staff recommends that the current single set of national materials program goals, measures, and metrics be maintained. Staff also recommends that the metrics be updated every year, if necessary, as new performance data become available. This will allow the staff to continue to challenge itself with meaningful national metrics, that not only NRC, but also the States will have developed.

RESOURCES:

There are no additional NRC resources required to implement the staff's recommendation.

COORDINATION:

Staff has coordinated this paper with the Office of the Chief Financial Officer. The Office of the General Counsel has no legal objections.

/RA/

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for Operations

Attachments:

- 1: STP-01-012, dated February 16, 2001
- 2: Agreement State and NRC Regional Comments

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SECY ML011360710 Attachments ML 01010175 Package ML010910017

OFC	IMNS	E	OSTP		NMSS		OGC		CFO	
NAME	GDeegan		RVirgilio		EKraus(fax)		STreby (by phone)		TPulliam (e-mail concurrence by J. Murphy & R. Baum)	
DATE	6/6/01		5/18/01		4/11/01		5/15/01		5/11/01	
OFC	IMNS		OSTP		NMSS		DEDMRS		EDO	
NAME	DCool		PLohaus		MVirgilio		CPaperiello		WTravers	
DATE	5/ /01		6/06/01 ^{e-mail}		6/7/01		6/12/01		6/12/01	