

STATE	YES/DATE	NO
ALABAMA		
ARIZONA		
ARKANSAS		
CALIFORNIA		
COLORADO		
FLORIDA		
GEORGIA		
IOWA		
ILLINOIS	Yes, 11/18/03	
KANSAS		
KENTUCKY		
LOUISIANA		
MAINE		
MARYLAND		
MASSACHUSETTS		
MISSISSIPPI		
NEBRASKA		
NEVADA		
NEW HAMPSHIRE		
NEW MEXICO		
NYS DOH		
NY DOL		
NY DEC		
NYC DOH		
NORTH CAROLINA		
NORTH DAKOTA		
OHIO	Yes, 10/10/03	
OKLAHOMA		
OREGON		
RHODE ISLAND		
SOUTH CAROLINA		
TENNESSEE		
TEXAS		
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION		
UTAH		
WASHINGTON		
MINNESOTA		
PENNSYLVANIA		
WISCONSIN		

**From:** "Robert Owen" <ROWEN@gw.odh.state.oh.us>  
**To:** <KXS@NRC.GOV>  
**Date:** 10/10/03 11:07AM  
**Subject:** STP-03-073

Ohio agrees with the proposed changes to Management Directive 5.6, Integrated Materials Performance Evaluation Program as presented in STP-03-073, dated September 25, 2003.

Robert Owen, Acting Chief  
Bureau of Radiation Protection

Ohio Department of Health

**CC:** "Karl Von Ahn" <KVONAHN@gw.odh.state.oh.us>, "Marcia Howard" <MHOWARD@gw.odh.state.oh.us>, "Ruth Vandegrift" <RVANDEGR@gw.odh.state.oh.us>

November 18, 2003

03 DEC - 1 AM 8:22

STP

Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attn: Paul Lohaus, Director, STP

Re: State Agreements Program Letter, STP-03-073  
"Revision to Management Directive 5.6, Integrated Materials Performance Evaluation Program"

Dear Mr. Lohaus:

The Illinois Emergency Management Agency, Division of Nuclear Safety (Division) hereby provides comments requested in the above-identified Agreement States letter. The revision to the Integrated Materials Performance Evaluation Program (IMPEP) Management Directive (MD) incorporates recommendations from the 2000 Sealed Source and Device (SS&D) Working Group Report, February 2002 NRC Staff's response to the SS&D working group report, April 2002 IMPEP Lessons Learned Working Group report, directions from the Management Review Board and additional enhancements identified since April 2002 based on the iterative process employed in IMPEP to factor in experience, comments, and suggestions.

In general, the Division agrees with the revisions to MD 5.6., with two very important exceptions. These exceptions are:

1. The 2002 Staff report apparently included a recommendation that the criteria for SS&D reviewers include, "NRC Incident and Investigation and Root Cause Analysis Course." In response, the course is listed as one of the minimum qualifying criteria for staff authorized to sign registration certificates in the Non-Common Performance Indicator 2-Sealed Source and Device Evaluation Program on page 9-10 of MD 5.6. Only one member of our staff, who no longer performs SS&D reviews, has completed the course. It is an informative course, but not essential for someone to perform an SS&D review; therefore, we strongly object to it being included as a minimum criteria to qualify someone to sign a registration certificate. We are very fortunate as our current staff have all completed the other listed training, and each has over a decade of experience in SS&D reviews. Currently, Gibb Vinson and myself are the only staff that perform concurrent reviews and neither of us has had the opportunity to

complete the root cause analysis course. I have signed registration certificates for over 20 years and Gibb approximately a decade, we have both lectured on sealed source and device evaluations over the years, we both serve on SS&D Working Groups, etc. and to suddenly find ourselves unqualified is more than a bit disturbing. When did this course become so critical to performing an SS&D review? We would consider trying to take the course but we note from your website that one is not even scheduled for FY 2004 (it is on the list but no date or place has yet been determined). In addition, last year's tuition for the course ranged from \$1534 to \$1638 depending on the location with an additional approx. \$1000 minimum travel expense. This constitutes a significant financial requirement on state programs that are already facing severe budgetary constraints.

Including this course as a requirement to obtain a "Satisfactory" rating allows for a strict interpretation of the criteria by an IMPEP evaluator that could result in our program, and we suspect many other state programs, being deemed "unsatisfactory." Please list this course as recommended training, but not as one of the minimum qualifications criteria; and,

2. The Division strongly objects to the addition on page 33 of MD 5.6 concerning Common Performance Indicator 2—Status of Materials Inspection Program. This section states that for a "Satisfactory, But Needs Improvement" finding, "Many of the inspection findings are delayed or not communicated to licensees within 30 days." Even more disturbing is the addition of, "Inspection findings are delayed, or not communicated to licensees within 30 days" as the criterion for a program to be found "Unsatisfactory." We have commented many times on this issue, and contend that our "goal" is to send written communication to our licensees within 30 days after an inspection. For the most part this is not a problem but we also contend that there is no evidence that sending the written communication later than 30 days after an inspection has any health and safety significance. Findings are communicated to every licensee during the exit briefing for each inspection. Written communication is normally sent prior to 30 days; however, if the inspection is complex and requires additional investigation, if the inspection staff is sent on training, incident investigations, etc., the written communication may be sent later than the 30 day goal period. With budget problems and fewer people to perform more duties, the 30 day period will likely be exceeded even more in the future by State Programs as well as NRC Regions. What are the health and safety consequences of such a situation? Nothing that would warrant a finding of "Satisfactory, But Needs Improvement" or "Unsatisfactory." Criteria for these findings must be directly related to health and safety and indicative of the adequacy of a program and not just an arbitrary administrative period of time that would be nice to achieve. Please do not include the 30 day period in your Findings criteria as it will simply provide an opportunity for someone to misapply and misinterpret during an IMPEP review and result in a contentious debate with little or no significance.

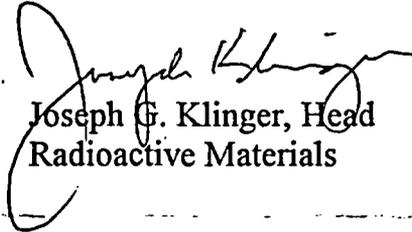
Paul Lohaus, Director, STP

November 18, 2003

Page 3 of 3

We appreciate the opportunity to comment on this document. Should you have any questions regarding the Division's comments, please contact me at (217) 785-9930.

Sincerely,



Joseph G. Klinger, Head  
Radioactive Materials

cc: Jim Lynch, Region III, State Agreements Officer