February 23, 2005

SUMMARY OF COMMENTS ON SA-118, “Orientation Meetings for New Agreement States”

I. Sent to the Agreement States for Comment: May 7, 2004 (STP-04-035)

Comments Dated: Iowa - 5/12/04 (mark-up)

Iowa

Comment 1:
State suggests that “Agreement State Radiation Control Program Director” be abbreviated to “ASRCPD.”

Response:
We appreciate the comment; however, due to current plain language initiatives in the Agency, the use of acronyms is minimized if possible. No change to the procedure will be made based on this comment.

Comment 2:
Several editorial suggestions were made regarding grammar and formatting. Many of the comments were accepted.

II. Sent to the NRC Offices for Comment: May 7, 2004

Comments Dated: OGC - 5/27/04 (mark-up)
Region I - 6/2/04 (email)
Region IV - 6/4/04 (email - no comments)
Region III - 6/4/04 (e-mail)
NMSS - 6/8/04 (memo)

OGC

Comment:
Section IV.C.1., add the word “orientation” before “meeting.”

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

Comment:
Section V.C.2., change the sentence to read as follows:

> State’s feedback on the NRC’s program, including identification of any action that should be considered by the NRC.

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

Region I

Comment 1:
Section V.C.6. and Appendix A: Change "Panoramic/Pool/Underwater Irradiators" to "Panoramic and Underwater Irradiators"

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

Comment 2:
Section V.C.6.c. and Appendix A: Add "iv) licensees requiring an emergency plan"

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

Comment 3:
Section V.C.: There should also be a discussion on the status of the State's creation of financial assurance instruments for licensees who had them with the NRC prior to the effective date of the Agreement.

Response:
We agree with this comment and Section V.C.3.g. will be created and the following text will be added to the procedure:

g. Discuss status of the State's creation of financial assurance instruments for licensees that required financial assurance for decommissioning while under the NRC's regulatory authority.

Region III

Comment 1:

A role should be carved out in the procedure for attendance of a Regional manager at Orientation Meetings. It is important to show Regional management support for a new Agreement State program. The Orientation Meeting is an excellent opportunity for Regional/State interaction at a time early in the Agreement process.

Response:
We appreciate the comment and also feel that it is important to show Regional management support for new Agreement States; however, at this time, we do not believe it is necessary to assign responsibilities to Regional management for orientation meetings. This maintains flexibility in the role Regional management plays in orientation meetings. No change to the procedure will result from this comment.

Comment 2:
Section V(C)(3)(f) references the Site Decommissioning Management Plan (SDMP). These sites are now called "complex sites" as described in SECY-04-0024, "Recommended Changes to the Nuclear Regulatory Commission's Decommissioning Program and Annual Decommissioning Program Report." The Commission's May 12, 2004 SRM on the subject approved the change.

Response:
We agree with this comment and the procedure will be revised to read as follows:

f. For States whose Agreement became effective after August 26, 1999, determine the status of complex decommissioning sites formerly managed by the NRC under the Site Decommissioning Management Plan (SDMP) and transferred to the State. [Note that the Commission has asked that the State notify the NRC when the license has been terminated and when the site has been released for unrestricted use as defined by the Agreement State].

NMSS

Comment 1:
As a minor comment, we note that the procedures do not identify if the meeting is considered a public meeting and needs to comply with applicable notification, etc., criteria.

Response:
Orientation meetings are technically classified as public meetings; however, meetings between NRC staff and representatives of State government, including Agreement State representatives, relating to NRC Agreement State activities or to State regulatory actions or to other matters of general interest to the State or to the Commission are not subject to the requirements of NRC Management Directive 3.5, "Attendance at NRC Staff Sponsored Meetings," per the Commission Policy Statement on Staff Meetings Open to the Public. Therefore, notification to the public is not required for orientation meetings, periodic meetings, or IMPEP reviews. Should a member of the public or media learn of such a meeting or review, they may request to the State management for permission to attend. It is at the discretion of State management whether or not the public will be allowed to attend the meeting. No changes to the procedure will result from this comment.

Comment 2:
Also, we found Item V.E. somewhat confusing, because items before and after E all relate to topics of discussion for the meeting, while E refers to exchanges to NRC and Agreement State staff not in attendance at the meeting.

Response:
The intent of Section V.E. is to encourage NRC participants at the orientation meeting to discuss items of interest with or answer the questions of Agreement State personnel that may not have been in attendance during the "business" portion of the meeting. We appreciate the comment; however, no change to the procedure will result from this comment.