

Resolution of Comments on Revised Draft FSME Procedure SA-600

Date sent for comment: FSME-07-106, dated November 20, 2007
Comment Period: November 20 – December 11, 2007
Summary of Change: The original SA-600 was written to implement the Agreement State training process under the policy that Agreement States would be paying for the training and associated travel. The Commission changed that policy beginning in FY 2008 and the revised procedure was developed to implement the training and travel requirements under the new policy.

Commenting Organizations:

Six States/Agencies and a U.S. Nuclear Regulatory Commission (NRC) office commented on the draft SA-600 procedure. The States/Agencies were: Michigan, New York State Health, New York Department of Environmental Conservation, Pennsylvania, Virginia, and Washington. The NRC office was the Office of Human Resources.

Pennsylvania

Comment: I have one immediate comment. I am being asked to bring training into the State whenever possible to reduce travel. One way we have tried to do this is to contract for courses that emulate NRC courses. In order to best craft the bid documents, it is useful for me to have very detailed information on each course. To that end, I propose adding a new paragraph such as the following:

IV. Roles and Responsibilities

HR

- B. The TTD is responsible for providing, on request, detailed course information and contracting advice to Agreement States that wish to emulate NRC Agreement State training courses.

Response: The NRC will look for ways to make available, possibly through the Internet, the outlines or actual electronic versions of the training manuals. The NRC would not be involved in any State contracting effort other than providing a point of contact for the contractor. The points of contact are normally available on the contractor's web site and the State can work with them directly. The commenter's proposed addition will not be included in the procedure since the proposed addition is not part of the process for Agreement State staff to attend NRC training courses.

Virginia

Comment: Virginia submitted a marked up version of the procedure with editorial changes. The major change was the removal of the word "Agreement" before State in several places in the procedure.

Response: The NRC must keep the term Agreement State in the procedure since we do not have authority to fund training for non-Agreement States. The States that have filed a letter of intent to become an Agreement State are considered an Agreement State for funding of training purposes. Minor editorial changes will be made but we will retain the use of the term

Agreement State throughout the document. Also see response to the Michigan comment below.

New York State Health

Comment: What will NRC's policy be in a situation where someone who has been accepted to a course is not able to attend? Will first consideration be given to the next person on that State's priority list? I advocate such an approach.

Response: We have discussed this in the preparation of this document. The priority system may not yield the same result in every case. Given that a second or third priority person from the original State may be a lower priority person than an individual on the wait list from another State due to hardship situation. We believe we need to handle these situations on a case-by-case basis. We do not want the States to assume that they can switch their staff after one has been selected because the selection process does involve individual specific information. We do not believe the procedure needs to be revised to address this issue. No changes were made to the procedure.

Michigan

Comment 1: Candidate States - Our chief concern with the language and tenor of the Procedure is that Agreement States seem to be credited with higher priority for training than states that are formal candidates for becoming Agreement States. This is pronounced in Section V.D.2. This subsection – entitled “Second Priority” – is the first place where candidate states are specifically mentioned. Prior to that, the language of the Procedure continually refers to “Agreement States,” with no reference to candidate states.

We request that the policy adopted by the NRC treat candidate states as equals to Agreement States. Specifically, we recommend that the language of V.D.1. be revised to indicate that ALL states (both Agreement States and candidate states) will have the opportunity to enroll one person in a specific course before a second person from a particular state is considered.

Without this change, it is possible that candidate states may get very few opportunities to be enrolled in such classes. There are 34 Agreement States, yet maximum enrollment in classes is 24 persons or less. Given that there are only four candidate states (and soon only three) vs. 34 Agreement States, such a change would have only a small effect on the availability of courses for Agreement States.

We believe the fact that NRC licensees will be funding these training efforts, rather than the licensees in Agreement States, also argues in favor of giving candidate states equal opportunity to enroll. Michigan's NRC licensees will soon be the largest source of revenue for the NRC's radioactive materials program.

Response: The intention was to treat the current Agreement States and those States that have filed a letter of intent with the NRC in the same manner under the new training policy and this implementing procedure. Therefore, the introduction of the procedure will be revised to make it clear that the term Agreement State as used in the procedure means current Agreement States and any State who's Governor has filed a letter of intent to become an Agreement State with the NRC.

To clarify a point made by the commenter, the NRC licensees are not funding the training since the funding is from the NRC's general revenue funding (Federal taxes) not from licensee fees.

Comment 2: Additional classes - Given the demand for training that the NRC's new policy will likely generate, the NRC should consider adding classes or increasing the maximum attendance for existing classes.

Response: The option of adding additional sessions for courses in demand can always be considered. The constraining factor is the availability of funding and the time to modify contracts to allow the additional work to be performed. Funding is needed for both the contract to provide the training and the additional funding for the associated travel expenses for the attendees. With the current funding limitations, additional courses beyond the current number of courses will likely be limited for the next several years. The class size also falls under the same constraints. Some contractor facilities limit the class size. In addition, as class size grows, the effectiveness of the training may decline. Class size will be adjusted as conditions warrant given the above constraints. No changes were made to the procedure.

Washington

Comment: I have reviewed SA-600 and find it to be as I expected, concise and appropriate. Thank you for the opportunity to comment.

Response: None needed.

New York Department of Environmental Conservation

Comment: Upon review of NRC's draft revised procedure for training of Agreement State personnel, we here at NYSDEC noticed that page 2 of the revised procedure states "each Agreement State is responsible for designating a training coordinator for their respective State..."

Since New York State's Agreement involves several State agencies, it would be difficult to designate one training coordinator to cover all agencies. Therefore, we suggest that the wording be changed to the effect that "each Agreement State agency is responsible for designating a training coordinator for their respective State agency..."

Response: The suggested wording was included in the procedure. However, the fact that the Agreement with a given State is being implemented by more than one agency does not increase the number of positions that the State will receive in the prioritization process. There will need to be some additional coordination between the agencies within a given State to set the priority for all applications from that State.

NRC Office of Human Resource

Comment: No comments about the procedure itself. The attached comments relate to terminology. Ensure that the Office of Management and Budget (OMB) clearance is put on the request for applications for training.

Response: The comments attached to the response were incorporated into the final version of the procedure. The OMB clearance was added to the application form.