

April 17, 2007

SUMMARY OF COMMENTS
ON
FSME PROCEDURE SA-800, "PROVIDING NRC PREDECISIONAL DOCUMENTS
TO AGREEMENT STATES AND APPROPRIATE WORKING GROUPS OF THE
CONFERENCE OF RADIATION CONTROL PROGRAM DIRECTORS, INC."

I. Sent to Agreement States for Comment: January 25, 2007 (FSME-07-004)

Comments/Dated: Shawn Seeley, Maine - 2/12/07 (e-mail)
Steve Collins, Illinois, OAS Board participant - 2/21/07 (teleconference)

MAINE

Comment:

No comments other than that it appears as a more comprehensive and user friendly document. Personal opinion.

Response:

The author acknowledges that the document is more comprehensive and user friendly.

ORGANIZATION OF AGREEMENT STATES

Comment:

The Organization of Agreement States should be high lighted because members participate in rule making and comment on other predecisional documents.

Response:

The Organization of Agreement States, Inc., (OAS) is included in the title of SA-800, Introduction and Objectives with a note that wherever else Agreements States is discussed, it is understood that OAS to be included.

The membership of OAS consists of state radiation control directors and staff from the Agreement States who are responsible for implementation of their respective Agreement State programs. The purpose of the OAS is to provide a mechanism for these Agreement States to work with each other and with NRC on regulatory issues associated with their respective agreements.

II. Sent to the NRC Offices for comment: January 25, 2007

Comments/Dated: OIS - 3/07/07 (e-mail)
NSIR - 2/20/07 (e-mail - no comments)
DWMEP, FSME - 3/26/07 (e-mail)
OGC - 2/5/07 (e-mail)
Region I - 2/22/07 (e-mail - no comments)
Region III - 2/14/07 (e-mail - no comments)
Region IV - 2/23/07 (e-mail - no comments)

OIS

Comment 1:

There appear to be some inconsistencies. The title says the procedure covers "predecisional" information. However, in the body of the procedure, "allegation information" is covered. Allegation information is not predecisional, but a separate category within SUNSI. Also, the markings the procedure has been placed on predecisional information is not consistent with the markings stipulated on the SUNSI webpage.

Response:

The focus of SA-800 is providing non-SUNSI predecisional documents to Agreement States and CRCPD Working Groups which as described in Section III.B. Allegation information is not predecisional as the comment notes. This sentence is added to Section V.F. after the first sentence. The words, "and allegations," are deleted in the first sentence in Section V.F. To conform to the latest marking for Proprietary Information used, "Not for Public Disclosure" is deleted to read: "Official Use Only - Proprietary Information." Comment 2: Section V.F. Recommend using the following definition for need-to-know: "Need-to-know" is defined as the determination by an authorized holder of the information that a prospective recipient requires access to that information in order to perform or assist with authorized government functions.

The SUNSI link referenced in this paragraph is to the frequently asked questions portion of the SUNSI website. Recommend making the link to the SUNSI website home page as in the following wording: Documents should be labeled in accordance with SUNSI policies as specified in the SUNSI intranet website at <http://www.internal.nrc.gov/sunsi/>

Recommend the following change to the sentence "Because of the evolving nature of the SUNSI handling requirement, the NRC internal website should be consulted, i.e., <http://www.internal.nrc.gov/sunsi/faq.html>. Change to: "Because of evolving SUNSI policies the above SUNSI website includes a frequently asked questions section."

Response:

The comment on "Need-to-know" uses a broader definition than is necessary in this case which is specific to Agreement State functions dealing with the issue or licensee. Website changes made with appropriate wording incorporated.

Comment 3:

Section V.I. Think the reference in this section to the additional guidance for SUNSI documents posted on the website should be paragraph V.F., not V.E.

Response:

The comment is correct. V.F is substituted for V.E.

DWMEP, FSME

Comment:

In Section V. I, does this mean to state that OGC, DEDO, and OIG need to be advised both when an NRC predecisional document was released and when a request for such a document release was received?

Response:

Yes. The paragraph states that when DMSSA or DILR staff is notified that a predecisional document has been released, or received a request for disclosure of predecisional information, DEDO, OGC and OIG need to be notified. No change is needed.

OGC

Comment 1:

Section III.A. Predecisional documents are not always exempt from public disclosure as states. They “may be” or “are generally” because they are treated on a case-by-case basis. Substitute either of the words in quotes for “are.”

Response:

Comment included with words “may be.”

Comment 2:

Section V.E. In the second paragraph, first sentence, delete “is exempt from public disclosure under NRC rules” and substitute “has not been publicly disclosed.” The substitution emphasizes the fact, not the procedure.

Response:

Comment included.

Comment 3:

Appendix. In the fourth paragraph, first sentence, delete “is exempt from public disclosure under NRC rules” and substitute “has not been publicly disclosed.” The substitution emphasizes the fact, not the procedure.

Response:

Comment included.