

Meyer, Karen

From: Welling, Mike (VDH) [Mike.Welling@vdh.virginia.gov]
Sent: Friday, August 20, 2010 9:54 AM
To: Meyer, Karen
Cc: Foldesi, Leslie (VDH)
Subject: FSME-10-073 MRB

Karen,
Virginia has no comments on FSME Procedure SA-106 changes.

Michael Welling
Director Radioactive Materials Program
Virginia Dept of Health
109 Governor St, Room 730
Richmond, VA 23219
(T) 804-864-8168
(F) 804-864-8155

<http://www.vdh.virginia.gov/Epidemiology/RadiologicalHealth/>

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Meyer, Karen

From: Vinson, Gibb [Gibb.Vinson@illinois.gov]
Sent: Monday, August 16, 2010 2:27 PM
To: Meyer, Karen
Cc: Eastvold, Paul
Subject: FW: FSME-10-073, Opportunity to Comment on Draft Revision to FSME Procedure SA-106, "The Management Review Board"
Attachments: FSME-10-073.pdf; FSME-10-073 Enclosure.pdf

Dear Ms. Meyer,

The Illinois Emergency Management Agency, Division of Nuclear Safety (the Agency), hereby submits its comments regarding FSME-10-073, 'The Management Review Board.' We only have two comments as follows:

- 1. Section V.C.1. has been modified such that an MRB meeting may start without an Agreement State Liaison. The original language should be kept. It would be a good practice to have an alternate State Liaison on hand for scheduling problems. However, these should never be held without a quorum to include Agreement State representation.**
- 2. Section V.F.1 (Appendix B) addresses recommendations for good performance. This now states that an Agreement State is not considered to be a commendable program unless they have had two previous satisfactory reviews. It would take a state 3 evaluations to regain its status under these terms. The original language should remain in the text so that States have additional opportunities to receive positive reinforcement for their efforts.**

Thank you for your consideration of these comments.

Regards,

*C. Gibb Vinson
Head of Radioactive Materials
Illinois Emergency Management Agency
Division of Nuclear Safety
(217) 785-9928 (office)
(217) 782-1328 (fax)*

Please visit the nuclear safety section of the Agency's website at www.icema.illinois.gov/icema/dns.asp for the latest information concerning the Division of Nuclear Safety's programs. Our website includes important information such as new and proposed requirements, guidance, events and other pertinent items of interest.

From: Ashley Cannady [mailto:ashley.cannady@nrc.gov]
Sent: Tuesday, August 10, 2010 3:22 PM
To: Collins, Steve
Subject: FSME-10-073, Opportunity to Comment on Draft Revision to FSME Procedure SA-106, "The Management Review Board"

The subject line letter, FSME-10-073, with its Enclosure is contained in the attached electronic file, and can be found at the FSME website: <http://nrc-stp.ornl.gov/>.

Thank you.

Meyer, Karen

From: Lynch, James
Sent: Wednesday, September 01, 2010 10:22 AM
To: Meyer, Karen
Cc: Schneider, Kathleen; Reynolds, Steven; Loudon, Patrick; Taylor, Torre; Clay, Jim
Subject: SA-106

Re: August 5, 2010 memorandum from Lewis to Reynolds, Draft Revision to FSME Procedure SA-106 "The Management Review Board"

Region III has no comments on the procedure revisions. Thank you for the opportunity to review the draft.

-Jim

Jim Lynch
State Agreements Officer
U. S. Nuclear Regulatory Commission
2443 Warrenville Road
Lisle, IL 60532
(630) 829-9661 office
(630) 515-1259 fax
james.lynch@nrc.gov



Meyer, Karen

From: Erickson, Randy
Sent: Monday, August 30, 2010 5:01 PM
To: Meyer, Karen
Cc: Freeman, Denise; Browder, Rachel; Cain, Chuck
Subject: Region IV - DNMS Comments on SA-106

Karen,

I have reviewed the draft SA-106 "Management Review Board" for Region IV DNMS and have no additional comments for inclusion in the draft document.

Thank you for the opportunity to comment.

Randy



Randy Erickson
State Agreements Officer
NRC Region IV
(817) 860-8143 Phone
(817) 860-8188 Fax
(817) 676-4024 Cell

Meyer, Karen

From: Schneider, Kathleen
Sent: Wednesday, August 11, 2010 11:28 AM
To: McCraw, Aaron; Dias, Antonio; White, Duncan
Cc: Meyer, Karen
Subject: FW: RESPONSE - Draft revision to FSME Procedure SA-106, "The Management Review Board"

FYI, looks like we are good.

From: Lewis, Robert
Sent: Wednesday, August 11, 2010 11:26 AM
To: Weber, Michael
Cc: Brock, Kathryn; Carpenter, Cynthia; Kinneman, John; Schneider, Kathleen
Subject: RE: RESPONSE - Draft revision to FSME Procedure SA-106, "The Management Review Board"

Mike

The question of the States being a full voting MRB member was last revisited during the IMPEP lessons learned Assessment completed April 2002. See ML0127503881. OGC determined that such participation would violate FACA.

- RL

From: Weber, Michael
Sent: Wednesday, August 11, 2010 7:40 AM
To: Lewis, Robert
Cc: Brock, Kathryn; Carpenter, Cynthia; Kinneman, John
Subject: RESPONSE - Draft revision to FSME Procedure SA-106, "The Management Review Board"

Thanks, Rob. Looks good. As a separate matter, If it were up to me, I would make the OAS Liaison member a voting member on the Board. As you have seen, I treat them the same as the other MRB members. I'm sure there is history for why the OAS Liaison was not given a voting role on the board. If I need to know this, please advise.

From: Lewis, Robert
Sent: Wednesday, August 11, 2010 7:25 AM
To: Weber, Michael; Carpenter, Cynthia; Kinneman, John
Cc: Brock, Kathryn
Subject: FW: Draft revision to FSME Procedure SA-106, "The Management Review Board"

Mike

Page 4 of the 2nd attachment should resolve a concern you expressed at the Region 1 MRB.

From: Schneider, Kathleen
Sent: Wednesday, August 11, 2010 6:53 AM
To: Lewis, Robert
Subject: Draft revision to FSME Procedure SA-106, "The Management Review Board"

Rob,

Per our discussion, attached is the draft revision of SA-106 for you to forward to Mike Weber for comments. I have also included the both the cover memo that was used for internal distribution and the FSME letter sent to the States. A copy will be sent to Mike's TA, Kathryn Brock on distribution, as we discussed in accordance with our practice and direction from previous DEDO's. This will be the first procedure that we have out for comment since Mike became the DEDO for us.

Kathleen Schneider
Sr. Project Manager
State Regulation Review Coordinator
USNRC
Division of Materials Safety and State Agreements (MSSA)
Agreements State Program Branch (ASPB)
kathleen.schneider@nrc.gov
301-415-2320




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 27, 2010

MEMORANDUM TO:

Robert J. Lewis, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
And Environmental Management Programs

FROM:

Josephine Piccone, Director 
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT:

RESPONSE TO YOUR AUGUST 5, 2010, MEMORANDUM
REGARDING THE DRAFT REVISIONS TO FSME PROCEDURE
SA-106, "THE MANAGEMENT REVIEW BOARD"

I am writing in response to your August 5, 2010 memorandum. You requested review and comment on the draft revision of FSME Procedure SA-106, The Management Review Board. We have reviewed the document and our comments are attached.

If you have any questions, please contact me at (301) 415-7273 or my staff indicated below.

Enclosure:
As Stated

CONTACT: Cardelia Maupin, FSME/DILR
(301) 415-2312

Comments on the Draft Revision to FSME Procedure SA-106,
The Management Review Board

- ✓1. On page 1, section I, paragraph 1, line 1, delete "Per" and insert "In accordance with."
- ✓2. On page 1, section I, paragraph 1, at the end of the paragraph insert the following, "These discussions can also include an Agreement State's decision to voluntarily return assumed regulatory authority back to the NRC (i.e., sealed source and device review program)."
- ✓3. On page 4, section IV, subsection G, paragraph 6, line 5, delete the word phrase "extensions of" and insert the phrase "changes to."
- ✓4. On page 4, section IV, subsection G, paragraph 7, line 8, why is the terminology "Heightened Oversight and Monitoring" changed to "Increased Oversight?" Is the terminology "Increased Oversight defined any where? The changing of the terminology may require a substantial amount of changes throughout the SA-106 procedure, and other IMPEP procedures where "Heightened Oversight and Monitoring" are mentioned.
- ✓5. On page 4, section V, subsection A, line 2, delete the word "issue" between "to" and "the" and insert the phrase "achieve the timeliness goal of issuing." In addition, insert the phrase "of the review" after "days."
- ✓6. On page 4, section V, subsection B, paragraph 2, line 2, delete the phrase "for a particular review" and insert the phrase "on a particular MRB."
- ✓7. On page 5, section V, subsection B, paragraph 3, line 3, insert "the" between "for" and "Agreement State."
- ✓8. On page 5, section V, subsection B, paragraph 3, line 6, delete the word "consent" and insert the word "opinion" which is the more appropriate term for a non-voting member.
- ✓9. On page 5, section V, subsection B, paragraph 4, line 3, delete the word "with" and insert the phrase "relative to."
- ✓10. On page 5, section V, subsection C., paragraph 2, line 5, delete the word "about" and inset the word "regarding."
11. On page 7, section V. subsection E, the following clarifying information may be helpful relative to the Letters of Support section.
 - a. A background discussion on the Letters of Support maybe helpful, especially to persons new to the IMPEP process. The following is some suggested text:

"During the August 17, 2004, Commission Briefing by the Organization of Agreement States, Inc. and the Conference of Radiation Control Program Directors, Inc., State representatives discussed the benefits of a "letter of

Enclosure

Reference from
SRM

support" from the NRC to Agreement State programs. These letters assist Agreement State programs in addressing staffing and resource issues and in improving program performance. These letters are also beneficial in identifying areas needing improvement, and in identifying early indications of potential program weaknesses. The States also noted that letters of support should acknowledge the benefits, contributions, and success of good performing

Agreement State Programs. In addition, the States suggested that letters of support be sent on a staff-to-staff basis and not necessarily and solely, from the Chairman to a State Governor. As a result of the August 17-briefing, the Commission directed the staff to develop a process for the issuance of letters of support. The Commission also indicated that the MRB should be assigned the responsibility of reviewing and approving letters of support. In accordance with the Commission's direction, this section is included in the SA-106 procedure."

- b. Can Agreement State Program Directors request letters of support during periods outside of the Periodic Meeting or IMPEP Review? If so, Appendix A needs to be revised to reflect these types of requests.
- c. This section should be reorganized to clarify the different types of letters of support. For example, the first type of letter of support could be "Letters of Support for Declining Performance." This could include: (A) Letter Requested by State -- Associated with Periodic Meetings or IMPEP Reviews; (B) Letter Requested by State-- Not Associated with Periodic Meetings or IMPEP Reviews, which can be submitted at anytime from an Agreement State Program Director; and (C) Letters recommended by MRB due to heightened oversight and monitoring. The second type of letter of support would be "Letters of Support for Sustained Good Performance; and the third type of letter would be "Letters of Support for Special Recognition."

12. There is no 'Page 8 of 10.' The document jumps from page 7 to page 9.

ML042396337

SRM-m040817B

IN RESPONSE, PLEASE
REFER TO: M040817B

August 26, 2004

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA by Andrew L. Bates
Acting For/**

SUBJECT: STAFF REQUIREMENTS - MEETING WITH ORGANIZATION
OF AGREEMENT STATES (OAS) AND CONFERENCE OF
RADIATION CONTROL PROGRAM DIRECTORS (CRCPD),
9:30 A.M., TUESDAY, AUGUST 17, 2004, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

The Commission was briefed by representatives from the Organization of Agreement States (OAS) and the Conference of Radiation Control Program Directors (CRCPD). The topics of discussion included:

- Part 35 Training and Experience Requirements
- Progress of the National Materials Program Pilots - Preparing for Transition to a Permanent Program
- OAS's Pending Action on the Resolution for a National Radiation Policy
- State Feedback on the Clearance Rule
- CRCPD Naturally Occurring Radioactive Materials Rules
- CRCPD's Homeland Security Council
- OAS Request for NRC Letter of Support for Agreement State Programs

The staff should work with the CRCPD's Homeland Security Council (HSC) to identify and, as appropriate, resolve information classification issues related to radiological dispersal devices and improvised nuclear devices on the HSC's members-only website.

The staff should propose to the Commission a process for issuing "letters of support" to Agreement States. This process should include options for issuing such letters on a staff-to-staff basis, with or without requests from affected Agreement States, and a review and approval function for the Management Review Board.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

Meyer, Karen

From: Felsher, Harry
Sent: Tuesday, August 10, 2010 11:36 AM
To: Meyer, Karen
Cc: Schneider, Kathleen; Rodriguez, Sandra
Subject: FW: ACTION: Request for Comments to Draft Revision to FSME Procedure SA-106, "The Management Review Board"
Attachments: FSME SA-106 Draft Revision Cover Memo .pdf; FSME SA-106 Draft Revision (Enclosure).pdf

Karen,

DWMEP reviewed the document and has no comments.

Thanks,
Harry, x6559
DWMEP TA

From: Cannady, Ashley
Sent: Tuesday, August 10, 2010 11:29 AM
To: Felsher, Harry
Cc: Schneider, Kathleen
Subject: ACTION: Request for Comments to Draft Revision to FSME Procedure SA-106, "The Management Review Board"

Attached is the FSME SA-106 Draft Revision for your review and comment. The package may also be accessed in ADAMS at **ML102090097**.

You will also receive a hardcopy package via inter-office mail.

Thanks,

Ashley Cannady
FSME/MSSA
301-415-5216

- b. ~~Root~~Underlying causes for program performance issues, precedents established by the MRB, and good practices should be clearly documented in the minutes.

- 6 Documents in a memorandum to the permanent members of the MRB (DEDMRT, General Counsel, and Director, FSME) any deviations or requests for deviation from prior MRB direction. Examples of deviations that will be documented include changes to frequency of heightened oversight or monitoring conference calls and extensions of intervals between IMPEP reviews. Significant deviations, such as reducing the interval between IMPEP reviews due to a performance weakness identified outside of an IMPEP review or periodic meeting, will be presented to the MRB for concurrence during a special session.

67. Prepares the annual memorandum to the Commission featuring a report on the status of Agreement States' and Regions' radioactive materials programs. The memorandum should include the following attachments: (1) Summary of Agreement States' Adequacy and Compatibility Statuses as of January of the year issued (2) Summary of the NRC Regions' Programs' Adequacy Statuses... (3) Summary of IMPEP Report Issuance Against the 104-day Goal, and (4) Summary of Activities Related to States on Heightened Subject to Increased Oversight and Monitoring. A sample memorandum with attachments can be found in Appendix D.

V. GUIDANCE

A. Meeting Schedule

MRB meetings are to be conducted approximately 74 days from the last day of the IMPEP review in order to issue the final report within 104 days. Although these meetings are exempt from the "Commission Policy Statement on Staff Meetings Open to the Public," the public is invited to observe each meeting. Each meeting will be published in the weekly notice of "NRC Meetings Open to the Public." MRB meetings may take place beyond the 74th day in order to assemble a quorum, to accommodate Agreement State/Regional schedules, and/or to incorporate important supplemental material. Every effort should be made to meet the timeliness goal for issuing the final reports in 104 days. Special MRB meetings to discuss the results of periodic meetings with Agreement States will be scheduled on an as needed basis or at a frequency established by the MRB.

B. Membership

1. The MRB membership consists of four senior NRC managers, or their designees, representing the DEDMRT, OGC, FSME, and an NRC Region.

OGC comment

Would 'significant deviations' be discussed at 'special meetings' described in V.A.? If so, make suggested change. If not, when is a 'special session' called?

* Not changing
something

1. In order to begin the proceedings, a quorum must be present. A quorum ^{and} consists of at least ~~is~~ established if ~~three voting members and the Agreement State Liaison~~ are present. Designees count toward reaching a quorum. If a quorum is present at the scheduled start time of the proceedings, ~~however~~ but the Agreement State Liaison is not present, the MRB will delay the start of the proceedings ^{to} make every effort to ensure that the designated Agreement State Liaison or an alternate ^{representative} is in attendance. If, after a reasonable amount of time, an Agreement State Liaison cannot be found, the meeting will proceed without an Agreement State Liaison, but efforts will be made concurrently with the meeting to continue to locate an Agreement State Liaison for the meeting.
2. The MRB Chair ^{or cannot attend} will consult with the other MRB members to reach a consensus position on each indicator and, if necessary, to provide specific instruction to the IMPEP team leader. If a consensus is not apparent, a vote is taken and a simple majority decides the MRB's position about findings and report revisions.

or accommodate

OGC comment:
as written, this section does not consider a situation where the representative liaison can be reached, but cannot attend for some other reason.