

RESOLUTION OF COMMENTS FOR IMC 2810
June 2012

Source	Comment	Added	Remarks
Veterans Health Adm (VHA)	Section 01, third sentence: Add NRC actions, "observes MML Radiation Safety Committee meetings (4.02(f)), provides technical consultation (4.01(h) and 4.02(k)), coordination(4.02(a)), and training (4.01(i))."	No	The WG determined that these specific elements are already incorporated in the procedure and should not be included to this detail in the overall "Purpose" Section of the procedure. Therefore, this comment is not included.
VHA	Section 03: Modify definitions to the following. 03.02 Assisting Region: The NRC region that would be asked to assist the lead region by conducting independent and/or accompaniment inspections at permittees that are physically located in the assisting region's geographic area of responsibility or by participating in the onsite biennial inspection at the radiation control program office of the master materials licensee, if located in the assisting region's geographic area of responsibility.	No	The WG does not want to limit the definition of assisting region to only those permittees within a geographical area. In addition, the WG removed the reference to biennial inspection, since this particular inspection is a team inspection and not an assist inspection.
VHA	03.03 Biennial Inspection: A comprehensive assessment of the MML's implementation of its centralized radiation control program. It integrates the results of the NRC project manager's routine oversight of the program during the review period, which includes observations of MML Radiation Safety Committee meetings, onsite biennial inspection at the radiation control program office of the MML, NRC independent inspections, and accompaniment inspections. The biennial inspection focus elements include: MML Radiation Safety Committee oversight of the radiation control program, staffing for the radiation control program office, training, permitting, inspections, response to events or incidents and safety concerns or allegations, and overall licensee compliance with NRC requirements.	Yes	Incorporated some of the changes; however, left some terminology broad enough for all the MMLs.
VHA	03.06 Letter of Understanding (LOU): A document that identifies the responsibilities and requirements for coordination between the MML and the NRC, as well as those responsibilities which are retained by the NRC. The LOU is signed by representatives from both agencies as a matter of legal commitment.	Yes	The NRC OGC has determined that all future LOU will require signatures from both agencies.
VHA	03.07 Master Material License (MML): Add following new sentence at the end of the definition, "The permittees under a MML are individual facilities or organizational entities that are held accountable for regulatory compliance within the scope of the permit authorizations and approvals."	No	Did not incorporate this definition under MML, because there is already a definition for permittees.

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VHA	03.08 Radiation Control Program Director: The MML licensee staff member who implements the licensee's centralized radiation control program with the assistance and support of the named licensed official and MML Radiation Safety Committee. This individual also serves as the licensee's main point of contact with the NRC.	No	The WG kept the reference to Senior Executive Management.
VHA	03.09 MML Radiation Safety Committee (MRSC): The committee delegated authority by the named licensed official to provide oversight for the centralized radiation control program.	Yes	The WG maintained the term "master" to be consistent with other documents including NUREG-1556, Volume 10. Incorporated the term "oversight."
VHA	03.10 NRC MML Project Coordinator: The NRC staff member assigned responsibility for overall coordination of the agency's policy for implementing the MML program and providing policy and procedure guidance to the NRC regional offices and all MMLs. The NRC Project Coordinator is located at the HQs office.	Yes	WG incorporated the comments; however, the definition now clarifies that Program Coordinator "coordinates" the program and not necessarily "implements" the program.
VHA	03.11 NRC MML Project Manager (PM): The NRC staff member assigned the oversight project responsibility for an individual MML. The NRC PM is located in a regional office.	No	WG did not agree with adding the term "individual" since "an MML" is already considered "unique."
VHA	03.12 Permittee: A holder of a permit, issued under authority of the MML Radiation Safety Committee, to possess and use byproduct, source, and/or special nuclear material for authorized purposes. The permittee is responsible and accountable for regulatory compliance within the scope of the permit authorizations and approvals.	No	The WG determined that adding responsibility and accountability goes beyond the scope of the definition of who the permittee is; therefore, it was not included in the definition.
VHA	03.13 Radiation Control Program Office: The primary or designated office location of the MML's Radiation Control Program Director.	Yes	WG incorporated recommendation.
VHA	Section 04.01, Routine Oversight: Add the following. h. Facilitate NRC responses to technical questions or inquiries which the MML poses to NRC for purposes of executing the MML.	Yes	WG incorporated recommendation.
VHA	i. Coordinate training requests from MMLs for participation in NRC training courses.	Yes	WG incorporated recommendation.
VHA	Section 04.02, Routine Oversight: Indicate the timeframe for the various reviews.	Yes	WG determined that these elements are implemented as part of each biennial review period and therefore established timeframes are internal to the respective regional office.

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VHA	Section 04.02, Routine Oversight: Modify as indicated. h. Perform independent inspections of MML regulated activities to determine permittee compliance to NRC regulations, policies and guidance, to follow-up on any escalated enforcement actions or safety issues, and to evaluate effectiveness of MML inspections.	No	WG determined that the definition should remain as is, in that the independent inspections are used to evaluate MML (license holder) compliance albeit through the permittee, however, the permittee should not be incorporated in the definition since the MML is the license holder. In addition, the comment to evaluate the effectiveness of the MML inspections was incorporated under inspection accompaniments, since the accompaniments is one of the tools used to evaluate the MML inspectors.
VHA	Section 04.02, Routine Oversight: Add the following. k. Facilitate NRC responses to technical questions or inquiries which the MML poses to NRC for purposes of executing the MML.	Yes	WG incorporated recommendation.
VHA	l. Coordinate training requests from MMLs for participation in NRC training courses.	Yes	Coordination for training is processed between the Human Resource (HR) and Office of Federal and State Materials and Environmental Management Program (FSME) with MML Program Coordinator oversight; therefore, WG did not incorporate this recommendation under 4.02 but under 4.01.
VHA	Section 04.02, Independent Inspections: Add an item to paragraph b: b. Specifically identify the locations to be inspected and the time frame in which the inspections should be conducted. The timeframe should be spread throughout the year. The PM should provide reasonable opportunities for an MML inspector to observe each NRC independent inspections of a MML permittee.	Partial	The WG inserted the following language in order to be consistent with the language in the proposed LOU: <i>"The MML PM will provide advanced notice to the MML Radiation Control Director of NRC scheduled inspections at permittees of the MML to coordinate accompaniments and security access, or for other reasons."</i>

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VHA	<p>Section 04.02, Independent Inspections: Change paragraph d as indicated:</p> <p>d. Independent inspections should be conducted so as to avoid inspecting permittees which will be or have been inspected by the MML or NRC within a twelve-month period unless such inspection is warranted due to the inspection priority code, past escalated enforcement, or other safety issues.</p>	Yes	WG incorporated recommendation in c.
VHA	<p>Section 04.02, Accompaniment Inspections: Change paragraph e.</p> <p>e. Request each region performing accompaniment inspections to submit a completed "Inspector Accompaniment Checklist (Inspection Procedure 87129, Appendix E, "Focus Element - Technical Quality of Materials Inspections," Attachment B)" to the NRC MML Project Coordinator. Provide a copy of completed checklists to the MML Radiation Control Program Director as feedback of MML inspector performance.</p>	No	WG determined that inspectors should not be required to provide hardcopy of inspector accompaniment evaluations to the MML inspectors, the NRC inspectors should be providing verbal comments and feedback to the MML inspectors.
VHA	<p>Section 04.02, Biennial Inspection: Modify the sections as indicated below.</p> <p>b. Coordinate the dates of the biennial review inspection with the Inspection Team and MML Radiation Control Program Director. Reach agreement on the minimal MML staff to have available at the radiation control program office during the onsite portion of the inspection. Determine to what extent MML documents can be provided for advance review by the Inspection Team. Coordinate with the MML Radiation Control Program Director the documentation to have available onsite.</p>	Partial	<p>WG determined to modify language to read as follows in an attempt to keep the procedure generic as possible:</p> <p><i>"Coordinate the dates of the biennial inspection with the Inspection Team and MML Radiation Control Program Director. Coordinate with the MML Radiation Control Program Director regarding the documentation and staff to have available during the onsite portion of the inspection."</i></p>
VHA	<p>Conduct the exit meeting with Chair, MML Radiation Safety Committee, Radiation Control Program Director, or other staff designated by the named licensed official.</p>	No	WG decide not to incorporate comments because the exit meeting is with Senior Executive Management and the MML can determine who they may want to be present.

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VHA	Section 04.02, Assisting Region: Add a requirement for the assisting region to ensure individual regional inspectors are briefed in advance of onsite inspections by the lead region MML PM to provide specific details for coordination among NRC and MML staff for assist inspections.	No	WG has already incorporated the following: <i>"The MML PM will provide advanced notice to the MML Radiation Control Director of NRC scheduled inspections at permittees of the MML to coordinate accompaniments and security access, or for other reasons."</i> It is the responsibility of the MML Radiation Control Director to ensure that individual regional inspectors are briefed in advance of onsite inspections and to assist with any necessary coordination between the NRC inspector and MML inspector. This section of the procedure provides the internal requirements and coordination between the assisting region and lead region and therefore, this comment is not incorporated.
Air Force	Reference section 03.07 and 03.09. recommend using "MML Radiation Safety Committee" to be consistent with use of "MML Radiation Control Program Director"	Yes	The WG agreed and changed the definition term to MML Radiation Safety Committee
Air Force	Reference "Independent Inspections" paragraphs a. and c. Appears these two state the same thing.	No	The WG attempted to clarify this section to reflect a general statement for the selection of permittees under paragraph (a.) for independent inspections; while paragraph (b.) was designed to ensure that a permittee was not selected, who had recently been inspected by the MML or NRC during the past year. The specific criteria was developed under Section 06.01.
Air Force	Reference "Independent Inspections" paragraph e. recommend deleting "an"	Yes	Corrected.
Air Force	Reference "Accompaniment Inspections" paragraph e. Will the MMLs get feedback from these?	Yes	yes, they should be getting the feedback immediately following the accompaniment when time allows.

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Air Force	Reference "General Requirements" paragraph 05.01. Has the AF been provided the first two documents (JM0000 and 0001) for review or are these internal NRC documents?	n/a	The codes JM0000 to 0005 are NRC internal Technical Assignment Control (TAC) number. This is to assure the work performed by NRC staff is properly identified for labor-hour tracking and reporting purposes.
Air Force	Reference "General Requirements" paragraph 05.02. to which section "below" does this refer?	n/a	The "below" in section 05.02 refers to section 06.01 a. This is added in parenthesis after "below" to read "below (06.01.a.)"
Air Force	7. Reference "Conduct of Inspection" c. Is coordinating with the MML Rad Control Program office during pre/post briefings a new requirement?	n/a	The opportunity for the MML Radiation Control Program office to attend the preliminary exit briefing with the permittee has always been available and a part of this Manual Chapter, 2810. The MC has been renumbered and this availability is now captured under Section 06.01 (e) Entrance and Exit Briefings. The coordination with the Air Force MML Radiation Control Program office may not have always been implemented since an MML program office member was typically present during the majority of NRC inspections. The MC does attempt to make it clear that the preliminary exit meeting is with the Permittee, to ensure that all the facts obtained from the inspection are correct. The final exit meeting for the inspection is with the MML Radiation Control Program Director.