

August 24, 2012

SUMMARY OF COMMENTS ON SA-119, *Followup Integrated Materials Performance Evaluation Program (IMPEP) Reviews*

I. Sent to the Agreement States for Comment: January 13, 2012 (FSME-12-006)

Comments/Dated: Organization of Agreement States--02/14/12 (e-mail)
Commonwealth of Virginia—02/13/12 (e-mail)

Response to/Resolution of Comments:

Organization of Agreement States (OAS):

Comment 1:

The OAS board questions the need for a followup IMPEP versus scheduling another IMPEP review. Currently, FSME has procedures for placing an agreement state on heightened oversight (SA-122) and placing an agreement state on probation (SA-113) which already requires certain interactions between FSME and the agreement state. The board sees SA-119 as redundant and would recommend that this procedure be terminated.

Response 1:

We appreciate but disagree with the comment. The Statement of Principles and Policy for the Agreement State Program contains a statement regarding the performance of onsite followup reviews to evaluate a State's performance where serious issues have been identified. In addition, the performance of a followup review differs from heightened oversight and probation in that it is performed onsite and includes the review of casework files. It also differs from a regular IMPEP review in some items such as team composition, scheduling and the performance of a periodic meeting at the same time. No changes were made to the procedure in response to this comment.

Comment 2:

Include "Administrative Coordinator" in the Roles and Responsibilities section.

Response 2:

We appreciate but disagree with this comment. An "administrative coordinator" position as such, does not exist at this time. Administrative duties are performed by different individuals depending on the task. The procedure was revised to delete reference to a formal Administrative Coordinator position.

Comment 3:

Remove the requirement in V.A.2. that states "For agreement state followup reviews, the radiation control program must also be considered as a whole, even during a limited scope followup review." The board raises the question why the NRC regions would not be required to be considered as a whole during a followup review.

Response 3:

We agree with this comment. The procedure was revised accordingly.

Commonwealth of Virginia:

Comment:

The Virginia Radioactive Materials Program (VRMP) questions the need for SA-119 prescribing a followup IMPEP as compared with using the IMPEP process described in SA-100. Currently FSME has procedures for placing an agreement state on heightened oversight (SA-122) and placing an agreement state on probation (SA-113) which already require certain interactions between FSME and the agreement state. VRMP recommends that this procedure be terminated.

Response:

See Response 1 to OAS Comment 1.

II. Sent to the NRC Offices for Comment: January 13, 2012

Comments/Dated: Region I – 02/08/12 (e-mail)
 Region III – 02/17/12 (e-mail)
 Region IV - 02/03/12 (e-mail)
 DWMEP/FSME – 01/18/12 (e-mail)
 OGC – 01/31/12 (e-mail)
 FSME staff- (e-mail)

Region I:

Comment:

The first sentence in Section III, Background, states “NRC Regional and Agreement State materials programs are reviewed at least every four years under IMPEP.” This statement should be changed to include the recent implementation of extending an IMPEP out to five years for good performers.

Response:

We agree with the comment. The procedure was revised accordingly.

Region III:

Comment 1:

Item III. Background and Section V.A.3. Guidance: If all indicators are evaluated, it is basically a full IMPEP review at a more frequent periodicity. If this is the case, the MRB would just move up the date of the next review rather than labeling it a followup review.

Response 1:

We agree with the comment. The procedure was revised by deleting the paragraph.

Comment 2:

Item IV. Roles and Responsibilities:

- B. Director, FSME: Suggest deleting this section to simplify the procedure as the FSME Director does not usually get involved at this level.
- C.1. contradicts B.
- D.2.: this is obvious and is not listed under the other positions. Suggest deleting.
- E.3.: It is important that IMPEP Project Management (IPM) duties mirror those in SA-100. SA-100 instructions for IPM include "Reviews and provides feedback on all versions of IMPEP reports to both the IMPEP Team Leader and DMSSA management." It does not require concurrence.
- E.3.: Having the IPM concur on the report may contradict the appearance of team independence. The important aspect is that IPM reviews each report for consistency and adequate support of findings. Suggest that these points be highlighted in both SA-100 and SA-119 to emphasize the value added by the IPM.

Response 2:

We disagree with bullet 1 as the FSME Director does get involved at this level; however the procedure was revised to delete Item B.1. as it does conflict with Item C.1. We agree with the rest of the comments, the procedure was revised accordingly.

Comment 3:

V.D.1.: Suggest sending the scheduling letter/questionnaire 90-120 days prior to the followup review in order to allow adequate time for program to develop a thorough response.

Response 3:

We agree with the comment. The procedure was revised to 90 days, however it should be noted that the team leader can always send it out sooner.

Comment 4:

Region III also made several grammatical and editorial comments.

Response 4:

We agree with most of the comments that are consistent with the style of the FSME procedures. The procedure was revised accordingly.

Region IV:

No comments.

Office of Federal and State Materials and Environmental Programs/ Division of Waste Management and Environmental Protection (FSME/DWMEP):

No comments.

Office of General Counsel (OGC):

Comment 1:

Item IV.A. Roles and Responsibilities of MRB. Add section stating that the MRB provides direction on a course of action when performance concerns are identified during the followup IMPEP review.

Response 1:

We agree with the comment. The procedure was revised accordingly.

Comment 2:

Section V.1. Guidance. This section states that, "The team may also make recommendations for changes to the previous IMPEP review findings for these indicators." This report is final so how/why would the followup team recommend changes?
Section V.2.-Sentence 2 is confusing, needs clarification.

Response 2:

We agree with the comments. The sentence in Section V.A.1 was deleted and Section V.A.2 was revised in response to OAS Comment 3.

Comment 3:

OGC made several grammatical and editorial comments.

Response 3:

We agree with most of the comments that are consistent with the style of the FSME procedures. The procedure was revised accordingly.

FSME staff:

Comments:

Staff made several grammatical, typographical and editorial comments.

Response:

We agree with the comments. The procedure was revised accordingly.