

SUMMARY OF COMMENTS ON SA-1101, Monthly U.S. Nuclear Regulatory Commission (NRC) Organization of Agreement States (OAS) Conference of Radiation Control Program Directors (CRCPD), Inc. Teleconference

I. **Sent to Agreement States for Comment:** February 4, 2013 (FSME-13-014)

Comments/Dated: New York State Health Department – 2/8/2013 (email)
OAS – 2/25/2013 (letter)

Response to/Resolution of Comments:

NEW YORK STATE HEALTH DEPARTMENT

Comment 1: Under Section V., add information noting that a monthly teleconference will not be scheduled during the same month that the Annual All Agreement States Meeting is held, which has happened over the last 3 years.

Response: We agree with this comment in part and will add a sentence to subsection V.A.1., "The OAS board reserves the right to not schedule a teleconference during the month that the Annual All Agreement States Meeting is held."

OAS

Comment 1: On page 3, Subsection IV.B.2., the Board recommends the sentence be left to state: "An OAS designee will ..." The Board has listed in its bylaws the responsible parties for taking notes; it may not be the Secretary as you have revised the procedure to state.

Response: We agree with this comment and will revise the guidance accordingly.

Comment 2: On page 3, Subsection V.A.1., the Board recommends the sentence be revised to read: "The date and time of the Monthly Teleconference will be established through collaboration with the OAS Chair and Secretary." The Board feels a "consensus of OAS board members" is not required for establishing the date and time of the monthly conference call. The Board believes these two positions are the primary representatives for the monthly conference call and have the authority and responsibility to coordinate with the NRC.

Response: We agree with this comment and will revise the guidance accordingly.

Comment 3: On page 3 in Section V.A., it does not state who in the NRC is responsible for supplying agenda topics or reaching out to other federal agencies for topics. The Board recommends a step be added listing a responsible party for providing

agenda topic and reaching out to federal agencies such as DOE, DNDO, FBI, etc.

Response: We appreciate your comment. We will add a sentence to subsection V.A.4., noting that additional invitations will be extended to outside participants on a case-by-basis; the teleconference project manager will work with these outside parties.

Comment 4: On page 4, Subsection V.A.1., the Board recommends the sentence be revised to read: "will collaborate with the OAS Chair and Secretary to establish ... "

Response: This comment has been addressed on our response to OAS's Comment 2.

Comment 5: On page 4, Subsection V.A.3., the Board recommends that the sentence be revised to read: "The list of participants include representatives of FSME, OAS Board, OAS, CRCPD Board, NRC staff and other interested state and federal parties."

Response: We agree with this comment and will revise to read "FSME, other NRC staff, OAS, OAS and CRCPD Boards, and other interested parties on a case-by-case basis."

Comment 6: On page 4, Subsection V.B., the Board recommends that the sentence be revised to read: "The Teleconference Project Manager will begin ..."

Response: We agree with this comment and will revise accordingly.

Comment 7: On page 5, Subsection V.B., the Board recommends that the sentence "At the end of the agenda, the Teleconference Project Manager will open the line to additional comments and questions" be removed and an agenda item be placed on each monthly teleconference call which states "Other items."8

Response: We agree with this comment and will revise the guidance accordingly.

Comment 8: On page 5, Subsection V.B., the Board recommends this sentence be added to the end: The Teleconference Project Manager will ask the OAS Board designee taking notes if they have any questions of the participants to ensure the notes are complete.

Response: We agree with this comment and will revise the guidance accordingly.

II. Sent to NRC Offices for Comment: February 4, 2013

Comments/Dated: FSME/MSSA/ASPB – 2/22/2013 (email)
FSME/DWMEP – 2/05/2013 (email)
OGC – 2/19/2013 (email)
Region IV – 2/19/2013 (email)
Region III – 2/19/2013 (email)
Region I – 3/06/2013 (email)

Response to/Resolution of Comments:

OFFICE OF FEDERAL AND STATE MATERIALS AND ENVIRONMENTAL PROGRAMS/DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS/AGREEMENT STATE PROGRAMS BRANCH (FSME/MSSA/ASPB)

Comment 1: On page 4, Section V.B., add the sentence “However, NRC staff should not share pre-decisional information or seek input from the States during the teleconference.” This sentence is to follow the first sentence in section V.B., which reads “The Monthly Teleconference will be facilitated by the...”

Response: We agree with this comment and will revise the guidance accordingly.

OFFICE OF FEDERAL AND STATE MATERIALS AND ENVIRONMENTAL PROGRAMS/DIVISION OF WASTE MATERIALS AND ENVIRONMENTAL PROGRAMS

Comment 1: DWMEP has no comment on the draft revisions to SA-1101.

Response: No response is necessary.

Office of General Counsel

Comment 1: On page 2, Section I., delete the word “discuss” and replace it with “exchange information related to...”

Response: We do not feel the change is needed. The same intended change in message is achieved by making FSME/DMSSA’s recommended change on page 4, section V.B (see above recommendation).

REGION IV, Regional State Agreement Officer

Comment 1: Region IV has no comment on the draft revisions to SA-1101.

Response: No response is necessary.

REGION III, Regional State Agreement Officer

Comment 1: Region III has no comment on the draft revisions to SA-1101.

Response: No response is necessary.

REGION I, Regional State Agreement Officer

Comment 1: On page 2, section II., suggest replacing the word “FSME” with NRC deleting the words “NRC offices”, thus changing the sentence to read: “To provide guidance to NRC, OAS, CRCPD and other interested parties on the coordination, notification, and administration of the Monthly Teleconference.”

Response: We appreciate your comment but believe from an editorial standpoint that the word “FSME” should remain in the sentence.

Comment 2: On page 2, subsection IV.A.1, remove the word “(DILR)” from this subsection, since Division of Intergovernmental Liaison and Rulemaking is not used elsewhere in SA-1101.

Response: We agree with this comment and will revise the guidance accordingly.

Comment 3: On page 3, subsections IV.A.4. and IV.A.6., remove “and other interested States”; all States are covered by either OAS or CRCPD and listing other interested States is repetitive.

Response: We agree with this comment and will revise the guidance accordingly.

Comment 4: On page 3, subsection IV.B.2, a reference is made to the “ILB Teleconference Project Manager” however there is no mention of this person under roles and responsibilities. To rectify, suggest either modifying IV. A. to show the roles of the ILB Teleconference Project Manager or adding a paragraph D. to Section IV. that discuss the roles and responsibilities of this person.

Response: We do not believe this change is needed the ILB Teleconference Manager’s responsibilities are defined within FSME’s roles and responsibilities.

Comment 5: On page 4, subsection V.A.2, suggest increasing the minimum number of reserved telephone lines listed in this paragraph from 50 to 75.

Response: We agree with this comment and will revise the guidance accordingly.

Comment 6: On page 4, subsection V.A.3, suggest replacing the first sentence to read “The list of participants includes representatives of NRC, OAS, CRCPD, and other interested parties.”

Response: We agree with this comment and are revising the sentence to read, ““FSME, other NRC staff, OAS, OAS and CRCPD Boards, and other interested parties on a case-by-case basis.”