

Agreement State Comments on SA-10

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| 1 | Comment No. | Agency | Reference | New Section | Comment | Agree (Y or N) | Response |
| 2 | 1 | Florida | 2/7/19 Webinar | II.B.2. | For accountability and individual agency needs, the procedure should also include "management decisions" in addition to legal or jurisdictional obligations. | Y | Procedure revised to state: "legal, jurisdictional or managerial obligations." |
| 3 | 2 | New Jersey | 2/7/19 Webinar | II.C.1. | Agreement States should not have to use the NRC's petition process to propose rulemaking. | Y | Procedure revised, see comments 10 and 15. |
| 4 | 3 | Arkansas | 2/7/19 Webinar | entire procedure | There is little discussion in the procedure about NRC and the Agreement States maintaining a partnership. Add a paragraph in the beginning of the procedure to emphasize this point. | Y | Procedure revised, see comment 5. |
| 5 | 4 | Virginia | 2/20/19 Webinar | III.B. | The MSST Division Director should not be the NRC's NMP Champion due to the turnover in the position. The NRC's Champion should be an individual who is empowered to carry out the necessary responsibilities of the NMP Champion. | Y | Procedure revised to assign the responsibilities of the NRC's NMP Champion to a member of the MSST staff that has expert knowledge of the NMP and is a subject matter expert on Agreement State issues. |
| 6 | 5 | Arkansas | Letter dated 3/11/19; ML19078A180 | entire procedure | Success of the NMP depends greatly on a healthy partnership with the NRC and the Agreement States. A viable, visible partnership will only strengthen the trust needed for a consistent NMP. Revise the procedure to include a discussion on partnership particularly in the roles and responsibilities section of the procedure. The annual assessment of the NMP should evaluate the strength of the partnership. | Y | Additional references were added to the procedure to enhance the NRC-Agreement State partnership. |
| 7 | 6 | Arkansas | Letter dated 3/11/19; ML19078A180 | III.B; III.F. | Fully supports the use of NMP Co-Champions to enhance and monitor the NMP. This will allow the NRC, OAS and the Agreement States to advocate for important issues in an open forum and built the partnership. | Y | Thank you for the comment. No change to the procedure required. |
| 8 | 7 | Organization of Agreement States (OAS) | Letter dated 3/11/19; ML19078A181 | title | In keeping with the idea of equal partners, change the title of the procedure to include the Agreement States in Oversight of the National Material Program (NMP). | Y | Procedure Revised; also see comment 13. |

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| 9 | 8 | OAS | Letter dated 3/11/19; ML19078A181 | Entire document | The layout of the sections is confusing. The Definition, Mission, Goal and Vision of the NMP are discussed before the background on the Office of the Inspector General (OIG) audit of oversight of the NMP. It is not clear if the definition, mission, goal and vision are new or if they are the result of the work of the National Material Program Working Group (NMPWG) from 1999-2005. If they were developed by the NMPWG and the OIG audit found that they were not understood consistently, then perhaps they should be revised. Either way, they should be discussed after the background section on the OIG audit so it is clear that these are new. | Y | Procedure revised to make the flow of the sections more logical. |
| 10 | 9 | OAS | Letter dated 3/11/19; ML19078A181 | NA | The way in which the document is written, the Board has the impression that the NRC expects Agreement States to contribute the same amount of resources to the NMP as the NRC on regulatory priorities. It is unclear what regulatory priorities entail. From the Agreement State perspective, the amount of resources available for regulatory guidance development, procedure development, licensing guidance, etc. is limited as almost all staff are tasked with licensing and inspections in State programs. This theme is also described in Section III.B.3. which states that one of the challenges of the NMP is the ability of Agreement States to share a greater proportional responsibility for development and maintenance of regulatory products (e.g. guidance documents, emerging regulatory issues). Sections V.C.7. and D.3. also imply this expectation of more contributions. We agree that Agreement States need to contribute to the NMP and our goal is to forge a better relationship where more states contribute. We will work on communicating the benefits of contributing to the NMP with our membership and encourage greater participation, but because of constraints, we may not always be able to accommodate a greater contribution in certain areas. We would appreciate changing the language to reflect this reality. | Y | Section II.B. on "Challenges to the National Materials Program" removed from procedure since challenges could change over time. Sections V.C.7 and V.D.3 were deleted. The items listed in Sections V.C. and V.D. were examples of activities and quality measures that could be included. Specific NMP activities and quality measures will be determined jointly by the NRC and the Agreement States. |

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| 11 | 10 | OAS | Letter dated 3/11/19; ML19078A181 | II.C.1. | The Board proposes to amend this section to state "Regulatory priorities should be established and periodically reviewed through a collaborative process involving both the NRC and Agreement States in which general agreement is reached. This includes the introduction of suggestions for new or amended rules." The Board believes that since OAS is in the materials "business line" that the OAS should be able to suggest regulatory changes through the Common Prioritization of Rulemaking to the NRC without the requirement of submitting a petition for rulemaking. | Y | Suggested edit accepted. Procedure revised, see comment 15. |
| 12 | 11 | OAS | Letter dated 3/11/19; ML19078A181 | III.A.1. | The NRC program referred to here should be explained. Is it the Division of Materials Safety, Security, State and Tribal Programs (MSST) or something else? | Y | Procedure revised to clarify: "Ensures the implementation of the NMP jointly with the Agreement States to enhance the NRC-Agreement State partnership." |
| 13 | 12 | OAS | Letter dated 3/11/19; ML19078A181 | III.B. | In their report, the OIG cited the high turnover rate of among NRC senior managers associated with Agreement State program (especially the MSST Division Director) as the main reason that an NRC NMP Champion is needed. The Board suggests that the NRC re-evaluate the decision to appoint the Division Director of MSST as the NRC Champion and consider other alternatives. The Board believes that an alternate Champion would require direct access to the MSST Division Director to be effective. | Y | Procedure revised to assign the responsibilities of the NRC's NMP Champion to a member of the MSST staff that has expert knowledge of the NMP and is a subject matter expert on Agreement State issues. |
| 14 | 13 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | title | Add the word "Joint" to the beginning of title. | Y | New Title of SA-10 is "Joint Oversight of the National Materials Program". |
| 15 | 14 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | NA | Revise "promogation" to "promulgation" in first paragraph. | N | Suggested edit not accepted. Sentence delete from procedure. |
| 16 | 15 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | II.C.1. | Revised section to read: "Regulatory priorities should be established and periodically reviewed through a collaborative process involving both the NRC and Agreement States in which general agreement is reached. This includes the introduction of suggestions for new or amended rules to the Common Prioritization of Rulemaking committee." | Y | Suggested edit accepted. Procedure revised. Also see comments 10 and 15. |

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| 17 | 16 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | NA | Add "and Agreement States" to first sentence. | N | Section on "Challenges to the National Materials Program" removed from procedure since challenges could change over time. |
| 18 | 17 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | NA | Add "Agreement" in front "States". | N | Section on "Challenges to the National Materials Program" removed from procedure since challenges could change over time. |
| 19 | 18 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | III.A.1. | Add "jointly" in front of "oversee". | Y | Suggested edit accepted. Procedure revised. |
| 20 | 19 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | III.A.3. | Revise section to read: "Together with the Agreement States, sets expectations and overall strategy for the oversight of the NMP." | Y | Suggested edit accepted. Procedure revised. |
| 21 | 20 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | III.B.3. | Revise section to read: "Together with the Agreement State Champion, ensures the monitoring of NMP activities, evaluation and development of NMP policy, and development of criteria and methodology to assess the uniformity and adequacy of the NMP implementation." | Y | Suggested edit accepted. Procedure revised. |
| 22 | 21 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | III.B.9. | Add "jointly developed" in front of "periodic". | Y | Suggested edit accepted. Procedure revised. |
| 23 | 22 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | III.B.10. | Add "Agreement State Champion, and" in front of "OAS" | Y | Suggested edit accepted. Procedure revised. |
| 24 | 23 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | III.C.1.; III.C.2.; III.D.2 | Add "and Agreement States NMP Champions" after "NRC". | N | Suggested edit not accepted. The NRC NMP Champion's initial input on NMP issues comes from the NRC. As stated in Section II.B.2., the NRC NMP Champion will coordinate all NMP issues with the Agreement State NMP Champion. |
| 25 | 24 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | III.F. | Add "The Agreement State Champion:" after second sentence. | N | Suggested edit not accepted. Section restructured. |

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| 26 | 25 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | III.F.9. | Revise section to read: "Ensures that jointly developed periodic reports are provided to NRC and Agreement States on NMP activities, issues and performance." | Y | Suggested edit accepted. Procedure revised. |
| 27 | 26 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | IV.A.4. | Change "with" to "will" after "Board". | Y | Suggested edit accepted. Procedure revised. |
| 28 | 27 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | IV.B. | Revise section to read: Any issue regarding the implementation of an NMP activity from the OAS Board, an Agreement State, NRC staff or other affected stakeholder should be brought to the attention of the Agreement State and NRC NMP Champions. The NRC and Agreement State NMP Champion will ensure that the following actions are taken:" | Y | Suggested edit accepted. Procedure revised. |
| 29 | 28 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | NA | Delete sentence. No longer needed due to change in Section V.B. | Y | Suggested edit accepted. Procedure revised. |
| 30 | 29 | OAS | Enclosure to Letter dated 3/11/19; ML19087A179 | IV.B.3. | Add "With the Agreement State Champion," to the beginning of the sentence. | Y | Suggested edit accepted. Procedure revised. |