

# POLICY ISSUE NOTATION VOTE

June 12, 2001

SECY-01-0105

FOR: The Commissioners

FROM: William D. Travers  
Executive Director for Operations

SUBJECT: RESPONSE TO STAFF REQUIREMENTS MEMORANDUM  
DATED JANUARY 25, 2001- BRIEFING ON STATUS OF  
NUCLEAR MATERIALS SAFETY PROGRAM

PURPOSE:

To respond to Items 2 and 3 of the subject Staff Requirements Memorandum (SRM), and recommend whether the current strategic and performance goals should include separate sub-goals for those licensees regulated by the U.S. Nuclear Regulatory Commission (NRC), and those regulated by the Agreement States.

SUMMARY:

Based on the comments received from seven Agreement States, and all four NRC regions, the staff recommends that the current single set of national materials program goals and measures be maintained, and recommends that the metrics (i.e., the number of outcomes) be updated every year as new performance data become available. The staff also recommends that any ensuing changes to this set of goals and measures be coordinated in a collaborative manner with the Agreement States, to the extent possible.

BACKGROUND:

After a staff briefing on the status of the nuclear materials safety program on January 10, 2001, the Commission issued an SRM dated January 25, 2001. Items 2 and 3 of that SRM directed staff to:

Contacts: George J. Deegan, NMSS/IMNS  
(301) 415-7834

Rosetta O. Virgilio, STP  
(301) 415-2307

1. Solicit input from the Agreement States on the current set of national-level strategic and performance goals to determine whether modifications are warranted, including the desirability of establishing separate sub-goals for NRC and Agreement States;
2. Considering the input obtained in item 2, provide a recommendation to the Commission on whether the current national-level strategic and performance goals, which encompass Agreement State licensees, should include separate sub-goals for those licensees regulated by NRC and those regulated by Agreement States.

#### DISCUSSION:

In response to the SRM, the Office of State and Tribal Programs (STP) and the Office of Nuclear Material Safety and Safeguards (NMSS) worked jointly to prepare a letter to all Agreement States, requesting their comments on the issues raised by the Commission. This letter, Attachment 1, was transmitted on February 16, 2001, as STP-01-012. On February 21, 2001, a similar request was transmitted to the four NRC regional offices by electronic mail. In each case, comments were requested by March 30, 2001. As of May 15, 2001, STP and NMSS had received a total of 11 comments, including input from seven states and all four NRC regions. A full set of the comments appears as Attachment 2.

In Attachment 1, staff asked for comments not only on the current set of Strategic Plan goals, and the related strategic and performance level measures, but also on the metrics (i.e., the number of such events), and in particular, whether or not they should be reported collectively at the nation level, or separately, for NRC and Agreement States.

With regard to Item 2 of the SRM, there were no comments made in support of modifying the goals or measures, although there were a few in support of updating the metrics. Two States did not recommend specific changes to the goals or measures, but suggested the need for a more collaborative effort in developing or revising them in the future.

The joint working group of NRC and the Organization of Agreement States on Event Reporting also examined the question of possible changes to the Strategic Plan. The recent "Final Report of the Working Group on Event Reporting" includes a series of recommendations, some of which would, if adopted, be modifications to certain Strategic Plan measures. The Working Group report did not suggest the need for immediate changes to the Strategic Plan, nor the need for sub-metrics, and concluded that the data currently being collected are sufficient using the current measures. Decisions on the recommendations in the Working Group report serve as an opportunity to assess possible changes to the strategic plan, and the staff recommends that any revisions to the Strategic Plan goals and measures be developed in a more collaborative manner as a part of the next triennial Strategic Plan update. NMSS and STP staff, in conjunction with the Organization of Agreement States, is now beginning to develop an Action Plan to address the Working Group recommendations. As part of this effort, milestones will be included to reach consensus with the States on possible future Strategic Plan revisions to the materials arena safety goals and measures.

With regard to Item 3 of the SRM, the commenters, with the exception of one State, favored one national set of nuclear materials safety performance goals. Most of the commenters preferred a

unified tally against the single set of national goals, measures, and metrics. The thrust of the comments centered on the fact that the Agreement States and the NRC act collaboratively to regulate and improve radiation safety throughout the United States.

The metrics are primarily intended to identify national performance trends, and to help NRC and the Agreement States develop regulatory strategies that allow us to jointly maintain safe practices across the country. They are generally set at thresholds based on historical data that would indicate significant licensee safety performance trends at the national level. The staff agrees with most of the comments that the metrics should not be sub-divided on a State-by-State, or Region-by-Region basis. Although the data are available that would allow such reporting, the statistical significance of small numbers, combined with the differences in licensee population, would make interpretation difficult. With regard to the comments concerning the consequences for not meeting a numerical goal, it was never the staff's intention to draw a direct correlation between the absolute number of licensee events in an individual State or Region and an assessment of the adequacy of that regulatory program to protect the public health and safety.

Incident and event information is evaluated under the current set of common and non-common indicators used in the Integrated Materials Performance Evaluation Program (IMPEP). Information about events is made available to IMPEP teams as part of the preparations for the review.

#### RECOMMENDATIONS:

The staff recommends that the current single set of national materials program goals, measures, and metrics be maintained. Staff also recommends that the metrics be updated every year, if necessary, as new performance data become available. This will allow the staff to continue to challenge itself with meaningful national metrics, that not only NRC, but also the States will have developed.

#### RESOURCES:

There are no additional NRC resources required to implement the staff's recommendation.

#### COORDINATION:

Staff has coordinated this paper with the Office of the Chief Financial Officer. The Office of the General Counsel has no legal objections.

*/RA/*

William D. Travers  
Executive Director  
for Operations

Attachments:

- 1: STP-01-012, dated February 16, 2001
- 2: Agreement State and NRC Regional Comments

Attachment 1

February 16, 2001

ALL AGREEMENT STATES  
MINNESOTA, PENNSYLVANIA, WISCONSIN

**PROGRAM MANAGEMENT INFORMATION: REQUEST FOR COMMENT ON MATERIALS PERFORMANCE GOALS AND MEASURES SRM (STP- 01- 012)**

I am writing to ask for your assistance and input on the following two items contained in the January 25, 2001 NRC Staff Requirements Memorandum (SRM) resulting from the staff's January 10, 2001 Commission briefing on the status of the nuclear materials safety program. See <http://www.nrc.gov/NRC/COMMISSION/TRANSCRIPTS/index.html> for a full copy of the SRM and meeting transcript. The Commission asked that we:

1. Solicit input from the Agreement States on the current set of national-level strategic and performance goals to determine whether modifications are warranted, including the desirability of establishing separate subgoals for NRC and Agreement State licensees; and
2. Considering the input obtained in item 1, provide a recommendation to the Commission, on whether the current national-level strategic and performance goals, which encompass Agreement State licensees, should include separate subgoals for those licensees regulated by NRC and those regulated by Agreement States.

All Agreement States Letter STP-00-081 (November 29, 2000), transmitted the Commission-approved Strategic Plan (<http://www.nrc.gov/NRC/NUREGS/SR1614/V2/index.html>). We have enclosed background information on the Strategic Plan and on development of the performance goals. The enclosure also includes two tables which list each material strategic and performance goal and its associated numerical metric.

We would appreciate your review of these tables and feedback on whether you believe modifications are needed to the current set of strategic and performance goals and, if so, why. We would also appreciate your views on whether the goals should include separate subgoals for NRC and the Agreement States. (e.g., Whether the numerical goal (which represents NRC and Agreement State event reporting data) should be subdivided to separately reflect the performance of NRC, the Agreement States collectively, or individually for each Agreement State.)

Given the Commission's interest in your views and their time line for providing them with a recommendation (June 15, 2001), please provide your response to the individual named below **by COB March 30, 2001**. Additionally, if you or a member of your staff has an interest in participating in the evaluation of State responses to be used to prepare the recommendation to the Commission, please provide that individual's name to Kathy Allen, Chair, Organization of Agreement States, also **by COB March 30, 2001**. Please contact me at 301-415-3340 or the individual named below if you have any questions regarding this correspondence.

Note that this correspondence does not request any new event reporting information and is a totally separate request from that dated November 29, 2000 (STP-00-081) regarding event data for the annual report to Congress. It is also separate from the NRC and Agreement States Events Working Group effort to review the materials event reporting and assessment processes.

POINT OF CONTACT: Rosetta O. Virgilio INTERNET: [rov@nrc.gov](mailto:rov@nrc.gov)  
 TELEPHONE: 301-415-2307 FAX: 301-415-3502

This information request has been approved by OMB 3150-0029, expiration April 30, 2001. The estimated burden per response to comply with this voluntary collection is approximately 6 hours. Forward any comments regarding the burden estimate to the information and Records Management Branch (T-6-F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0029), Office of Management and Budget, Washington, DC 20503. If a document does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information.

**/RA/**  
 Paul H. Lohaus, Director  
 Office of State and Tribal Programs

Enclosure:  
 As stated

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STP-A-4

## **Background on the Development of Nuclear Materials Arena Safety Goals and Measures**

The Government Performance Results Act (GPRA) requires that agencies prepare an annual performance report to Congress based on its Strategic Plan performance goals and target metric performance data. All Agreement States Letter SP-99-077, dated December 2, 1999, described development of the Nuclear Regulatory Commission's (NRC's) FY 2000-2005 Strategic Plan and transmitted a copy of the Draft Nuclear Waste Safety Chapter for review and comment by Agreement States. On December 22, 1999 (SP-99-081), Agreement States were subsequently provided a copy of the draft Nuclear Materials Safety chapter of the Strategic Plan for review and comment. In accordance with GPRA, the Strategic Plan includes specific numerical performance goals for both the materials and waste areas. Background information on the goals and how they were derived follows:

When NRC developed its Strategic Plan, four performance goals were developed for each of its arenas, including the materials arena. Those goals are:

- Maintain safety and protect the environment, and the common defense and security;
- Increase public confidence;
- Increase our effectiveness, efficiency, and realism;
- Reduce unnecessary regulatory burden.

Within each of these performance goals, a number of strategic and performance measures were developed which are used to identify the degree of success in achieving each of the goals. (Although there is a linkage among the four performance goals, NRC believes that the first goal, maintaining safety, is pre-eminent.) The 32 Agreement States, regulating over 75% of the total materials licensees, play a major part in achieving success against the goals, especially the safety goal.

The measures are based on outcome, rather than output. In this context, the outcomes are events or incidents that occur that we hope to limit or prevent through our regulatory programs. Output measures, such as the number of licensing actions we complete, or the number of inspections we conduct, were not selected, since the emphasis was intended to be on the extent of our regulatory programs' influence over the outcomes.

The measures are presented in two tiers. The top tiered measures are called Strategic Measures. Events occurring against these measures would be very significant and could have major safety implications. They are shown below:

ENCLOSURE

**STRATEGIC MEASURES** (reportable to Congress in annual performance report) Definitions for each of these measures and how they will be tallied are provided in the endnotes of the Strategic Plan.

No deaths resulting from acute radiation exposures from civilian uses of source, byproduct, or special nuclear materials, or deaths from other hazardous materials used or produced from licensed material.

No more than 6 events per year resulting in significant radiation or hazardous material exposures from the loss or use of source, byproduct, and special nuclear materials.

No events resulting in releases of radioactive material from civilian uses of source, byproduct, or special nuclear materials that cause an adverse impact on the environment.

No losses, thefts, or diversion of formula quantities of strategic special nuclear material; radiological sabotages, or unauthorized enrichment of special nuclear material regulated by NRC.

No unauthorized disclosures or compromises or classified information causing damage to national security.

The second tier, "Performance Measures," are likely to be more frequent occurrences, and in most cases, will be of lower safety significance. They also represent precursors that will help identify trends in the outcomes, or potential regulatory weaknesses, which may need to be addressed before any of the strategic measures are tripped. These performance measures are shown below:

**GOAL 1 PERFORMANCE MEASURES** (reportable to Congress in annual performance report)

S1. No more than 350 losses of control of licensed material per year.

S2. No occurrences of accidental criticality.

S3. No more than 20 events per year resulting in radiation overexposures from radioactive material that exceed applicable regulatory limits. **Note:** Staff recommending change to no more than 40 events per year.

S4. No more than 45 medical events per year.

S5. No more than 40 releases per year to the environment of radioactive material from operating facilities that exceed the regulatory limits. **Note:** Staff recommending change to no more than 6 releases per year.

S6. No non-radiological events that occur during the NRC regulated operations that cause impacts on the environment that can not be mitigated within applicable regulatory limits, using reasonably available methods.

S7. No more than 5 substantiated cases per year of attempted malevolent use of source, byproduct, or special nuclear material.

S8. No breakdowns of physical protection or material control and accounting systems resulting in a vulnerability to radiological sabotage, theft, or unauthorized enrichment of special nuclear material.

The Strategic Plan should be consulted for additional and more detailed information on the strategic and performance measures.

### **Derivation of the Metrics**

Where did the estimated number of events (i.e., the metrics) come from? In most cases, they were developed in 2000, based on the Nuclear Materials Events Database (NMED) data for NRC and the States combined, over the prior two or three years (1997-1999). In most cases, this covers a period after which mandatory reporting requirements were in place. Once the data were collected, we averaged them over the time frame and used three standard deviations of the data, to establish a high confidence level, and to offset normal statistical fluctuations.

## Attachment 2

Region IV comments on the subject SRM on Strategic Plan Goals involving both NRC and State activities are discussed below.

1. We do not believe any additional changes to the strategic and performance goals are needed beyond those already recommended in the information sent to All Agreement States.
2. We believe that the goals should continue to be national goals, but it would be desirable to be able to report the contribution to each goal from Agreement State activities and from NRC activities. This might give us an indication of problems in NRC or Agreement State programs that warrant additional review or analysis.

Thank you for the opportunity to comment.

Dwight

The State of Utah comments are as follows:

1. No modifications are needed to the current set of strategic or performance goals.
- 2.. In terms of separate subgoals for NRC and Agreement States, they should not be subdivided. It is best to keep working on NRC/Agreement State relationships as a partnership effort to control sources of radiation. Performance numerical metrics for NRC alone, Agreement States collectively, or Agreement States individually may result in a potential for "fingerpointing."
3. Any additional reporting by the States is a resource concern from the standpoint of having to develop new databases or modify the existing database to satisfy whatever the reporting criteria may be in the future.

This is in response to your request for comments on national materials performance goals and measures (STP-01-012). We have reviewed the information provided and conclude that we should be focusing on a single "national materials program", not two or more subsets. Since our regulations must be compatible and our programs adequate, there seems to be no reason to segregate Agreement State and NRC results. We also conclude that the numerical goals (some of which we believe were set based solely on NRC licensee experience) should be adjusted to reflect the total national licensee experience (NRC plus Agreement State data).

With regard to our recommendation for a single set of performance goals and measures, please note that most of the goals are "zero" or very low numbers compared to the number of licensees represented. This means that separating the numbers could lead to the appearance of greater variations from year to year for any of the subsets than warranted by the actual variation of the whole. For instance, NRC could report 2 cases of malevolent use one year,

and one case the next, with the Agreement States reporting one the first year and two the next. There is no change in the total for each year, yet it could be argued there was a 100% increase in malevolent acts in the Agreement States and "only" a 50% improvement in the NRC states. With the small numbers in use as goals, a common reporting level makes the most sense.

The numerical goals themselves should reflect our national experience in order to be reasonably achievable. In this regard, each measure should be reviewed using the final update of NMED to assure that numerical goals are set neither too high nor too low. This accounting should be done after the Agreement States responses to STP-00-081 are entered into the NMED.

Thank you for the opportunity to comment.

Oregon recommends that subgoals be established for licensees in States that are regulated by the NRC and Agreement States that are equal goals for both the NRC and Agreement States.

Oregon recommends no changes and has no comments regarding the Strategic Measure portion (tier) of the Materials Performance goals.

For the Goal 1 Performance Measures tier, Oregon requests that you include the following comments:

S1. "No more than 350 losses of control of licensed material per year."

We recommend changing to: "No more than a total of 150 losses of control of licensed material per year with a subgoal of no more than 5 losses of control of licensed material per year per Agreement State or NRC regulated State."

S2. No comments.

S3. "No more than 20 events per year....."

We recommend changing to: "No more than 25 events per year resulting in radiation overexposures from radioactive material that exceed applicable regulatory limits with subgoal of no more than 1 event per Agreement State or NRC regulated State. "

S4. "No more than 45 medical events per year."

We recommend changing to: "No more than 50 medical events per year with a subgoal of no more than 2 medical events per Agreement State or NRC regulated State."

S5. "No more that 40 releases per year to the environment of radioactive material from operating facilities that exceed the regulatory limits."

We recommend changing to: "No more that 25 releases per year to the environment of radioactive material from operating facilities that exceed the regulatory limits with a subgoal of no more that 1 release per year to the environment per Agreement State or NRC regulated State."

S6., S7., and S8. - No comments.

Response to George Deegan's February 21, 2001 e-mail regarding Strategic Plan goals

Region III DNMS' position is that we definitely should not have separate submetrics for individual Agreement States and Regions. Statistics can be very misleading with diverse programs, in particular, some very small states.

As our Agency focus is moving to a National materials program, we think it is appropriate to combine all of the statistics into one basket. Doing so means, however, that we may be judged on something that we have very little regulatory impact or chance of preventing.

March 30, 2001

Paul Lohaus, Director  
Office of State and Tribal Programs  
U. S. Nuclear Regulatory Commission

Dear Mr. Lohaus:

This is in response to STP-01-012, "Request for Comment on Materials Performance Goals and Measures."

In keeping with the work being done by the National Materials Program Working Group in defining a national materials program, the situation that would have represented a true national effort would have been for the NRC and the states to have collaborated on both the performance goals and the measures. As it now stands, NRC has developed its own strategic plan, including goals and measures, as have the individual states. In Texas, our strategic plan, goals, and measures have been in place for many years. The outcomes are evaluated annually and the results reported the Legislative Budget Board. Any change in our plan, goals, or measures requires approval from the Legislative Budget Board.

The four NRC performance goals are very broad in scope and represent concepts that we can support. However, we have several questions as to how the numerical goals would be evaluated, since they represent an entirely separate set of performance measures than we are currently required by to report. We recognize that the numerical performance measure goals were developed based on data from the Nuclear Materials Events Database (NMED), including events reported by the states. Regardless of whether the numerical performance measure goals are evaluated collectively or individually for each Agreement State, what is the consequence for not meeting the goals? Will each evaluation and potential consequence be covered under the IMPEP review?

Therefore, our main concern is not whether the numbers are subdivided, but the consequences for not meeting a numerical goal. We appreciate the opportunity to provide comments. If you have any questions, please contact me or Cindy Cardwell of my staff.

Sincerely,

Richard Ratliff, P.E., Chief  
Bureau of Radiation Control  
Texas Department of Health

In response to STP-01-012 the following comments are offered:

1. The Agreement States and the NRC are a team to regulate and improve radiation safety throughout the United States. Accordingly, there should be one goal and the goal should be subdivided between Agreement States (collective) and the NRC.

2. It is recognized that events will occur and that some quantifiable goals/measures are necessary to assess performance; however, as we discussed this morning, I have some difficulty with the measures that have been established. What are we really trying to accomplish? Consider S7---What does it really measure? Could more regulations have prevented an event? Probably not. Also, responding to a question from a State Senator, or County Judge, or citizen-- are 3 or 4 attempted malevolent uses of material considered acceptable? Certainly not. It is not more than 5! What is the true basis for the 5? I know this is not the correct approach, but I also know these questions will be thought of and will be asked. If 7 events occur, what happens? How will the program be judged? What does it mean? How will it be explained to the public which we serve? I believe it would be difficult to judge a regulatory program for random events that may not have observable precursors or indicators, or, over which the Agency has no direct control (short of continuous presence with the individual by the Agency). Also, human error will occur and cannot be prevented by regulations.

3. Another comment has been received from Division staff: "Are the States and NRC being set up for failure"? As noted in Paragraph 2, above, if an event occurs outside the control of the Agreement State or the NRC, the annual measure may be exceeded--and the Agreement States or NRC (or both) will not meet its goal and be considered "failed" in that measure. However, the best regulatory effort could not have prevented a "stupid" act or intentional violence.

4. Will all types of Radioactive Material Licenses be included in the Agreement State goal?

5. As we also discussed in our conversation, I do not have an alternative solution, yet. Realistic and measurable goals (which are meaningful) are difficult.

If you have questions, please contact me.

David D. Snellings, Jr.

Thanks for the reminder. I would agree with RIII's comment that we should not pursue separate subgoals for the NRC programs and AS programs---public confidence is really based on the national program and our metrics should be reflective of that.

On the specific performance measures, I have some comments. The FY 2000 Performance and Accountability report lists performance against measures. Specifically,

On S1, we reported 227 and 201 actual losses of control of licensed material in FY 99 and 00 respectively, against a goal of 350. While there's insufficient data to suggest a downward trend, it appears to me that operational experience warrants a revision of the goal, at least down to 300 and possibly lower than that. This would still leave a comfortable margin to avoid exceeding the goal.

S3 Do we really want to double the metric on overexposures. In FY99 we had 26 and in FY00 we had 11----doesnt seem to support the proposed change.

S5 Agree with the change, based on operational experience and this supports my position on S1 above.

Give me a call if you have questions

George

I thought we had replied - forgive me. We agree with RIII's approach - that it would be difficult to determine how to split up the metrics. Given that RIV has more radiographers, should they be allocated more overexposures? Given we have more eye applicators, should we be allocated more misadministrations? I think we likely would spend more time separating out metrics than warranted. But if there were some simple, fair way to do it (perhaps try a pilot next FY?), then our position could be changed.

Rosetta: Lucia Lopez is putting all of the paper and its attachments into ADAMS as we go final. I do not have the Illinois comments electronically. Only a hard copy. Could you send me and her an electronic version of that April 5 comment for inclusion in Attachment 2? Thanks.

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**From:** jake.jacobi@state.co.us  
**To:** <rov@nrc.gov>  
**Date:** 3/28/01 9:13PM  
**Subject:** STP-01-012

=====  
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We concur with the comments of Terry Frazee regarding performance goals and measures (STP-01-012). As the states and the NRC move toward a National Materials Program, it is appropriate that we are collectively evaluated by unified criteria.

We also believe future performance and numeric goals should be established, not just by soliciting input from states, but that the regulatory programs, states and the NRC, should jointly develop them in partnership.

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**From:** Rosetta Virgilio  
**To:** Terry, Frazee,  
**Date:** 3/20/01 8:52AM  
**Subject:** Re: STP-01-012

Thanks for the response, Terry.

>>> "Frazee, Terry" <Terry.Frazee@DOH.WA.GOV> 03/16/01 12:45PM >>>  
This is in response to your request for comments on national materials performance goals and measures (STP-01-012). We have reviewed the information provided and conclude that we should be focusing on a single "national materials program", not two or more subsets. Since our regulations must be compatible and our programs adequate, there seems to be

no reason to segregate Agreement State and NRC results. We also conclude that the numerical goals (some of which we believe were set based solely on NRC licensee experience) should be adjusted to reflect the total national licensee experience (NRC plus Agreement State data).

With regard to our recommendation for a single set of performance goals and measures, please note that most of the goals are "zero" or very low numbers compared to the number of licensees represented. This means that separating the numbers could lead to the appearance of greater variations from year to year for any of the subsets than warranted by the actual variation of the whole. For instance, NRC could report 2 cases of malevolent use one year, and one case the next, with the Agreement States reporting one the first year and two the next. There is no change in the total for each year, yet it could be argued there was a 100% increase in malevolent acts in the Agreement States and "only" a 50% improvement in the NRC states. With the small numbers in use as goals, a common reporting level makes the most sense.

The numerical goals themselves should reflect our national experience in order to be reasonably achievable. In this regard, each measure should be reviewed using the final update of NMED to assure that numerical goals are set neither too high nor too low. This accounting should be done after the Agreement States responses to STP-00-081 are entered into the NMED.

Thank you for the opportunity to comment.

\*\*\*\*\*

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\*\*\*\*\*

This message from Terry C. Frazee  
e-mail [terry.frazee@doh.wa.gov](mailto:terry.frazee@doh.wa.gov)

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**CC:** Cool, Donald; Deegan, George; Droggitis, Spiros; Kerr, Kathaleen; Lohaus, Paul; Schlueter, Janet; Schneider, Kathleen

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**Letter to Paul Lohaus from the State of Illinois, April 5, 2001 ML011360755**

STATE OF ILLINOIS  
**DEPARTMENT OF NUCLEAR SAFETY**

1035 OUTER PARK DRIVE • SPRINGFIELD, ILLINOIS 62704  
217-785-9900 • 217-782-6133 (TDD)

George H. Ryan  
Governor

Thomas W. Ortciger  
Director

April 5, 2001

01 APR 13 PM 3:54  
OSP

Paul H. Lohaus, Director  
Office of State and Tribal Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Re: Request for Comment on Materials Performance Goals and Measures SRM  
(STP-01-012)

Dear Mr. Lohaus:

The Illinois Department of Nuclear Safety (Department) hereby submits its response to the above-identified Agreement States letter. The letter requests assistance and input on the current set of national-level strategic and performance goals to determine whether modifications are warranted and whether separate subgoals should be included for those licensees regulated by NRC and those regulated by Agreement States. The Department's comments follow:

1. The third top-tiered strategic measure states, "No events resulting in releases of radioactive material from civilian uses of source, byproduct, or special nuclear materials that cause an adverse impact on the environment." An "adverse impact on the environment" is a very broad term that is subject to a wide variety of interpretations. Clarification on what constitutes an "adverse impact on the environment" would help preclude very minor events from being included in performance monitoring.
2. We are committed to the National Materials Program approach; therefore, there should not be separate subgoals for licensees regulated by NRC and those regulated by Agreement States. Adequacy and compatibility is ensured through the Integrated Materials Performance Evaluation Program (IMPEP) and distinctions between NRC and Agreement States are not warranted.

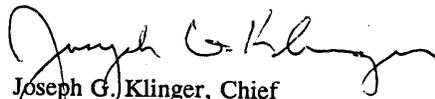


U.S. Nuclear Regulatory Commission  
April 5, 2001  
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3. The numerical goals should be readjusted to include all NRC and Agreement State licensee experience, and after all of the Agreement State responses to STP-00-081 are entered into NRC's Nuclear Material Events Database.

Thank you for the opportunity to comment. Please contact me at (217) 785-9930 if you have any questions.

Sincerely,

  
Joseph G. Klinger, Chief  
Division of Radioactive Materials

JGK:kjg

cc: Jim Lynch, State Agreements Officer