

November 16, 2005

SUMMARY OF COMMENTS ON SA-103, "Reviewing the Common Performance Indicator, Technical Staffing and Training"

I. Sent to the Agreement States for Comment: May 7, 2004 (STP-04-034)

Comments / Dated: Iowa - 5/12/04 (letter with mark-up)
Washington - 5/24/04 (e-mail - no comments)

IOWA

Comment 1:

Most of my comments have to do with document layout. I support the document content.

Response:

We appreciate the comment; on investigation, it appears to be a formatting conflict between the printer drives used by NRC and State of Iowa. The final document will be posted on the STP homepage in adobe format and staff will verify that the document layout and numbering is correct before posting.

Comment 2:

V.C.4. Editorial. Place FTE before the word "staff."

Response:

We agree with this comment and the procedure will be revised accordingly.

II. Sent to the NRC Offices for Comment: May 7, 2004

Comments Dated: NMSS - 5/26/04 (e-mail)
HR - 5/27/04 (mark-up)
OGC - 5/27/04 (mark-up)
Region I - 6/2/04 (e-mail)
Region IV - 6/3/04 (email)
Region III - 6/7/04 (email)

NMSS

Comment:

Page 2, V. A. 1. This paragraph has (non-reactor) after special nuclear materials. Is "non-reactor" needed? Under the next paragraph, 2., it is clear that the procedure is for Atomic Energy Act material only.

Response:

We agree with this comment and the procedure will be revised accordingly.

HR

Comment 1:

In Section II.C., why do we want to ensure that high-level vacancies are filled in a timely manner when Section III. states that the key to conducting effective licensing, inspection and incident and allegation response programs is having a sufficient number of experienced, knowledgeable, qualified, and well-trained technical staff?

Response:

The intent of this comment is valid. Under normal operating conditions, it is the technical staff that is critical to the effectiveness and efficiency of the licensing, inspection, and incident and allegation response programs. However, past history has shown that a senior-level vacancy over an extended period of time can detrimentally affect a program, especially in smaller State programs. The objective in this procedure regarding the examination of senior-level vacancies is a specific criterion from NRC Management Directive (MD) 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*. Because of the presence of this criterion in MD 5.6, we believe that it is necessary to retain it in the objectives of this procedure. The intent of the objective is to look at all vacancies in a program with additional attention paid to senior-level positions. No changes will be made to the procedure based on this comment.

Comment 2:

In Section II.D., why are the licensing and inspection programs referred to separately? Don't some States have individuals that do both licensing and inspection?

Response:

We appreciate the comment since many States have individuals that perform both licensing and inspection actions. However under IMPEP, licensing and inspection activities are reviewed separately. We believe that it is necessary to make a distinction that the licensing, inspection, and incident response and allegations programs are independent of each other based on IMPEP criteria. No changes will be made to the procedure based on this comment.

Comment 3:

Add (SP 97-087) as a reference after mentioning the NRC/OAS Training Working Group Recommendations for Agreement State Training Programs.

Response:

We agree with this comment and will revise the procedure accordingly.

Comment 4:

In Section V.D.8., the procedure mentions the review team presenting any deficiencies or potential shortcomings in NRC or State training courses to the MRB for further discussion. Hopefully, the review team would provide an opportunity to comment on the findings to ADTD if related to an NRC course.

Response:

We agree with this comment and will add additional language to this section. The revised section will be as follows:

Any deficiencies, or potential shortcomings in NRC or State training courses (content or availability), even though these findings may not be appropriate for inclusion in the assessment against this performance indicator. **The review team should discuss these**

findings at the Management Review Board meeting if the findings are not included in the assessment against this performance indicator. At the discretion of the IMPEP Project Manager, a representative from the NRC's Office of Human Resources may be asked to participate on the MRB if issues involving NRC or State training courses will be discussed;

Comment 5:

Editorial comments on grammar and spelling.

Response:

Many of the comments were accepted and addressed.

OGC

Comment:

Comments on grammar and spelling.

Response:

We agree with these corrections and the procedure will be revised accordingly.

Region I

Comment 1:

Section V.C.1.: Change "principal review" to "principal reviewer"

Response:

We agree with this comment and the procedure will be revised accordingly.

Comment 2:

4th frequently asked question: The answer should also reference the use of the Staff Need Resource Analysis tool in Appendix B of SA-700 as a tool to evaluate the level of staffing.

Response:

We agree with this comment and will add the following text to the frequently asked questions section:

A State may find Appendix B of SA-700 helpful in evaluating staffing levels in their program. This is a worksheet traditionally used in the initial implementation of a new Agreement State program; however, the same worksheet may be used by an existing Agreement State program to evaluate the adequacy of the number of FTE in their program.

Region IV

Comment:

In Section V. Guidance, D. Review Details, 6, and the attached FAQs. Based on the discussion in those sections, we are not sure if it is or is not required to have a documented training program. Paragraph 6, states that the principal reviewer should evaluate and document the following: "Minimum qualification and training program requirements for personnel in the program are documented."

Response:

We agree with this comment. The language as previously written may have been misleading or confusing. A documented training program is not required as stated in the first frequently asked question of Appendix B. Section V.D.6. will be revised as follows for clarity:

Whether minimum documented qualification and training program and qualification requirements for personnel in the program are documented and whether the qualification and training status for each staff member is documented, as well as how personnel stand relative to those requirements (See Appendix A for a sample training program description);

Region III

Comment 1:

Section V(C)(1) second sentence should read "...the principal reviewerer should..."

Response:

See the response to Region I, Comment 1.

Comment 2:

Section V(D)(1) second sentence should read "Adequacy of the FTE to properly..."

Response:

We agree with this comment and the procedure will be revised accordingly.

Comment 3:

Consider renumbering procedures SA-101, SA-102 and SA-103 to correlate with the order of common indicators evaluated during IMPEP reviews.

Response:

We appreciate the comment; however, at this time, we do not intend to renumber the procedures for the common performance indicators. We believe that the naming of the documents is sufficient for identification purposes. No changes will be made to the procedure based on this comment.