

April 4, 2007

SUMMARY OF COMMENTS ON SA-104, REVIEWING THE COMMON PERFORMANCE INDICATOR, TECHNICAL QUALITY OF LICENSING ACTIONS

I. Sent to the Agreement States for Comment: February 22, 2007 (FSME-07-018)

Comments/Dated: Virginia - 3/5/07 (e-mail)
Illinois - 3/20/07 (e-mail)

Virginia

Comment:

Objective item D states: "To confirm that license reviewers have the proper signature authority for the cases they review independently." What does the NRC mean by signature authority? Each state varies on what the reviewer can do and this is very generic. I think the objective should state something to the effect that the authority is verified against the agency's procedures.

Response:

We agree that further clarification is needed on this issue. See response to Region IV's Comment 1.

Illinois

Comment:

We noted that Appendix A was drastically abridged to eliminate specific licensing ticklers for the reviewer and now only includes a summary page. Illinois is not in favor of this revision as it appears to give reviewers too much latitude and not enough guidance during the course of the review. Reviewers need some parameter to follow during IMPEP to ensure that critical items are covered consistently from reviewer to reviewer and also to ensure that the review does not go beyond the bounds of the performance indicator.

Response:

The use of Appendix A was not required as part of an IMPEP review. Appendix A was developed to assist the principal reviewer in their evaluation of a radioactive materials program's licensing actions. Since the development of the original Appendix A, the qualifications for the principal reviewer for the Technical Quality of Licensing Actions has been revised to require that individual to be a journal-qualified license reviewer. A survey of individuals qualified to review this indicator revealed that the Appendix was not routinely used and that most reviewers referred to the program-specific guidance in the NRC's NUREG-1556 series. A reference to NUREG-1556, Vols. 1-20, have been added to Section V.B.2.i.

II. Sent to the NRC Offices for Comment: February 22, 2007

Comments/Dated: Region IV - 3/13/07 (email)
Region III - 3/15/07 (e-mail)
OGC - 3/20/07 (e-mail)

Region I - 3/21/07 (e-mail - no comments)
DWMEP - 3/26/07 (e-mail)

Region IV

Comment 1:

Section II.D. Add the phrase “if applicable.” Some or most Agreement State reviewers don’t have authority to sign licenses, only their supervisors.

Response:

We agree with this comment, and the procedure was revised accordingly. As well, a “frequently asked question” addressing this topic has been added in the newly created Appendix B.

Comment 2:

Section V.A.2. Determine date when NRC staff will start reviewing AEA material under the new definition (NARM, discrete radium sources).

Response:

The date that IMPEP review teams will begin to review regulatory actions involving the materials added to the definition of byproduct material (as defined in the Atomic Energy Act, as amended) may vary depending on the program under review. We do not believe it is necessary to define those varying time frames in this procedure. The NRC Regional and Agreement State radioactive materials programs will be notified in advance through a separate medium. In addition, the IMPEP teams will be given additional guidance through a separate medium.

Comment 3:

Section V.B.2.d. Replace “teletherapy” with “gamma knife.” Teletherapy is an older modality no longer in use

Response:

We agree with this comment, and the procedure was revised accordingly.

Comment 4:

Section V.B.2.f. Add the phrase “requiring Increased Controls.”

Response:

We agree that it is important that IMPEP review teams include actions involving licenses subject to the Increased Controls in their evaluations; however, additional guidance to IMPEP reviewers in regard to the Increased Controls is provided in Temporary Instruction-002, “Integration of Increased Controls into the Integrated Materials Performance Evaluation Program (IMPEP).” At this time, we do not believe it is necessary to modify this procedure to incorporate the Increased Controls. The appropriate changes will be made to this document at the conclusion of the initial implementation phase of the Increased Controls.

Comment 5:

Section V.D.8. Add the following note: “See Implementation of Pre-Licensing Guidance (FSME-06-114).”

Response:

We do not believe that this reference is necessary since the pre-licensing guidance is merely being used as an example of how a licensing program may change during a review period. The above referenced letter will be included on the IMPEP CDs that are given to IMPEP Team Members, as well as the letter that informs the Agreement States that IMPEP review teams will begin to evaluate their implementation of the pre-licensing guidance or equivalent. No change was made to the procedure as a result of this comment.

Comment 6:

Appendix A. Leave the Appendix unchanged. The guidance is helpful to reviewers.

Response:

See response to Illinois's comment.

Several editorial and/or word choice comments were made, all of which were incorporated into the procedure.

Region IIIComment 1:

Section V.B.2.d. IMPEP review teams typically limit evaluation of licensing actions to those from Priority 1, 2, and 3 licenses. These higher priority licenses generally address more significant health and safety issues than do Priority 5 licenses. We suggest that the "gauges and measuring devices" example be removed from the procedure.

Response:

We agree with this comment, and the procedure was revised accordingly.

Comment 2:

Section V.D.6. This item addresses evaluation of pre-licensing visits for complex licensing actions. We suggest that additional information be included to emphasize the recent discussions with Agreement States regarding the implementation of pre-licensing guidance.

Response:

Pre-licensing visits for complex licensing actions are typically not associated with the implementation of pre-licensing guidance. Licensing site visits are conducted by the responsible license reviewer or a designated inspection staff member in order to accomplish one or more of the following objectives: (1) evaluate the applicant's ability to conduct safe operations and comply with requirements; (2) evaluate safety and technical issues that are not easily understood through correspondence or telephone conversations; (3) expedite resolution of issues and concerns through discussions with the applicant; (4) verify statements and commitments in the license application; and (5) provide a first-hand review of the applicant's staff, site, and facilities. To implement the pre-licensing guidance, an Agreement State only needs to have a program that achieves the same essential objectives as the Checklist in Appendix C of NUREG-1556, Vol. 20. The Agreement State's method of achieving those essential objectives may or may not involve pre-licensing visits. The pre-licensing guidance issue would be covered under Section V.D.8., which addresses changes to the licensing program. No changes were made to the procedure as a result of this comment.

Comment 3:

Section VII. The title of Management Directive 5.6 should be in italics.

Response:

We agree with this comment, and the procedure was revised accordingly.

OGC

Comment 1:

Section V.C.2. Insert "(FSME)" after reference to the Office of Federal and State Materials and Environmental Management Programs.

Response:

We agree with this comment, and the procedure was revised accordingly.

Comment 2:

Section V.D. If the reviewer specific guidance in Appendix A is to be deleted, then add a more specific and general reference to other licensing guidance documents, such as NUREG-1556, in the body of the procedure.

Response:

We agree with this comment. A reference to NUREG-1556, Vols. 1-20, has been added to Section V.B.2.i.

DWMEP

Comment:

Are the States only involved in Complex Decommissioning sites? If not, why is only that type of decommissioning mentioned in the procedure?

Response:

No, Agreement States can be involved in a broad spectrum of decommissioning activities, ranging from routine to complex. All licensing actions completed during the review period are candidates for evaluation by the review team during the on-site review, which could include any routine decommissioning activities. As is the practice in IMPEP, review teams focus on activities where there is a greater potential for significant public health and safety and/or environmental impact, hence why special attention is given to complex decommissioning activities. No change was made to the procedure as a result of this comment.