

STP Procedure SA-105, Reviewing Technical Quality of Incident and Allegation Activities

Sent to Agreement States, Regions and NMSS for comment: December 14, 2006. Minor editorial comments received from the Regions, OGC, NSIR, and NMSS were made to the procedure, as appropriate, and are not documented in this comment resolution paper.

1. Section III. "Background"

Comment: Suggest changing the word "quality" to "effectiveness." (HLWRS, NMSS)

Response: The suggested word change was changed.

2. IV. Roles and Responsibilities

Comment: Under section A, *Team Leader*, the second sentence appears to be the responsibility of the "principal reviewer." Suggest moving this sentence to IV. B. (HLWRS, NMSS)

Response: The section has been revised as suggested.

Comment: As the principal reviewer is responsible for conducting the reviews of incidents and allegations to determine level of performance, suggest required training and qualifications for that individual be provided. (HLWRS, NMSS)

Response: As stated in this section, required training and qualifications for the principal reviewer are contained MD 5.10, *Formal Qualifications for Integrated Materials Performance Evaluation Program (IMPEP) Team Members*.

3. Section I.B. Introduction

Comment: Ensure that the list of regulations are complete, for example 10 CFR 71.95 may also be an applicable section to reference. This Section describes an incident as any condition which would cause conditions as described in these sections to occur. (HLWRS, NMSS)

Response: This list has been reviewed and 10 CFR 71.95 has been added.

4. Section V.B. Evaluation Procedures

Comment: Suggest you change the second sentence to require "The state shall remove personal information from documents to protect the identify of allegers." (HLWRS, NMSS)

Response: As per the NRC's Agreement State program, we do not prescriptively dictate to our State counterparts how they protect the identity of allegers. We do require that they implement an allegation program adequate to protect public health and safety and the adequacy of their program is evaluated. No change will be made in response to the suggestion.

Comment: The third sentence states "In order to increase flexibility and efficiency, the principal reviewer may, in appropriate cases, adopt a portion of the AAA audit to augment the IMPEP report for the Regions." Suggest this be carnified to state that the principal reviewer performs an independent review and does not rely on the results of the AAA audit to draw any conclusions. (HLWRS, NMSS)

Response: The section has been revised as suggested.

5. Section V. Guidance:

Comment: Section A.2 makes reference to non-Atomic Energy Material. Please ensure that this procedure will not be affected by the new NARM rulemaking and subsequent transition plan by the Agency. This made need to be reworded. (Maine)

Response: Section A.2. as written includes the new definition of byproduct materials. No change to this procedure based on this comment will be made.

Comment: In Section D, suggest providing minimum acceptable performance criteria for each area evaluated. (HLWRS, NMSS)

Response: Management Directive 5.6, Integrated Materials Performance Evaluation Program contains evaluation criteria for areas (indicators) evaluated during IMPEPs. At this time, we do not believe that the criterion contained in MD 5.6 need to be added to this procedure. No changes to the procedure were made as a result of this comment.

Comment: Suggest, if appropriate, adding a step to address instances where investigations regarding alleged criminal violations are involved. (HLWRS, NMSS)

Response: SA-300, Reporting Material Events, specifically Section 1.6, contains instruction regarding alleged criminal violations. No changes will be made to the procedure based on this comment.

6. Appendix C, Frequently Asked Questions

Comment: It is not clear why the *Frequently Asked Questions* (FAQs) are being added, the information provided seems very basic if directed primarily at individuals preparing for or carrying out an IMPEP. If 1-2 sentences of basic explanation are considered necessary (like a reminder on what NMED is or how to access Event Notifications), we could just include that information in the text of the procedure. (Region IV)

Response: Appendix C was added to provided to add simple and clear answers to those questions that may not be basis for newer IMPEP team members and as a refresher tool for those that may not have participated on IMPEP for some time. No changes to this section were made as a result of this comment.

Comment: Also, the sixth Q&A seems a bit strangely worded; we do not use ARBs to "evaluate agreement state performance relative to allegations". (Region IV)

Response: We agree with the comment and the answer has been reworded.

Comment: In 2nd answer under *Frequently Asked Questions*, we need to ensure that the definitions of byproduct material and non-AEA material are consistent with what has always been intended for what we enter into NMED. We need to ensure that the NARM rulemaking doesn't change this. (Maine)

Response: This procedure, as written includes the new definition of byproduct materials. No change to this procedure based on this comment will be made.