

December 22, 2006

SUMMARY OF COMMENTS ON IMPEP QUESTIONNAIRE

I. Sent to the Agreement States for Comment: November 6, 2006 (FSME-06-103)

Comments/Dated: Maine - 12/21/06 (e-mail)

Maine

Comment 1:

Just wondering why the questionnaire does not follow the traditional format for outlining but instead list the questions numerically regardless of what section/part they are in. Would it make more sense to go back to the standard outline format?

Response:

We appreciate the comment; however, we believe that numerically listing the questions regardless of section/part is a more efficient method of cross referencing responses to their respective questions. By using this numbering method, there is no possibility of mislabeling responses as there are not multiples of any single number. No change will be made to the questionnaire as a result of this comment.

Comment 2:

Would it make sense to change the verbiage in (new) question 11 in the first sentence to read "pursuant to" instead of "as identified?"

Response:

We agree that Question 11 needed to be rephrased to better clarify what information is being requested. In order to do so, Question 11 has been revised to read as follows:

911. Please provide for the review period, the number of routine inspections of Priority 1, 2, and 3 inspections licensees, as identified defined in IMC 2800; that were completed and the number of initial inspections; and the number of increased controls inspections that were completed during the review period.

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

Comments/Dated: Region IV - 11/29/06 (e-mail)
OGC - 11/30/06 (mark-up)
DILR - 12/11/06 (e-mail)
DWMEP - 12/21/06 (e-mail)

REGION IV

Comment 1:

Section II. Status of Materials Inspection Program, Number 10. Recommend deleting “Region” in the first sentence. The Regions must follow NRC’s program office requirements in IMC 2800.

Response:

We agree with this comment and the procedure has been revised accordingly. The Regions must follow the inspection intervals in IMC 2800 and may no longer grant extensions based on good performance by the licensee; therefore, the Regions would not have input for this question.

Comment 2:

Section II. Status of Materials Inspection Program, Number 10. Recommend deleting request to provide “licensee name and license number” in the last sentence. The information is not necessary since the categories of licensees will be provided.

Response:

We appreciate the comment; however, the question asks for information regarding extensions to individual licensees as well as groups of licensees. We believe it is important to have the licensee name and license number to evaluate the file during an on-site review to verify documentation of the rationale for the extension is in the file. No change will be made to the questionnaire as a result of this comment.

OGC

Comment:

Section II. Status of Materials Inspection Program, Number 10. It’s not clear what “overdue” means. I think it means at an interval exceeding the IMC 2800 frequency. If so, I think it would be clearer if we said that.

Response:

Because the question now also addresses Increased Controls inspections, the term “overdue” does not only refer to inspections at intervals exceeding the IMC 2800 frequencies. “Overdue” can also refer to Increased Controls inspections that were not conducted in accordance with the Staff Requirement Memorandum for COMSECY-05-0028. The procedure has been revised in the following way in order to provide additional clarification.

Please submit a table, or a computer printout, that identifies inspections of Priority 1, 2, and 3 licensees, **increased controls**, and initial inspections that ~~are presently overdue or which were conducted~~ **overdue per the applicable guidance** ~~at intervals that exceed the IMC 2800 frequencies over the course of the entire review period. (See STP Procedure SA 101, *Reviewing the Common Performance Indicator, Status of Materials Inspection Program*, for detailed guidance in preparing this information).~~ **Priority 1, 2, and 3 licensees and initial inspections must be conducted at least as frequently as the inspection intervals established in IMC 2800. Increased controls inspections should be conducted at the intervals established in the Staff Requirements Memorandum for COMSECY-05-0028.**

DILR

Comment:

I would suggest rewording the statement under the Notes: section on the first page. The statement, "Please refrain from associating...." It reads a little unclear to me, if the intent is to request that AS only submit answers specific to asked questions, I would just simply word it that way.

Response:

We appreciate the comment. After deliberation, we do not believe that that statement is necessary and have removed it from the questionnaire.

DWMEP

Comment 1:

Page 1, Paragraph #1 under Notes: Please add:

For specific few cases, the NRC has incorporated "Complex Decommissioning Review" as a non-common performance indicator No. 6 for regional and applicable State IMPEP reviews. This indicator was previously referred to under MD 5.6 as "Non-Common Performance Indicator 6 - Site Decommissioning Management Plan (SDMP)." It is anticipated that an IMPEP review procedure would be developed for this indicator.

Response:

At this time, Non-Common Performance Indicator 6, Site Decommissioning Management Plan, does not apply to the Agreement States; therefore, this statement is false. Imposing the criteria of the SDMP indicator on the Agreement States would take a revision to Management Directive 5.6. Right now, the decommissioning activities in Agreement States are evaluated as a portion of the the State's licensing and inspection activities. No change will be made to the questionnaire as a result of this comment.

Comment 2:

Page 2, under Section, I number 3, Paragraph #1, line #1: Please modify the phrase from "emergency response, LLW, U-Mills, other," to "emergency response, LLW, U-Mills, complex decommissioning, other."

Response:

Agreement State decommissioning activities (including complex sites) are evaluated as part of the State's licensing and inspection programs; therefore, FTE dedicated to complex decommissioning activities would be captured in the FTE dedicated to materials licensing and compliance. Not all Agreement States have FTE solely dedicated to complex decommissioning activities. These actions are normally performed by the materials inspectors and license reviewers that also handle the routine casework. No change will be made to the questionnaire as a result of this comment.

Comment 3:

Page 4, Section IV, please add Paragraph #4:

20. Please provide a list of on-going decommissioning sites under State authority and identify complex decommissioning cases (e.g., sites with extensive soil contamination, offsite releases, subsurface contamination, and/or Groundwater/surface-water contamination, or any that require review and approval of a decommissioning plan or authorization prior to beginning decommissioning).

Response:

IMPEP reviews typically focus on completed licensing and inspection actions rather than on on-going actions. Occasionally, on-going actions will be reviewed if weaknesses in other casework is identified. Requesting a list of on-going decommissioning activities would be an information collection activity that would not necessarily benefit the team in their preparation for the review. If this information is being collected for other reasons, the IMPEP questionnaire is not the appropriate avenue to collect this information. A separate effort is under consideration to collect this as well as other decommissioning information on an annual basis. Through IMPEP, only a small portion of the population would be captured in a given year and would not be as efficient of a method as a separate effort that polls the Agreement States annually. No change will be made to the questionnaire as a result of this comment.

Comment 4:

Page 5, under item "C," Section I, please add:

31. Please provide State regulation and guidance, if any, or others used for decommissioning. Please provide procedure or amendments and address compatibility with NRC's 10 CFR Part 20 Subpart E

Response:

Agreement State regulations are required to be compatible with equivalent regulations of the NRC; therefore, any NRC regulations pertaining to decommissioning would have equivalent, compatible Agreement State regulations. During the review of this indicator, the review team will determine whether all required regulations are in place or not. Having a question specific to decommissioning regulations will not benefit the team in preparation of this review. That information should already be available. Guidance documents are not looked at as a portion of this indicator, but would be reviewed under the licensing and inspection indicators if a performance weakness is identified. Agreement States are allowed some flexibility in how they implement their decommissioning regulations since many decommissioning regulations are Compatibility Category C. No change will be made to the questionnaire as a result of this comment.

Comment 5:

Page 6, at the end of Item IV, please add a new item:

V. Complex Decommissioning Sites

35. If the State is engaged in complex sites decommissioning, please include information on the following questions in Section A, as they apply to complex decommissioning:

- a) Identify, by licensee name and number of all complex sites currently undergoing decommissioning and the status of each site.
- b) Identify, by licensee name and number of all licenses terminated for complex sites since the last IMPEP.
- c) Identify the specific decommissioning criteria (i.e., concentration values for all radionuclides or dose-based criteria) that was used at terminated complex sites and is being used at complex sites currently being decommissioned.
- d) Identify the manner in which compliance with the criteria is being evaluated (i.e., dose evaluation approach, confirmatory survey methodology, etc).

Response:

See response to DWMEP Comment 1. This indicator does not apply to the Agreement States. This issue will be visited at the next revision to Management Directive (MD) 5.6. At this time, no change to the questionnaire will be made as a result of this comment since the questionnaire must reflect the current version of MD 5.6.