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March 15, 2016

Pamela Henderson  
Office of Nuclear Materials Safety and Safeguards  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

RE: SECY-16-0009 Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities.

Dear Ms. Henderson,

The Organization of Agreement States (OAS) Executive Board (Board) has reviewed the above document and respectfully submits the following concerns that the Commission should consider when evaluating the staff's recommendations.

General comments:

- 1) The Board would like to express its dissatisfaction in the manner in which the NRC requested input from the Agreement States on the Project AIM questions. State program directors were provided with RCPD-15-007 on a Friday afternoon and only given two business days to provide comments. The topics of concern are very important to Agreement States and as such, we need sufficient time to reasonably consider any proposals NRC will make which affect the National Materials Program. Allowing only two days of comment does not reflect a desire on the part of the NRC to solicit valuable input from its partners.
- 2) In addition to the items listed in the staff's recommendations, the Board believes the NRC could gain efficiencies in the Integrated Materials Performance Evaluation Program (IMPEP) in the following ways:
  - a. The periodic Agreement State review could be reduced to a written report submitted to the Regional State Agreement Officer (RSAO) for review and allow for the RSAO to determine if an on-site meeting is required. This would lessen the effect on Agreement States and still maintain adequate review of the Agreement State's program by the NRC.
  - b. Performing inspection accompaniments during the Agreement State IMPEP should be removed. The Agreement State program managers are required to approve their staff to perform inspections and perform annual accompaniments to ensure their staff are proficient. The IMPEP team could review the manager's reports and discuss the staff's performance with the manager during the IMPEP.

- c. The NRC should consider ways to streamline the IMPEP process including the use of more electronic methods of reviewing records. This could be coupled with the expansion of the Web-Based Licensing system (WBL) by allowing IMPEP reviewers to review files at their office prior to traveling to the state or region that is being reviewed. NRC should also evaluate the IMPEP questionnaire to determine if changes could be made decrease the burden to the state or region completing the questionnaire and the IMPEP team's review of the questionnaire.

Specific comments on items in Enclosure 1 of SECY-16-0009

- 1) Item #5: Not addressing the Part 20 changes may not impact our mission, but it is important to regulate based on the most accurate knowledge of radiological science. The conventions we are using are decades outdated and show that the NRC is ok with a good-enough mentality. The Board supports updating 10 CFR Part 20 to align with the International Commission on Radiological Protection Publication (ICRP) 103 methodology and terminology.
- 2) Items #7, #90 and #96: Along the same lines as these recommendations, the Board recommends that the NRC discontinue sending hard copy reports and correspondence to Agreement States and send all items via email.
- 3) Item #12: Annual OAS and CRCPD meetings need to remain seen as critical events, for both high level NRC representation and RSAOs. NRC representation at these meetings, especially the RSAOs, is very valuable as a way of maintaining relationships and letting the NRC and states exchange information that may be difficult or impossible to convey via email or phone conversations.
- 4) Items #23 and #139: Agreement State staff continue to experience difficulties logging into NMSS/ISMP tools with their one-time password credentials. Many times they claim that the NRC is unresponsive to their email inquiries and assistance requests. The NRC should maintain and increase its commitment to providing the WBL system to interested Agreement States. This tool provides valuable assistance to states who have struggled to find resources to update their data systems. For a strong National Materials Program (NMP), the NRC's online resources and IT systems provide the backbone for consistent regulatory framework. The Board recommends that IT support be enhanced and not downgraded.
- 5) Items #40, #71 and #73: Regulatory guides should not be set for review based on a given term. Some things change more rapidly than others and may need to be updated sooner than later. The Board recommends that regulatory guides are reviewed for necessary changes when apparent differences occur in licensed activity, technology, design, etc.
- 6) Item #75: This item should be stricken from the list entirely. This is the one critical element that keeps the NMP running and functioning as good as it does. Any reduction

in this will have direct effects in the success of NRC, individual Agreement States, and the overall whole of NMP. The training provided to the Agreement States by the NRC is critical to maintaining a national work force of capable staff that have a consistent approach to evaluating compliance with the regulations. The Board recommends the expanded use of web based training and webinars to minimize the amount of travel for staff members and reduce the training costs.

- 7) Item #110: If NRC revises IMC 2800 to allow for extensions to the inspections of materials licensees, this aspect of IMPEP reviews will become even more subjective. The NRC needs to consider how states and regions will be evaluated under this more “flexible and common-sense” approach.
- 8) Item #149: As NRC is reorganizing, the Board recommends that the NRC maintain consistent leadership within the management of its Agreement State program. As Cathy Haney’s presentation at the 2015 Annual OAS meeting highlighted, prior to 2010, leadership in this program was maintained on the order of decades. However, recently, leadership in the program has changed almost annually. Management decisions announced by NRC in the last six months have only exacerbated this situation. It is difficult for the states to maintain partnerships with the NRC when we are spending our efforts rebuilding relationships.

The Board understands the importance of the integrated prioritization and re-baselining of NRC activities and believes that efforts such as these will assist in molding the NRC and the National Materials Program as a whole into a better and more efficient regulatory body. The Board looks forward to additional opportunities to engage in discussions with the NRC on ways to increase effectiveness and efficiencies.

We appreciate the Commission’s consideration of our thoughts on this subject, and stand ready to answer any questions they may have.

Sincerely,



Sherrie Flaherty  
OAS Chair  
Radioactive Materials Unit Supervisor  
Minnesota Dept of Health  
625 Robert Street N.  
PO Box 64975  
St. Paul, MN 55164-0975