

June 25, 2007

SUMMARY OF COMMENTS ON SA-102, REVIEWING THE COMMON PERFORMANCE INDICATOR, TECHNICAL QUALITY OF INSPECTIONS

I. Sent to the Agreement States for Comment: May 17, 2007 (FSME-07-048)

Comments/Dated: New York - 5/24/07 (e-mail)
Washington - 6/8/07 (e-mail)
Massachusetts - 6/13/07 (e-mail)
Illinois - 6/18/07 (e-mail)

New York

Comment:

In regard to Section V.D.11, our experience indicates that it is not always necessary to conduct field evaluations for well-qualified/experienced inspectors on an annual basis or at another frequency. However, we have performed annual reviews to be consistent with the expectations of an IMPEP team/review. In the situation where management has not performed annual inspector reviews, but the IMPEP reviewer for this indicator as well as the team leader conclude that performance was satisfactory, then it is not appropriate to present a recommendation to the MRB that the program management perform annual reviews. However, if performance was not satisfactory - then such a recommendation may be appropriate.

Response:

We agree that supervisory accompaniments of some well-qualified/experienced inspectors may not have the same benefit as supervisory accompaniments of newly-qualified inspectors; however, through inspector accompaniments performed as part of the IMPEP review, we have identified some issues, not necessarily performance weaknesses, with several well-qualified/experienced inspectors' techniques. We believe that supervisory accompaniments are the best way to ensure inspector performance by a supervisor. Only reviewing an individual's inspection records may not provide insight into any "bad habits" a well-qualified/experienced inspector may have developed due to a lack of supervisory accompaniments. We also agree that there will be scenarios where a recommendation in regard to performance of supervisory accompaniments is more appropriate than others; however, we believe that supervisory accompaniments are important and should be performed routinely as they provide a means of self-audit to ensure the "health" of the technical aspects of a program. No changes were made to the procedure in response to this comment.

Washington

Comment 1:

Under Section V.B. The numbers for the paragraphs are not sequential. They read: 1, 2, 3, 4, 8 (should be 5), and 6.

Response:

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

Comment 2:

Under Section V.D.11. We recommend adding a sentence that says: “Senior inspectors, that are designated by their supervisors, may perform annual accompaniment inspections as an alternative to those performed by the supervisor.”

Response:

We appreciate the comment; however, we believe that the issue is adequately addressed in Appendix C, Frequently Asked Questions, and does not need to be addressed further. No changes were made to the procedure in response to this comment.

MassachusettsComment 1:

Section V.A.2. This sections specifically excludes non-AEA materials - will the NARM rule be in effect soon enough to include these materials during IMPEP (i.e., could this exclusion be removed from the procedure?)

Response:

In the Energy Policy Act of 2005, certain naturally-occurring and accelerator-produced radioactive materials (NARM) were added to the Atomic Energy Act and, therefore, bestowed regulatory responsibility for these materials on the NRC. The NRC enacted a waiver to allow the States to continue regulating these materials until the NRC could incorporate appropriate rules for the regulations of these materials into the Code of Federal Regulations. Because these materials are now part of the Atomic Energy Act (AEA), they are no longer considered “non-AEA materials” and regulatory actions involving these materials will be subject to evaluation under IMPEP once the waiver expires. We believe that this exclusion is still necessary to define to restrict the review of regulatory actions to only those with materials covered under the AEA. No changes were made to the procedure in response to this comment.

Comment 2:

Section V.B.2.b. This section does not include Increased Controls inspections - should they be included here?

Response:

We appreciate the comment; however, at this time, the integration of the Increased Controls into the Integrated Materials Performance Evaluation Program (IMPEP) is documented in STP Temporary Instruction (TI) 002, which covers Increased Controls aspects of IMPEP reviews for all indicators. This is a more efficient manner for making quick changes to how IMPEP reviews are conducted with respect to Increased Controls from lessons learned. After the initial implementation period is concluded and additional guidance is given on Increased Controls inspections beyond that point, any additional guidance for IMPEP review teams with respect to Increased Controls will be incorporated in the respective permanent procedure for the applicable indicators. No changes were made to the procedure in response to this comment.

Comment 3:

Section V.D.7. The second sentence states: “The reviewer should that any unresolved items...” Suggest adding the word “ensure” between “should” and “that.”

Response:

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

Illinois

Comment:

There should be a cross reference to temporary instruction TI-002 (FSME-07-056) for integrating IC's into the IMPEP program including inspections. We were looking for IC references here and found them instead in the TI.

Response:

As indicated in the response to Massachusetts's Comment 2, the integration of Increased Controls into IMPEP is being handled separately in TI-002.

II. Sent to the NRC Offices for Comment: May 17, 2007

Comments/Dated: DWMEP - 5/24/07 (e-mail)
Region III - 6/5/07 (e-mail)
Region IV - 6/7/07 (e-mail - no comments)
Region I - 6/11/07 (telephone)
DILR - 6/12/07 (e-mail)
OGC - 6/19/07 (telephone - no comments)

DWMEP

Comment 1:

In Section B.(2)(c), suggest replacing the word "judgmental" in the second and third sentences with "risk-informed" because it better describes the intent of the sampling as well as the concept of focusing on safety- and risk-significant issues.

Response:

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

Comment 2:

In Section B.(2)(c), suggest replacing the word "efficiency" in the third sentence with "effectiveness" as a risk-informed approach is not always more efficient (i.e., "more" outcome using "less" effort/resources). Rather, a risk-informed approach ensures that the review focuses on safety-significant issues and thus, is a more effective review, from a health protection standpoint.

Response:

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

Comment 3:

In Section B.(3), suggest that you be consistent with Section E.(4) that describes 'root causes' rather than a 'root cause'.

Response:

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

Comment 4:

In Section D.(7), there appears to be a missing word between 'should' and 'that' on the first line.

Response:

See response to Massachusetts's Comment 3.

Comment 5:

In Section D.(10), delete the 'etc... ' because it is not needed if you use the 'e.g.'

Response:

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

Comment 6:

In Section E.(1)(g), delete the 'etc... ' because it is not needed if you use the 'e.g.'

Response:

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

Comment 7:

In Appendix VIII, the long sentence/paragraph does not make sense. Suggest revising as: "For knowledge management purposes, listed below are all the previous revisions of this procedure as well as associated correspondence with stakeholders that have been entered into the NRC's document management system (i.e., ADAMS). Also, suggest changing 'Accession Number' to 'ADAMS Accession No.' in the first line of the table.

Response:

The text was revised as follows:

For knowledge management purposes, listed below are all previous revisions of this procedure, as well as associated correspondence with stakeholders, that have been entered into the NRC's Agencywide Document Access Management System (ADAMS).

Region III

Comment 1:

Given the importance of Increased Controls security inspections, we suggest that this procedure include an "objective" to evaluate NRC Region/Agreement State's conduct of Increased Controls inspections, through inspection report evaluation and inspection accompaniment. The "Guidance" section of the procedure should address the same issue.

Response:

See response to Massachusetts's Comment 2.

Comment 2:

Section V.D.7. The second sentence should be revised to read: "The reviewer should ensure any unresolved items..."

Response:

See response to Massachusetts's Comment 3.

Region I

All comments were editorial and were incorporated into the procedure.

DILR

Comment:

In Section V.B.3.c., we refer to a "judgemental" sample. I believe the term is too subjective and is open to interpretation for individual reviewers. I would delete "judgemental" from both procedures and not attempt to define its use versus "randomness".

Response:

See response to DWMEP's Comment 1.