

Resolution of Comments Received on FSME Procedures

SA-112 - *Emergency Suspension of a Section 274b Agreement*

1. Include a pandemic as an example for when the NRC might take back a 274b agreement. (*Rosetta Virgilio - FSME*)

Pandemic has been included.

2. In Section V. C., why aren't OPA and OCA involved in getting a communication out that the Emergency Suspension has been lifted (i.e., before, they were involved in getting a communication out that the Emergency Suspension is in place)? (*Harry Felcher - DWMEP-TA*)

Additional guidance on lifting suspension has been included in Section V. C. as well as in the Appendices (i.e. H, I, and J).

SA-114 - *Suspension of a Section 274b Agreement*

1. In Appendix G, "Letter to all states regarding suspension and reassertation", it says "Agreement States, Non-Agreement States, New Jersey, Pennsylvania and Virginia" as the addressees. Why would you need to list out NJ, PA and VA when we would be considered a non-agreement state? (*Mike Welling - State of Virginia*)

New Jersey, Pennsylvania and Virginia have been deleted from the heading of the letter.

2. Appendix A, the numbering of the pages is missing page #4 at the bottom of the page, or could be renumbered to reflect Enclosure ½. (*Joshua K. Berry NSIR/DSP/MTWSB*)

Page has been correctly numbered.

3. Appendix G, Modify the All Agreement and Non-Agreement State letter title to remove "New Jersey, Pennsylvania and Virginia." The title already includes all States. As written, it implies that these three States are neither Agreement or Non-Agreement States. (*James Lynch - NRC Region III*)

New Jersey, Pennsylvania and Virginia have been deleted from the heading of the letter.

4. Note that the 'Purpose' section of all Commission Papers (see the appendices of the draft) should state: "This paper does not address any new commitments." (*Harry Felcher - DWMEP-TA*)

Statement has been included.

SA-115 - *Termination of a Section 274b Agreement*

1. Appendix E. Why would you need to list out NJ, PA and VA when we would be considered a non-agreement state? (*Mike Welling - State of Virginia*)

New Jersey, Pennsylvania and Virginia have been deleted from the heading of the letter

2. Appendix E, Modify the All Agreement and Non-Agreement State letter title to remove "New Jersey, Pennsylvania and Virginia" The title already includes all States. As written, it implies that these three States are neither Agreement or Non-Agreement States. (*James Lynch - NRC Region III*)

New Jersey, Pennsylvania and Virginia have been deleted from the heading of the letter

3. Note that there are multiple pages of Section IV. (*Harry Felcher - DWMEP-TA*)

This was a typo made during preparation of the package for review and comment. This has been addressed.

SA-119 - *IMPEP Reviews*

1. For the RSAO responsibilities, it should be the letter F on page 5. (*Mike Welling - State of Virginia*)

Regional State Agreements Officer (RSAO) responsibilities are now letter F under Section IV - Roles and Responsibilities.

2. For the IMPEP Team Member responsibilities, it should be letter G on page 6. (*Mike Welling - State of Virginia*)

IMPEP Team Member responsibilities are now letter G under Section IV - Roles and Responsibilities.

3. Sec. IV.D.3, modify this sentence from "Signs Agreement State follow-up..." to "Forwards Agreement State follow-up..." (*James Lynch - NRC Region III*)

This sentence has been modified.

Sec. IV.D.1.a, change the term "closeout meeting" to "exit meeting" for consistency with this procedure and with SA-100. (*James Lynch - NRC Region III*)

This sentence has been modified. Closeout meeting was changed to exit meeting.

Sec. VII.6, the procedure title should be in italics. (*James Lynch - NRC Region III*)

The procedure title is now in italics.

SA-500 - *Jurisdiction Determinations*

1. I have a question on the interpretation of "commissioned" with regards to naval vessels. Vessels are not commissioned until they are completed and thus, wouldn't the licensees working on a vessel prior to commissioning fall under the jurisdiction of where the vessel is being built? (*Mike Welling - State of Virginia*)

Guidance has been included to specify when States may exercise jurisdiction over activities aboard vessels (see new Section III.D.5).

2. According to this statement, "Activities aboard commissioned naval vessels (determined by interpretation, see Reference #4)," we can not inspect a state radiography license performing work on a commissioned vessel that would be in a private shipyard. This is opposite as to radiographers that work in nuclear power plants. Can a statement be included allowing the states to inspect licensees performing work on commissioned ships in private shipyards? (*Mike Welling - State of Virginia*)

Guidance is clearly stated in All Agreement States - Interpretative Letter No. 76-02 on commissioned naval vessels (ADAMS Accession Number ML063410484). This document is already listed in Section VIII (ADAMS Reference Documents) of SA-500.

NOTE: On March 26, 2007, the Office of the General Counsel provided a No Legal Objections (NLO) on the proposed revisions to the procedures. Comments received were discussed with OGC representatives but these did not change the previous NLO from OGC.