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Incorporation of Risk Management Concepts in Regulatory Programs

Comment On: NRC-2011-0269-0001
Incorporation of Risk Management Concepts in Regulatory Programs

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Submitter Information

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Organization: Organization of Agreement States

Government Agency Type: State

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General Comment

See attached file(s)

Attachments

NRC-2011-0269

*SUNSI Review Complete
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January 6, 2012

Cindy Bladey, Chief
Rules, Announcements and Directives Branch (RADB)
Office of Administration, Mail Stop: TWB-05-BO1M
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Incorporation of Risk Management Concepts in Regulatory Programs
For Docket ID NRC-2011-0269

Dear Ms. Bladey,

As co-regulators interested in maintaining a high degree of radiation health and safety, the Organization of Agreement States (OAS) Executive Board (Board) has reviewed the above document and offers the following comments for review by the Nuclear Regulatory Commission (NRC).

1. Question No. 1 regarding common understanding and usage of terms:
The Agreement States endorse the concept of performance-based inspections and routinely utilize these concepts when conducting routine inspections. Therefore, we can state that the term performance-based is well understood within the regulatory community for materials licensees.

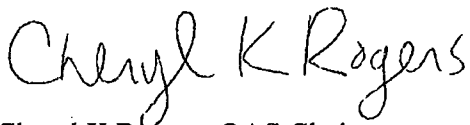
We cannot state or endorse the concept that there is a general understanding of the terms risk-informed and defense-in-depth. For some time now the NRC has used the term risk-informed. Part 35 was revised using the risk-informed, performance-based concept. As it was explained at that time, risk-informed meant that the licensee and their users understood the relative risks involved when using any particular radioactive material for specific licensed activities, and therefore, would use appropriate safety measures to maintain ALARA to all involved. This is the current general understanding of the term risk-informed for the materials licensees which does not seem to match the way "risk management concepts" are portrayed in the federal register notice. As to defense-in-depth, this term seems to be used in multiple agencies, and we are not sure if the definition is consistent across all those agencies. If the intent is to use the same definition as that for nuclear power plants, we are not sure it transfers well into the materials licensee realm.

Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin

2. Question 2
Performance-based inspections work well. The Agreement States have many of years of experience with performance-based inspections. It is less clear what performance based licensing means.
3. Questions 3-8
Since risk management concepts are not generally used as outlined in the FR Notice, it is not possible to answer the follow-on questions.
4. Finally, we note that the "Background Section" of the FR Notice states "The materials inspection program was fundamentally revised in 2001-both in terms of approach and frequency-in the Phase II Byproduct Material Review." We agree that the approach to inspections was fundamentally revised, however, the frequency of routine inspections can no longer be extended for good performance. In addition, the Increased Controls have added to the overall work-load by the fact that we must now look at all authorized locations listed on a license within a two or three inspection cycle. We think it is a good idea to discuss the ability to extend inspection frequencies for good licensees. We do need to have the flexibility to run our programs in a way that works best for us.
Extending the inspection frequency, especially for states that charge inspection fees, can be a positive incentive for licensees, and when used, has not proven to have any adverse affects on radiation safety.

We appreciate the chance to comment on this subject, and stand ready to answer any questions you may have.

Sincerely,



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