



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

(FSME-13-009, January, Program, AD-800)

January 23, 2013

ALL AGREEMENT STATES

OPPORTUNITY TO COMMENT ON DRAFT REVISIONS TO THE OFFICE OF FEDERAL AND STATE MATERIALS AND ENVIRONMENTAL MANAGEMENT PROCEDURES AD-800, "COMMUNICATIONS BETWEEN FSME/REGIONAL OFFICES AND THE AGREEMENT STATES" (FSME-13-009)

Purpose: To provide the Agreement States with the opportunity to comment on the proposed revisions to the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedures AD-800, "Communications Between FSME/Regional Offices and the Agreement States."

Background: Enclosed are the draft revisions to FSME Procedures AD-800 with tracked changes.

Discussion: Enclosed for your review and comment are the draft revisions to the FSME AD-800 that describes the means of communication between FSME, the Regional Offices, and the Agreement States. We would appreciate receiving your **comments* within 30 days from the date of this letter.**

If you have any questions regarding this communication, please contact me at 301-415-3340 or the individual named below.

POINT OF CONTACT: Karen Meyer
TELEPHONE: (301) 415-0113

EMAIL: karen.meyer@nrc.gov
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/RA/

Brian J. McDermott, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
FSME AD-800 Proposed Revised Procedure
with tracked changes

* This information request has been approved by OMB 3150-0029 expiration 11/30/2013. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (31 50-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.



~~Office of Federal and State Materials and Environmental Management Programs (FSME)~~ FSME Procedure Approval

**Communications Between FSME/ Regional Offices
and the Agreement States
AD-800**

Issue Date: ~~10/15/2009~~12/XX/2012
Review Date: ~~10/15/2012~~12/XX/2015

~~Robert J. Lewis~~——Brian J. McDermott
Director, ~~DMSSA~~

Date: ~~10/15/2009~~12/XX/2012

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Branch Chief, ASPB

Date: ~~10/13/2009~~12/XX/2012

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Procedure Contact, ASPB

Date: ~~10/13/2009~~12/XX/2012

ML~~092860355~~12290A202

NOTE

**Any changes to the procedure will be the responsibility of the FSME Procedure Contact.
Copies of FSME procedures are available through the NRC website.**



**Procedure Title: *Communications
Between FSME/Regional Offices
and agreement States***
Procedure Number: AD-800

Page: 1 of 5
Issue Date:
12/XX/2012

I. INTRODUCTION

This procedure establishes the means of communication between the Office of Federal and State Materials and Environmental Management Programs (FSME), the Regional Offices, and the Agreement States.

II. OBJECTIVE

To provide guidance to FSME and Regional staff on effective communication methods with the Agreement States

III. BACKGROUND

On March 16, 2009, the Office of the Inspector General (OIG) issued a report conveying the results of an audit on NRC's Agreement State Program. In this report the OIG recommended that a set of procedures that standardize communications from the NRC to the Agreement States be developed. The report noted that for communications with Agreement States the agency lacks formal standardized procedures or guidance for the communication, including communicating significant events through the Regional State Agreements Officers (RSAO) or other means.

IV. ROLES AND RESPONSIBILITIES

- A. The Director, of the Division of Materials Safety and State Agreements (MSSA), is responsible for distributing information to the ~~FSME Regional Points of Contact (POC) Agreement States Program Branch (ASPB)~~, in a timely manner to enable pertinent information on important issues to be conveyed to the Agreement States.
- B. The ~~ASPB Branch Chief, Agreement States Program Branch (ASPB), MSSA,~~ is responsible for designating ~~POCs for Regions I, III, and IV, designating~~ the RSAO ~~Quarterly Call~~ Project Manager, and ensuring effective communication between the ~~POCs-ASPB~~ and the RSAOs.
- ~~C.~~ The ~~POCs-ASPB Branch Chief~~ ~~are~~-is responsible for conveying information on important NRC issues, by either phone or email, to ~~their~~-the respective RSAO(s) for conveyance to the Agreement States.
- D. The RSAO ~~Quarterly Call~~ Project Manager is responsible for facilitation, coordination, and notification of the Quarterly Conference Call and the facilitation and coordination of the FSME/RSAO Counterpart Meeting.

E. The RSAO Project Manager is responsible for providing the MSSA Matter Expert List to the RSAOs for up-to-date contact information within MSSA on a quarterly basis.

DF. The POCs-ASPB Branch Chief are-is responsible for conveying information on important NRC issues, by either phone or email, to ~~their-the-~~ respective RSAO(s) for conveyance to the Agreement States.

EG. The RSAOs are responsible for conveying information obtained from the POCs ASPB Branch Chief to ~~their-the~~ respective Agreement State.

V. GUIDANCE

Sharing of information between FSME and the RSAOs, so that the RSAOs can convey information to, or request information from the Agreement States is a vital part of effective and reliable communication with the Agreement States. To aid in the sharing of information FSME will communicate quarterly with the RSAOs via the RSAO Quarterly Conference Call. For issues of an emergent nature, or on a case by case basis the ASPB Branch Chief, ASPB, MSSA, the POCs, and the RSAOs will communicate via telephone or email.

A. RSAO Quarterly Conference Call

The purpose of these quarterly calls is to provide new and updated information on important topics in the NRC. These calls will provide a forum which encourages free flowing exchanges of ideas and information associated with the topics listed on the agenda. The RSAO ~~Quarterly Call~~ Project Manager will take and distribute the minutes from the quarterly conference call. This will help the RSAOs and the POCs-ASPB Branch Chief convey complete and accurate information to the Agreement States.

1. Conference Call Date and Time: The date and time of the Quarterly Conference Call will be established through collaboration with RSAO Project Manager FSME and the RSAOs. The date and time of each Quarterly Conference Call will usually be decided at the end of each Quarterly Conference Call. If a situation arises which requires the modification of the agreed upon date and time, the RSAO ~~Quarterly Call~~ Project Manager will promptly notify the participants of the change and will collaborate with the participants to establish a new date and time. In addition, other teleconferences, as needed, may be held outside of the quarterly conference call schedule.
2. Telephone Lines: The bridge number for the Quarterly Conference Call should be reserved at least two weeks prior to the call. At least 8 telephone lines should be established for the call. The bridge number and lines can be reserved by calling 301-415-7000 or by going online to www.mymeetings.com.

3. List of Participants: The list of participants include MSSA management, RSAOs from Region I, III, and IV, ~~POCs~~ASPB Branch Chief, other NRC staff, and other interested parties. Interested participants should request participation directly through the RSAO ~~Quarterly Conference Call~~ Project Manager. At the start of the call all participants, including those just listening in, shall identify themselves and their affiliation
4. Agenda: The agenda for the RSAO Quarterly Conference Call will be established through collaboration with FSME, Region I, Region III, Region IV, and other participating NRC offices. A request for agenda topics will be distributed to the participants approximately one month before the scheduled conference call. The RSAO ~~Quarterly Conference Call~~ Project Manager will develop the agenda based upon input from the participants and distribute the final agenda at least two days prior to the conference call.
5. Notification: Notification of the RSAO Quarterly Conference Call will be provided electronically by the RSAO ~~Quarterly Conference Call~~ Project Manager. The first notification of the call will include the date and time of the call. The second notification will include the date and time, the telephone bridge information, the list of participants, and the final agenda.

B. Communications from the RSAOs to FSME regarding Agreement State Issues

If in between the quarterly calls an RSAO should receive a question from an Agreement State that they do not have the information to answer, then the RSAO should first attempt to contact the corresponding ~~POC(s)~~MSSA Subject Matter Expert assigned ~~to their Region (see Appendix A)~~ who will then coordinate an answer with the ~~other POCs~~ASPB Branch Chief for dissemination to the RSAOs. If the assigned ~~POCs~~MSSA Subject Matter Expert ~~are~~is unavailable, then the RSAO should contact the Branch Chief, ASPB, who will in turn provide the question and answer to the ~~to all assigned POCs~~MSSA Subject Matter Expert. The ~~POCs~~MSSA Subject Matter Expert will return that information to ~~their~~the corresponding RSAOs for distribution to the Agreement States.

C. Written Communications with the Agreement States

To facilitate written communications with the Agreement States, FSME staff has developed a set of standard formats for letters (See FSME procedure AD-200 *The Format for FSME Letters*). The standard format letters reflect years of experience in communicating with the Agreement States. The letter formats evolved into their current form largely in response to these experiences.

In most cases, letters to the Agreement States will be distributed by FSME thru email. In order to assure clear and concise written communications with Agreement States, whether it is thru email or regular mail, it is the policy of FSME to utilize the standard format letters.

D. Non-routine and Emergent Communications

Occasionally an emergent issue or situation arises that requires rapid dissemination of information from FSME to the RSAOs to facilitate timely notification of and/or gathering of information from an Agreement State. In these cases, an attempt will be made by the RSAO ~~Quarterly Call~~ Project Manager to gather the necessary participants for an ad hoc conference call. If time does not allow for this, then the information will be disseminated by the ASPB Branch Chief to the RSAO's by either telephone or email. If the information is disseminated by telephone the ASPB Branch Chief ~~and/or the RSAOs~~ will send a follow up email ~~the that POCs containing will contain~~ the information discussed in the phone call. If the information is disseminated by email ~~and the ASPB Branch Chief does not utilize the POCs distribute the email,~~ the ASPB Branch Chief ~~and/or the RSAOs~~ will make sure to include the ~~RSAOs and the POCs-MSSA Subject Matter Expert~~ as addressees.

In certain instances the ASPB Branch Chief may provide talking points, deadlines, and other background information to the RSAOs. ~~Recently For example, in the past~~ FSME requested that the RSAOs ~~poll the collect information from the~~ Agreement States regarding their preparations and efforts concerning the potential for a ~~Continuance of Operation Plan (COOP) pandemic situation.~~ Appendix C shows an example of a sample email and questionnaire that the ASPB Branch Chief sent to the RSAOs in an effort to obtain consistent information from the Agreement States.

E. Agreement States Request for Training

Occasionally an Agreement State will request that NRC provide either formal or informal training. This training could be provided by the Technical Training Center (TTC), existing NRC contractors or a class that must be developed. Its important that information be provided in a reliable and uniform manner to all Agreement States. Presenting different variations or interpretations of NRC policy, guidance or regulations on a topic can lead to confusion and non-consistent regulatory approaches for an individual State.

1. It is not the RSAO's role to approach their respective Agreement States and ask what type of training they would like; rather it is up to Agreement States to approach the RSAO and request training.
2. The ASPB Branch Chief will evaluate each training request and take into consideration such factors as: performance issues with the State; staffing issues in the State; whether or not the requested training is offered by TTC/NRC contractor or is something that must be developed; and lack of available slots in TTC-offered courses. Based on the evaluation, the ASPB Branch Chief will prepare an initial recommendation regarding providing/not providing the requested training.

3. The ASPB Branch Chief will forward the initial recommendation and the supporting information to the MSSA Director, and the MSSA Deputy Director for review and approval/disapproval. Once an agreement is reached that a training request should be granted, a decision will be made as to how the training should be provided (format), who should provide the training (RSAOs, TTC, a contractor, or another NRC staff person), and the suggested time frame for providing the training.
4. The ASPB Branch Chief will communicate the decision (either granting or denial of training request), via email, to requested State, the Chair of the Organization of Agreement States, all the RSAOs and the RSAO Project Manager. The ASPB Branch Chief will retain a copy of this email for the official record and then close out the training request. The RSAO Project Manager will be responsible for tracking all training requests and their outcomes so that any trending can be evaluated. All training material, not associated with TTC training material, will be placed in ADAMS by the RSAO Project Manager so that, in the event that another NRC staff person is asked by MSSA management to present the information, consistency can be maintained.

VI. APPENDIXES

Appendix A – ~~September 1, 2009~~ October 1, 2012 listing of RSAOs and POCsRSLOs

Appendix B – Example RSAO Quarterly Call Agenda

Appendix C – Example information and deadline provided by the ASPB Branch Chief to the RSAOs for dissemination to the Agreement States.

VII. REFERENCES

1. Audit Report, *Audit Report of NRC's Agreement State Program*, OIG-09-A-08, March 16, 2009
2. FSME Procedure AD-200, *Format for FSME Letters*, January 3, 2009

VIII. ADAMS Reference Documents

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).

No.	Date	Document Title/Description	Accession Number
1	10/15/2009	AD-800: Communication Between FSME/Regional Offices and the Agreement States	ML092860355
2			

Appendix A

October 1, 2012 listing of RSAOs and RSLOs

RSAO Contacts

Donna Janda, 610-337-5371, donna.janda@nrc.gov – RGN I
Monica Orendi, 610-337-5214, monica.orendi@nrc.gov – RGN I

Jim Lynch, 630-829-9661, james.lynch@nrc.gov – RGN III

Randy Erickson, 817-200-1143, randy.erickson@nrc.gov - RGN IV
Binesh Trarakan, 817-200-1116, binesh.trarakan@nrc.gov – RGN IV

RSLO Contacts

Nancy McNamara, 610-337-5337, nancy.mcnamara@nrc.gov – RGN I
Doug Tiftt, 610-337-6918, doug.tiftt@nrc.gov – RGN I

John Pelchat, 404-997-4227, john.pelchat@nrc.gov – RGN II
Gena Woodruff, 404-997-4739, gena.woodruff@nrc.gov – RGN II

Allan Barker, 630-829-9660, allan.barker@nrc.gov – RGN III
Harral Logaras, 630-829-9659, harral.logaras@nrc.gov – RGN III

William Maier, 817-200-1267, bill.maier@nrc.gov – RGN IV

RSAOs

Region I: ~~Donna Janda (email: donna.janda@nrc.gov; phone: 610-337-5371)
Jim Kottan (email: james.kottan@nrc.gov; phone: 610-337-5214)~~

Region III: ~~Jim Lynch (email: james.lynch@nrc.gov; phone: 630-829-9661)~~

Region IV: ~~Randy Erickson (email: randy.erickson@nrc.gov; phone: 817-860-8143)
Linda McLean (email: linda.mclean@nrc.gov; phone: 817-860-8116)~~

POCs

Region I: ~~Michelle Beardsley (email: michelle.beardsley@nrc.gov; phone: 610-337-6942)
Monica Orendi (email: monica.orendi@nrc.gov; phone: 301-415-3938)~~

Region III: ~~Aaron McCraw (email: aaron.mccraw@nrc.gov; phone: 630-829-9650)
Shirley Xu (email: shirley.xu@nrc.gov; phone: 301-415-7640)~~

Region IV: ~~Janine Katanic (email: janine.katanic@nrc.gov; phone: 817-860-8151)
Bill Rautzen (email: william.rautzen@nrc.gov; phone: 301-415-7206)~~

****(the most up-to-date list of RSAOs and POCs-RSLOs can be found at: <http://nrc-stp.ornl.gov> under FSME Office Directory; Map of NRC Contacts for States (see page 2))****

Appendix B

Sample RSAO Quarterly Call Agenda

Quarterly RSAO Meeting

SAMPLE - AGENDA

Wednesday September 2, 20XX
2:00 PM ET (1:00 PM CT)
Room: T3-C2

Topic	Time	Lead
Introduction of Participants and RSAO Members	5 min.	Participants
Topics for Discussion: <ul style="list-style-type: none">✓ RSAO rundown on significant issues in their States✓ MSSA Branch Chief reports✓ Other Topics	40 min.	All RSAO's MSSA Branch Chiefs Speaker Name
Actions and Issues Held For Next RSAO Monthly Meeting	10 min.	RSAO Quarterly Call Project Manager
Concluding Remarks and Questions	5 min.	Participants

Bridge Number:

Pass code:

Introduction of Participants and RSAO Members:

*** (List meeting participants here) ****

Topics for Discussion:

**Next RSAO Meeting:
Additional Questions?**

Appendix C

Example information and deadline provided by the ASPB Branch Chief to the RSAOs for dissemination to the Agreement States

TEXT OF EMAIL TO STATES

In September 2009, NRC asked the Agreement States to provide answers to a brief survey related to their Pandemic/COOP plans. The responses provided NRC with a basic understanding of States' Pandemic/COOP plans and approach. We recognize that these programs have evolved over time and that points of contact have likely changed over the last 2.5 years. In the event of a Pandemic or COOP situation, your answers to these questions will help NRC answer preliminary questions (from NRC senior management, from the public, and perhaps from Congress) regarding whether there are any regulatory safety or security issues arising in the case of a pandemic or COOP situation. An important part of providing that answer will be communicating with the States regarding their assessment of the situation and status.

Pandemic/COOP Questions for Agreement States

1. Does your office (State Rad Control Program) have a Pandemic plan and/or a Continuity of Operation (COOP) Plan? Is your office (State Rad Control Program) part of your State's overall Pandemic/COOP plan?
2. Who is the primary contact for the Pandemic/COOP plan related to radiation protection issues? Please provide contact information.
3. Does the State Pandemic/COOP plan include any provisions for notification to NRC when the plan is activated? If so, briefly describe.
4. Does the State Pandemic/COOP plan take into consideration or account for ensuring State capability for materials licensee related emergencies and event response? If so, briefly describe.
5. Does the State Pandemic/COOP plan take into consideration or account for monitoring or conducting proactive outreach to any materials licensees? If so, which types or classes of materials licensees (e.g., Category 1 and 2 licensees, medical licensees, etc.)?
6. Is the State Pandemic/COOP plan publicly available? Is it available electronically? If so, please provide the URL.

Please provide your responses to these questions by May 4, 2012.

~~The NRC is in the process of ensuring that we are prepared for the upcoming flu season, given the possibility of impacts by the H1N1 flu, and the potential for a pandemic situation. We anticipate the need to be able to answer the question (for ourselves, from the public, and perhaps from Congress) of whether there are any regulatory safety or security issues arising in the case of a pandemic or COOP situation. An important part of providing that answer will be communicating with the States regarding their assessment of the situation and status. To facilitate that, we would like to start that interface now, and gain a basic understanding of the States Pandemic and COOP Plans and approach, establish points of~~

contact for those Plans, and develop the answers to some of the basic questions that we anticipate.

Please provide your response back to me by COB, September 15.

Pandemic/COOP Questions for Agreement States

1. Does your State have a Pandemic plan and/or a Continuation of Operation Plan (COOP)?
2. Who is the primary State contact for Pandemic plan or COOP related radiation protection issues? Include contact information.
3. Does the State Pandemic plan or COOP include notification to NRC?
4. Does the State Pandemic plan or COOP take into consideration or account for:
 - a. ensuring State capability for emergency and event response?
 - b. monitoring or conducting proactive outreach to any licensees, and if so, which licensees (e.g., Category 1 and 2 licensees to ensure radioactive materials are secure, medical licensees to assess ability to perform procedures involving radioactive material in particular any emergency procedures, and accounting for any impacts to the transportation of medical use radioactive materials shipments?
5. Does the State Pandemic plan or COOP require exercise of the plan?
6. Would the State be interested in participating in a limited exercise on or about 10/7/09, should the NRC decide to exercise its ability to communicate with States during a Pandemic or COOP?

NOTE:

FSME will provide the Agreement States with a list of basic questions that the NRC would ask when considering or entering a Pandemic or COOP mode. This list will be provided in an RCPD letter by the end of September.