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September 20, 2017

Lizette Roldán-Otero, Ph.D.
Office of Nuclear Materials Safety and Safeguards
U. S. Nuclear Regulatory Commission
Washington, DC 20555

RE: OPPORTUNITY TO COMMENT ON DRAFT REVISIONS TO OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS PROCEDURES MANAGEMENT DIRECTIVE 5.7 AND SA-1001, "TECHNICAL ASSISTANCE TO AGREEMENT STATES" (RCPD-17-011)

Dear Dr. Roldán-Otero:

The Organization of Agreement States (OAS) Executive Board (Board) reviewed the above document and respectfully submits the following comments.

1. Section V.C.iii. For special technical assistance requests (TARs), it is suggested that the Agreement State should also include evidence that it pursued alternative means of addressing the issue on its own, including attempting to obtain assistance from other agencies within the State or Commonwealth, other Agreement States, or independent organizations, such as the Organization of Agreement States, the Conference of Radiation Control Program Directors, or procuring contractors or consultants. This level of research may take an extended period of time. For example, procuring a contractor would require the creation of a scope of work, a request for proposal, and other procurement procedures that could take over a year to complete for some states. Perhaps an additional assessment on the timeliness requirement of the TAR could allow the NRC to pursue the request on a case by case basis without evidence that a consultant was considered.
2. Section V.C.iv. The first sentence states that an Agreement State may request the use of an NRC medical consultant to evaluate a medical event in their State at no additional cost. The next sentence states that the Agreement State should also include evidence that it pursued alternative means of addressing the issue on its own, including attempting to obtain assistance from other agencies within the State or Commonwealth, other Agreement States, or independent organizations, such as the Organization of Agreement States, the Conference of Radiation Control Program Directors, or procuring contractors or consultants, and that the State or Commonwealth does not

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

have the funds to reimburse the NRC for use of the consultant. These two sentences are contradictory. Agreement States agree that medical event assistance should be free of charge. How does an Agreement State demonstrate that no funds are available without initiating the burdensome procurement process? How does an Agreement State demonstrate that it reached out to all other Agreement States? Or would the requirement be to reach out to just a few, or just the OAS? And since OAS members are CRCPD members, would that be sufficient? Again, timeliness should be a consideration by the NRC for approving a TAR.

3. The next sentence of Section V.C.iv states that the Agreement State should develop a draft charter and submit it to the NRC for review. Would it be possible to revise Appendix A so that it is robust enough to satisfy the requirements of the charter?
4. The OAS appreciates that the word “should” is used in SA-1001 and hopes that the NRC considers this when reviewing TARs.
5. In order to provide more guidance to the Agreement States in completing the form in Appendix A, should there be a section in SA-1001 that explains which Division would handle which kind of issue?

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

Sincerely,



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