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

(FSME-07-003, January, Program, SA-106)

January 25, 2007

ALL AGREEMENT STATES, NEW JERSEY, PENNSYLVANIA, VIRGINIA

OPPORTUNITY TO COMMENT ON DRAFT REVISION TO FSME PROCEDURE SA-106, "THE MANAGEMENT REVIEW BOARD (MRB)" (FSME-07-003)

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) Procedure SA-106, "The Management Review Board (MRB)."

Contents: Redline/strikeout copy of FSME Procedure SA-106

Background: This procedure describes the roles and responsibilities of the MRB and establishes MRB meeting protocol. The procedure is being revised to reflect the recent NRC reorganization and incorporate the new composition of the MRB. The procedure is also being revised in areas where simplification and clarification were appropriate. This procedure, in its revised form, will be piloted during the comment period. Any resulting lessons learned will be reflected in the final revisions to the procedure.

NRC Point of Contact: Please provide your written comments on the draft revision to FSME Procedure SA-106 to the point of contact below. We would appreciate receiving your comments within 30 days from the date of this letter.*

POINT OF CONTACT: Aaron T. McCraw
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/RA/
Janet R. Schlueter, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosure:
As stated

* This information request has been approved by OMB 3150-0029, expiration 06/30/07. 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 (3150-0029), 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.

FSME Procedure Approval

The Management Review Board

SA-106

Issue Date:

Review Date:

Janet R. Schlueter
Director, DMSSA *Date:*

Scott W. Moore
Deputy Director, DMSSA *Date:*

Aaron T. McCraw
Procedure Contact, DMSSA *Date:*

NOTE

These procedures were formally issued by the Office of State and Tribal Programs (STP). Any changes to the procedure will be the responsibility of the FSME Procedure Contact as of October 1, 2006. Copies of FSME procedures will be available through the NRC website.

Procedure Title: ***The Management Review Board*** **Procedure Number: SA-106**	**Page:** **Issue Date:**

I. INTRODUCTION

Per Management Directive 5.6, Integrated Materials Performance Evaluation Program (IMPEP), it is the policy of the U.S. Nuclear Regulatory Commission (NRC) to evaluate NRC Regional ~~materials programs~~ and Agreement State ~~radiation control~~ radioactive materials programs in an integrated manner, using common and non-common performance indicators, to ensure that public health and safety are adequately protected and that Agreement State programs are compatible with NRC's program. The Management Review Board (MRB) provides a senior-level review of the IMPEP team's findings and recommendations and issues the final NRC findings to the Region or Agreement State. For Agreement States, these findings can include decisions regarding heightened oversight, probation, suspension, or the revocation of some or all aspects of the regulatory program discontinued by the NRC and assumed by the Agreement State.

II. OBJECTIVES

A. To provide the guidelines that will be followed by the MRB when conducting MRB meetings for IMPEP reviews and issuing findings for NRC Regional and Agreement State radioactive materials programs.

B. To establish the means to keep the MRB and the Commission informed ~~on~~of the status of NRC Regional and Agreement State radioactive materials programs in a timely fashion.

C. To specify directions for documenting precedents established by the MRB.

D. To provide guidance that will be followed by the MRB when the issuance of "letters of support" are considered.

III. BACKGROUND

~~A. The MRB makes the overall assessment of each NRC Region or Agreement State program on the basis of the proposed final report and recommendations prepared by the IMPEP team that conducted the review of that Region or State, including any unique circumstances.~~

~~B. The overall MRB assessment includes a consideration of information provided by the Region or State at the MRB meeting, including concerns such as program decline, inability to replace staff, or inadequate resources for ensuring a program's good performance.~~

~~C. The MRB may also convene to evaluate special reviews of a Region or an Agreement State Program conducted to assess a specific program weakness, to~~

~~consider the results of periodic meetings with Agreement States, or to discuss any other relevant issues, such as the results of conference calls with States under heightened oversight or monitoring.~~

~~D. The MRB may direct the issuance of a "letter of support" to an Agreement State:~~

~~1. to bring early indication of program performance decline, identified through a periodic meeting, IMPEP review or routine "day-to-day" interactions with NRC staff to senior State management's attention. Day-to-day interactions with States (i.e., telephone calls, informal conversations at meeting, e-mail exchanges) may reveal concerns about changes in State organization, loss of staff, hiring freezes or other issues having a potential adverse effect on program reviews;~~

~~2. to recognize the contributions of a good program and express appreciation for the Program's contribution in ensuring protection of public health and safety; or~~

~~3. to congratulate a State during special occasions, such as achieving a milestone or celebrating the particular anniversary of the Agreement signing.~~

As of October 1, 2006, NRC reorganized its nuclear materials and Agreement State programs into two new program offices. The newly created Office of Federal and State Materials and Environmental Management Programs (FSME) is comprised of the former Office of State and Tribal Programs (STP) and two technical divisions from the Office of Nuclear Materials Safety and Safeguards (NMSS). The reorganization prompted revisions to the composition of the MRB.

Prior to the reorganization, the MRB was composed of the Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs; the General Counsel; the Director, STP; the Director, NMSS; and an Agreement State Liaison to the MRB. The MRB positions for STP and NMSS were eliminated and the resulting vacancies on the MRB are filled by the Director, FSME, and a Regional Administrator from an NRC Regional Office.

IV. ROLES AND RESPONSIBILITIES

A. MRB:

1. ~~The MRB is responsible for:~~Makes the overall assessment of each NRC Region and Agreement State radioactive materials program, based on the IMPEP review team's receommendations in the proposed final report;

a. ~~establishing~~Determines the adequacy of ~~Agreement State Programs and~~ NRC Region~~s~~al radioactive materials programs.

b. ~~establishing~~Determines the adequacy and compatibility of Agreement State radioactive materials ~~P~~programs.

c. ~~establishing precedents and significant changes to the IMPEP process.~~The MRB's overall assessment may include a consideration of any information provided by the NRC Region or Agreement State at the MRB meeting, including concerns such as program decline, inability to retain and/or recruit staff, or inadequate resources for ensuring adequate protection of public health and safety.

2. Establishes precedents and significant changes to the IMPEP process;

3. Convenes to evaluate special reviews conducted to assess a specific program weakness, to consider the results of periodic meetings with Agreement States, or to discuss any other relevant issues, such as the results of conference calls with States under heightened oversight or monitoring; and,

4. Directs the issuance of "letters of support" to Agreement States:

a. To bring early indication of program performance declines identified through IMPEP reviews, periodic meetings, or routine "day-to-day" interactions with NRC staff to senior State management's attention. Day-to-day interactions with States (i.e., telephone calls, informal conversations at meeting, e-mail exchanges) may reveal concerns about changes in State organization, loss of staff, hiring freezes or other issues having a potential adverse effect on program performance;

b. To recognize the contributions of a program and express appreciation for the Program's contribution in ensuring protection of public health and safety; or

c. To congratulate a State during special occasions, such as achieving a milestone or celebrating the particular anniversary of their Agreement signing.

B. Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs (DEDMRS~~S~~T):

~~The DEDMRS, or DEDMRS' designee, is the Chair of the MRB. The Chair has signature authority for outgoing correspondence resulting from MRB proceedings.~~

1. Chairs the MRB.

2. Designates a member of the MRB to act as the Chair of the MRB in instances when attendance is not possible.

3. Signs outgoing correspondence resulting from MRB proceedings.

C. ~~Office of State and Tribal Programs (STP)~~Director, FSME:

~~STP is the lead office responsible for the coordination of MRB meetings. At least seven days in advance of the meeting, the STP IMPEP project manager is responsible for providing all relevant correspondence for Agreement State Programs (i.e., State responses, proposed final reports, meeting agendas) to the MRB, the IMPEP team, and other attendees. (See Appendix A for sample memorandum transmitting the proposed report to the MRB and meeting agenda).~~

1. Participates on the MRB.

2. Designates an alternate FSME representative in instances when attendance is not possible.

D. ~~Office of Nuclear Material Safety and Safeguards (NMSS)~~

~~At least seven days in advance of the meeting, the NMSS IMPEP project manager is responsible for providing all relevant correspondence for NRC Regional Programs (i.e., Regional, proposed final reports, meeting agendas) to the MRB, the IMPEP team, and other attendees.~~

~~E. Office of~~ General Counsel ~~(OGC)~~:

~~OGC is the lead office for matters of law and legal issues.~~

1. Participates on the MRB.

2. Designates an alternate Office of General Counsel (OGC) representative in instances when attendance is not possible.

E. Regional Administrator, NRC Regions, or designee:

1. Participates on the MRB.

2. Designates an alternate Regional representative in instances when attendance is not possible.

F. ~~Organization of Agreement States (OAS)~~Agreement State Liaison:

Provides Agreement State perspective on any matter that is discussed or voted on by the MRB.

~~OAS is responsible for specifying a representative to serve as a member of each MRB, as a non-voting Agreement State Liaison. In this capacity, the State representative receives applicable documentation and engages in all MRB discussions. The Agreement State Liaison representative is expected to provide an Agreement State perspective on any matter that is discussed or voted on by the MRB. The MRB may request an additional OAS Liaison with specific expertise or experience to participate in a particular MRB meeting if an additional State perspective is desirable.~~

G. ~~Other NRC Offices~~

~~A representative from another NRC office may participate as an MRB member if a concern exists with regard to a specific aspect of an NRC Region or Agreement State program. The lead office for the review will be responsible for inviting the representative. Representatives will be non-voting MRB members and may be taken from the following offices as needed:~~

~~1. The Office of Nuclear Safety and Incident Response (NSIR), lead office for NRC coordination of incident response issues.~~

~~2. The Office of Human Resources (HR), lead office for staffing and training issues.~~

IMPEP Project Manager

1. Coordinates regularly scheduled MRB meetings, as well as "special" MRB meetings to inform the MRB of the results of periodic meetings with Agreement States.

2. Coordinates participation of the MRB members, Agreement State program management, IMPEP review team members, and members of the public at MRB meetings.

3. Ensures that public meeting notices for MRB meetings are prepared, added to ADAMS, and e-mailed to the public meeting coordinator (PMNS) at least 10 days prior to the meeting date.

4. Provides all relevant correspondence (i.e., proposed final reports, responses to draft reports, organization charts, and meeting agendas) to the MRB, the review team, and other attendees at least seven days in advance of the meeting.

5. Takes and issues minutes of MRB meetings or designates an alternate.

   a. The minutes should summarize major discussions, but should not be a verbatim account of the proceedings.

   b. Root causes for program performance issues, precedents established by the MRB, and good practices should be clearly documented in the minutes.

6. Prepares the annual memorandum to the Commission featuring a report on the status of Agreement States' and Regions' radioactive materials programs. The memorandum should include the following attachments: (1) Summary of Agreement States' Adequacy and Compatibility Status as of January of the year issued; (2) Summary of the NRC Regions' Adequacy Status; (3) Summary of IMPEP Report Issuance Against the 104-day Goal; and (4) Summary of Activities Related to States on Heightened Oversight and Monitoring. A sample memorandum with attachments can be found in Appendix D.

V. GUIDANCE

A. ~~MRB~~Meeting Schedule

MRB meetings are to be conducted approximately 74 days from the last day of the IMPEP review in order to issue the final report within 104 days. Although these meetings are exempt from the "Commission Policy Statement on Staff Meetings Open to the Public," the public is invited to observe each meeting. Each meeting will be published in the weekly notice of "NRC Meetings Open to the Public." MRB meetings may take place beyond the 74th day in order to

assemble a quorum, to accommodate Agreement State/Regional schedules, and/or to incorporate important supplemental material. ~~However, e~~Every effort should be made ~~by STP and NMSS~~ to meet the timeliness goal for issuing the final reports in 104 days. "Special" MRB meetings to discuss the results of periodic meetings with Agreement States will be scheduled on an as needed basis.

B.~~1.~~ Membership ~~and Meeting Policy~~

~~a~~1. The MRB membership consists of four senior NRC managers, or their designees, representing the DEDMRS~~T~~; ~~the offices of Nuclear Material Safety and Safeguards (NMSS); State and Tribal Programs (STP);~~ O~~General Counsel~~; FSME; and an ~~Agreement State Liaison to the MRB~~NRC Region. ~~A quorum for an MRB meeting consists of at least three voting members of the MRB. Designees count as part of the quorum.~~

2. The Regional representative on the MRB is a rotating position. Regional Administrators or their designees should be invited to participate for a particular review based on the following criteria; however, in certain circumstances, the criteria may be disregarded in order to ensure there is Regional representation on the MRB:

   a. For Agreement State reviews, the invited Regional participant should not be from the Region in which the State is geographically located.

   b. For Regional reviews, the invited Regional participant should not be from the Region under review.

   c. For reviews led by a Regional team leader, the invited Regional participant should not be from the same Region as the team leader.

3. The Organization of Agreement States is responsible for appointing a representative to serve as an Agreement State Liaison to the MRB. The Agreement State Liaison will be consulted for Agreement State perspective on certain issues, may request additional information from the program under review during the meeting, and may be asked for their consent in the review team's finding. The Agreement State Liaison does not have voting privileges, but may provide insight to the MRB's deliberation of the review team's recommendation. The Agreement State Liaison will be provided all relevant documentation provided to the MRB in advance of the meeting. The MRB may request an additional

Agreement State Liaison with specific expertise or experience to participate in a particular MRB meeting if an additional State perspective is desirable.

4. Representatives from other NRC offices may participate as MRB members if a concern exists with regard to a specific aspect of an NRC Region or Agreement State program. The lead office for the review will be responsible for inviting the representatives. Representatives will be non-voting MRB members and may be taken from the following NRC offices, or others, as needed:

   a. The Office of Nuclear Safety and Incident Response (NSIR), lead office for NRC coordination of incident response issues.

   b. The Office of Human Resources (HR), lead office for staffing and training issues.

C.~~2.~~ Meeting Protocols

1. In order to begin the proceedings, a quorum must be present. A quorum consists of at least three voting members and the Agreement State Liaison. Designees count toward reaching a quorum.

~~a~~2. The review team will present the findings performance indicator by performance indicator. The MRB Chair will consult~~s~~ with the other MRB members to reach a consensus position on each indicator and, if necessary, to provide~~s~~ specific instruction~~s~~ to the IMPEP team leader. If a consensus is not apparent, a vote is taken and a simple majority decides the MRB's position about findings and report revisions.

~~b~~3. In some instances, the overall program adequacy finding and, for Agreement States, the compatibility finding, may not be possible at the time of the MRB meeting. In those cases, a report is issued to the Region or Agreement State within the goal of 104 days that addresses both completed review findings and the status of outstanding issues. A report supplement will be issued when the outstanding areas are resolved by the MRB.

~~c~~4. The MRB may choose to go into an executive session during the public meeting at the discretion of the MRB Chair. For all matters that require a formal vote by the MRB, the vote will take place during the public meeting, regardless of whether the topic was discussed in an executive

session or not. Efforts will be made by the MRB Chair to include the Agreement State Liaison in any executive sessions.

D.~~3.~~ Actions Deriving from MRB Recommendations and Review Team Findings

~~a~~1. If the MRB recommends that an Agreement State be placed on heightened oversight or monitoring, the guidance in ~~STP~~FSME Procedure *SA-122, Heightened Oversight and Monitoring*, should be followed.

~~b~~2. If a finding of "Adequate, But Needs Improvement" is made of a Region, the ~~MRB (including the Director, NMSS)~~ DEDMRT and the Director, FSME, will consult with the Executive Director for Operations to determine what remedial steps need to be taken and will inform the Commission accordingly. Program probation, suspension, and termination which will be considered when an "Adequate, But Needs Improvement" finding is made for an Agreement State Program are not applicable to Regional programs. NRC must implement immediate action to correct Regional program ~~deficiencies~~weaknesses that are similar to those that would warrant probation, suspension, or termination actions for an Agreement State.

~~c~~3. If the MRB recommends that the NRC initiate proceedings to place an Agreement State program on probation, ~~STP~~FSME Procedure SA-113, *Placing an Agreement State on Probation*, should be followed.

~~d~~4. If the MRB recommends that the NRC initiate proceedings to suspend an Agreement State program, ~~STP~~FSME Procedure SA-114, *Suspension of a Section 274b Agreement*, should be followed.

~~e~~5. If the MRB recommends that the NRC initiate proceedings to terminate an Agreement State program, ~~STP~~FSME Procedure SA-115, *Termination of a Section 274b Agreement*, should be followed.

E.~~4.~~ Letters of Support

~~a~~1. The MRB may direct the NRC to issue a "letter of support," upon receipt of a request from an Agreement State Program Director. In such a case, the Agreement State Program Director may view that their program is experiencing decline, unable to replace staff, or believe that NRC's support is needed to help the program to effectively compete for Department resources. A State submitted request, will be considered for a "letter of support" provided:

~~i~~a. the request is submitted to the MRB in writing;

~~ii~~b. the purpose of the request for a "letter of support" is clearly identified;

~~iii~~c. the request contains a detailed description of the program performance issues, including an assessment of the performance indicator(s), that the Agreement State Program Director ~~considers~~believes will result in less than a "satisfactory" rating if the IMPEP criteria ~~are~~were applied;

~~iv~~d. the request contains a "Staff Needs Analysis," performed as described in FSME Procedure SA-700, ~~"~~*Processing an Agreement,*~~"~~ where staffing issues are addressed; and,

~~v~~e. the request includes a description of the efforts made by the program to address the performance issues;

~~b~~2. The MRB will consider the request at its next ~~regularly~~ scheduled meeting, or sooner if warranted. The Agreement State Program Director should be available to discuss the request with the MRB during the meeting.

~~c~~3. The MRB will determine if a "letter of support" (see sample letter, Appendix ~~B~~A) is warranted based on the following criteria:

~~i~~a. the performance issues are significant enough to warrant either heightened oversight or monitoring as stated in SA-122, ~~"~~*Heightened Oversight and Monitoring;*~~"~~

~~ii~~b. the root cause of issues in performance areas needing improvement are budget and staffing issues which may need senior level management attention; or

~~iii~~c. one or more performance indicators have the potential to result in an unsatisfactory rating if the IMPEP criteria ~~are~~were applied.

~~5~~F. Special Recognitions

~~a~~1. If a State has been found satisfactory for all performance indicators during two consecutive IMPEP reviews, the letter for transmitting the final IMPEP review will include language ~~such as~~ commending the State for consistently meeting the standards of performance in all program areas or for the State's continued support in protecting public health and safety (see sample letter, Appendix ~~C~~B). The MRB will issue such letters to recognize a program's good performance and express appreciation for their contribution to ensure protection of public health and safety.

~~b~~2. The MRB may also issue a letter of support to congratulate a State during special occasions such as achieving a milestone or celebrating a particular anniversary of the Agreement signing (see sample letter, Appendix ~~D~~C).

~~B. STP~~

~~1. MRB meetings are open to the public. For both Regional and Agreement State MRB meetings, the STP lead secretary ensures that MRB meetings notices are prepared, added to ADAMS, emailed to public meeting coordinator (PMNS) 10 days prior to meeting date.~~

~~2. The STP IMPEP project manager is responsible for providing all relevant correspondence for Agreement State Programs (i.e., State responses, proposed final reports, meeting agendas) to the MRB, the IMPEP team, and other attendees, at least seven days in advance of the meeting.~~

~~3. The STP lead secretary in consultation with the IMPEP team leader, coordinates attendance at the MRB meeting with the representatives of the Agreement State or Region under review, the IMPEP review team members, and an Agreement State Liaison including invitational travel for attendance at the meeting. Attendance by Agreement State and NRC Regional participants through a video conference is encouraged whenever possible. If the State or Regional representative(s) will not be physically~~

attending the meeting, arrangements for video conference or teleconference should be made by the STP lead secretary.

4. It is the duty of the STP IMPEP project manager to coordinate regularly scheduled MRB meetings and inform the MRB on the results of periodic meetings. Project Manager assignments are described in section IV.C. of this procedure, STP Procedure SA-116, *Periodic Meetings with Agreement States* and NMSS Policy and Procedures Letter 1-70. Management from each program discussed should be invited to participate in the meeting.

5. The STP IMPEP project manager, or designee, is responsible for taking and issuing minutes of Agreement State and Regional MRB meetings. The minutes should summarize major discussions, but not include verbatim accounts of the proceedings. Root causes for significant program performance issues, any precedents established by the MRB or lessons learned during the review that will be applied to the IMPEP process in the future, and any good practices should also be clearly documented. Preparation and dissemination of meeting minutes are the responsibility of STP, unless otherwise stated.

6. STP is responsible for the preparation of an annual memorandum to the Commission featuring a report on the status of Agreement States' and Regions' radioactive material programs. The memorandum should include the following attachments: (1) Summary of Agreement States' Adequacy and Compatibility Status as of January of the year issued; (2) Summary of the NRC Regions' Adequacy Status; (3) Summary of IMPEP Report Issuance Against the 104-day Goal; and (4) Summary of Activities Related to States in Heightened Oversight or Increased Monitoring A sample memorandum with attachments can be found in Appendix E.

VI. APPENDICES

Appendix A- Memorandum to the Management Review Board on the MRB Meeting and Sample MRB Meeting Agenda

Appendix B - Sample Letter Addressing a Potential Decline in Agreement State Performance Noted During a Periodic Meeting

Appendix ~~C~~B - Sample Letter to Recognize Program's Good Performance and Express Appreciation for Program's Contribution in Ensuring Protection of Public Health and Safety

Appendix ~~D~~C - Sample Letter to Congratulate a State During Special Occasions

Appendix ~~E~~D - Sample Annual Report on Status of Agreement States' and Regions' Radioactive Material Programs

VII. REFERENCES

1. NRC Management Directive 5.6, *Integrated Materials Performance Evaluation Program*.
2. ~~STP~~FSME Procedure SA-113, *Placing an Agreement State on Probation*.
3. ~~STP~~FSME Procedure SA-114, *Suspension of a Section 274b Agreement*.
4. ~~STP~~FSME Procedure SA-115, *Termination of a Section 274b Agreement*.
5. ~~STP~~FSME Procedure SA-116, *Periodic Meetings with Agreement States Between IMPEP Reviews*.
6. ~~STP~~FSME Procedure SA-122, *Heightened Oversight and Monitoring*.
7. ~~NMSS Policy and Procedures Letter 1-70.~~
8. ~~8~~7. ~~STP~~FSME Procedure SA-700, *Processing an Agreement*.

VII. ADAMS REFERENCE DOCUMENTS

For knowledge management purposes, 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) are listed below.

No.	Date	Document Title/Description	Accession Number
1	2/22/00	Summary of Comments on SA-106	ML011230584
2	5/18/00	STP Procedure SA-106	ML011230579
3	6/23/03	STP-03-048, Opportunity to Comment on Draft Revisions to STP Procedure SA-106	ML031740499
4	9/3/03	Summary of Comments on SA-106	ML040030005
5	9/8/03	STP Procedure SA-106	ML040030003
6	10/5/05	STP Procedure SA-106	ML061290105
7	10/5/05	Summary of Comments on SA-106	ML061290195

Appendix A

DRAFT SAMPLE: Memorandum to the Management Review Board on the MRB Meeting and Sample MRB Meeting Agenda

MEMORANDUM TO: Deputy Executive Director for
Materials, Research, State, and Compliance Programs

Director, Office of State and Tribal Programs

Director, Office of Nuclear Material Safety
and Safeguards

General Counsel

FROM: Deputy Director, Office of State and Tribal Programs
[for Agreement State programs]

[OR]

Director
Division of Industrial and Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards [for NRC Regional programs]

SUBJECT: INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM (IMPEP) REVIEW OF [STATE/ REGION] RADIATION CONTROL PROGRAM

This memorandum transmits to the Management Review Board (MRB) a proposed final report (Attachment 1) documenting the IMPEP review of the [State/Region] Radiation Control Program. The review of the [State/Region] program was conducted by an interoffice team during the period [date]. The team issued a draft report to [State/Region] on [date], for factual comment. [State/Region] sent factual comments by [letter/memorandum] dated [date] from [Name], (Attachment to proposed final report).

The review team found [State's/Region's] performance with respect to each of the performance indicators to be [satisfactory, satisfactory with recommendations for improvement or unsatisfactory.] [Accordingly, the team recommends that the MRB find the {State's} program to be {adequate to protect public health and safety, adequate but needs improvement, or inadequate to protect public health and safety} and {compatible or not compatible} with NRC's program.]

OR

Appendix A (cont'd)

[Accordingly, the team recommends that the MRB find the {Region's} program to be {adequate to protect public health and safety, adequate, but needs improvement, or inadequate to protect public health and safety}.]

The MRB meeting to consider the [State/Region] report is scheduled for [day, date,] from [time] - [time] in [location]. In accordance with Management Directive 5.6, the meeting is open to the public. The agenda for that meeting is attached (Attachment 2).

If you have any questions prior to the meeting, please contact me at [phone number] or [IMPEP team leader] at [phone number].

Attachments:
As stated

cc: [State/Region representative]
Agreement State Liaison to MRB

Appendix A (cont'd)

Agenda for Management Review Board Meeting
[day, date, time, location]

1. Announcement of public meeting, request for members of the public to indicate they are participating and their affiliation.

2. MRB Chair convenes meeting. Introduction of MRB members, review team members, [State/Regional] representatives, and other representatives participating through telephone bridge or video conferencing.

3. Consideration of [State/Region] IMPEP Report.

   A. Presentation of Findings Regarding [State/Region] Program and Discussion.
      - Technical Staffing and Training
      - Status of Materials Inspection Program
      - Technical Quality of Inspections
      - Technical Quality of Licensing Actions
      - Response to Incidents and Allegations

      [And the applicable following non-common performance indicators]
      - Legislation and Program Elements Required for Compatibility
      - Sealed Source and Device Evaluation Program
      - Low-Level Radioactive Waste Disposal Program
      - Uranium Recovery Program
      - Regional Fuel Cycle Inspection Program
      - Site Decommissioning Management Plan

   B. IMPEP Team Recommendations:
      - Adequacy [and Compatibility] Rating
      - Recommendation for the Next IMPEP Review

   C. MRB Consultation/Comments on Issuance of Report

4. Request for Comments from [State/Region] Management, OAS Liaison and State IMPEP Team Member.

5. Adjournment.

Invitees:	DEDMRS	Team Leader
	Director, STP	RSAO
	Director, NMSS	Team Member
	General Counsel	Team Member
	OAS Liaison	Deputy Director, STP
	State/Regional Management	Other State/Regional Attendees
	IMPEP Project Manager	
	Other NRC Attendees	

~~Appendix B~~

SAMPLE LETTER ADDRESSING A POTENTIAL DECLINE IN AGREEMENT STATE PERFORMANCE NOTED DURING A PERIODIC MEETING

[NAME]
[TITLE, STATE SENIOR MANAGEMENT]
[ADDRESS]

Dear [NAME]:

I am writing to discuss the results of a Periodic Meeting held in your [Agency/]Department] on [DATE], with staff of the [Bureau of Radiation Control/Radiation Control Program/other]. Periodic ~~M~~meetings are held to enable the U.S. Nuclear Regulatory Commission (NRC) and Agreement States to remain knowledgeable of their respective programs and to conduct planning for the next Integrated Materials Performance Evaluation Program (IMPEP) review. NRC has an oversight responsibility to periodically review Agreement State Programs for adequacy and compatibility with NRC's program and conducts these reviews under IMPEP.

NRC also uses the ~~P~~periodic ~~M~~meeting process to more effectively gather important performance information and increase focus on identifying performance issues earl~~ier~~y. This process includes an enhanced meeting coordination process; an earlier, more effective and active participation of the Management Review Board (MRB), a panel of NRC managers with an Agreement State manager liaison in the process; and active Radiation Control Program Director participation in the discussion of meeting results and decision making process.

The MRB met on [DATE], to discuss the results of the [STATE]'s [DATE], Periodic Meeting. Potential performance concerns identified in your radiation control program during the periodic meeting were discussed. I have enclosed a copy of the [DATE], letter to [Program Director], summarizing the results of the [DATE], Periodic Meeting. Highlights of the concerns identified during discussions are presented below.

The Program is experiencing difficulty in [DESCRIBE PROGRAM ISSUES]. Given these developments, we have concerns regarding the program's ability to maintain an adequate and compatible radiation safety program.

Your support in helping ensure that the [STATE] Agreement State Program has the necessary resources and support to continue to manage an effective program is crucial. I want to assure you that the Commission supports the objectives of the [STATE] Agreement State Program and that NRC staff will continue to work closely with your program. We thank you for your commitment to this effort.

Sincerely,

[NAME]
~~Deputy Executive Director~~
~~for Materials, Research and State Programs~~
Deputy Executive Director for Materials, Waste,

Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Enclosures:
As stated

cc: [STATE LIAISON OFFICER]
[RADIATION CONTROL PROGRAM DIRECTOR]
[OTHER]

Appendix ~~C~~B

SAMPLE LETTER TO RECOGNIZE PROGRAM'S GOOD PERFORMANCE AND EXPRESS APPRECIATION FOR PROGRAM'S CONTRIBUTION ENSURING PROTECTION OF PUBLIC HEALTH AND SAFETY

[STATE OFFICIAL]
[ADDRESS]

Dear [STATE OFFICIAL]:

On [DATE] the Management Review Board (MRB) met to consider the Integrated Materials Performance Evaluation Program (IMPEP) review of the [STATE] Agreement State Program. This review was conducted on [DATE].

The MRB found the [STATE] program adequate to protect public health and safety, and compatible with U. S. Nuclear Regulatory Commission's program. All performance indicators were determined to be satisfactory. During the last IMPEP, all performance indicators were also determined to be satisfactory. The [STATE] Agreement State Program performance is a credit to the talent, training, determination, and hard work of the Program staff and management.

On behalf of the NRC, I want to thank you for maintaining an outstanding radiation safety program and for your continued support of the important services that the [STATE RADIATION PROTECTION AGENCY/PROGRAM] provides for your State. Your program serves as a positive example for radiation control programs in other States and nations. Your continued support of the [STATE] Agreement State Program is critical to protect the public health and safety of the citizens of your State and the nation as a whole.

Sincerely,

[NAME]
~~Deputy Executive Director~~
~~for Materials, Research and State Programs~~
Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

cc: [STATE LIAISON OFFICER]
[RADIATION CONTROL PROGRAM DIRECTOR]
[OTHER]

Appendix ~~D~~C

SAMPLE LETTER TO CONGRATULATE A STATE DURING SPECIAL OCCASIONS

[NAME]
[TITTLE, STATE SENIOR MANAGEMENT]
[ADDRESS]

Dear [NAME]:

On behalf of the U. S. Nuclear Regulatory Commission (NRC), I want to congratulate you and the State of [STATE] for [REASON].

I would like to take this opportunity to thank you and your State for the important services and hard work that the [STATE RADIATION PROTECTION AGENCY/PROGRAM] performs in support to the NRC's mission of regulating the use of radioactive materials for civilian purposes to ensure the protection of public health and safety and the environment.

Your continued efforts and support of the [STATE] Agreement State Program is critical to protect the public health and safety of the citizens of your State and the nation as a whole. I want to assure you that the Commission supports the objectives of the [STATE} Agreement State Program and looks forward to continue to work cooperatively with your program in the future.

Sincerely,

[NAME]
~~Deputy Executive Director~~
~~for Materials, Research and State Programs~~
Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

cc: [STATE LIAISON OFFICER]
[RADIATION CONTROL PROGRAM DIRECTOR]
[OTHER]

Appendix ~~E~~D

MEMORANDUM TO: [The Chairman and Commissioners]

FROM: [Executive Director for Operations]

SUBJECT: ANNUAL REPORT OF AGREEMENT STATES' AND REGIONS' RADIOACTIVE MATERIAL PROGRAMS

~~This is an annual report on the status of the Agreement States' and Regions' radioactive material programs. Depending on the State's performance, review cycles under IMPEP are up to four years. All but [#] Agreement States were found to be adequate to protect public health and safety and were found to be compatible with the NRC's program. Attachment 1 is the Summary of Agreement States' Adequacy and Compatibility Status as of January [YEAR].~~ The June 30, 1997, Staff Requirements Memorandum (SRM) on SECY-97-054, "Final Recommendations on Policy Statements and Implementing Procedures for: 'Statement of Principles and Policy for the Agreement State Programs' and 'Policy Statement on Adequacy and Compatibility of Agreement State Programs,'" directed staff to provide the Commission annual status reports on the performance of Agreement State radioactive materials programs. This annual report on the status of the U.S. Nuclear Regulatory Commission (NRC) Regional and Agreement State radioactive material programs is being provided to the Commission in response to the SRM. (This report includes the NRC Regional radioactive materials programs since the Integrated Materials Performance Evaluation Program (IMPEP) is applied to both Agreement State and Regional programs.) Enclosure 1 is the Summary of Agreement States' Adequacy and Compatibility Status as of the end of Calendar Year [YEAR].

[Include brief discussions of any States/Regions that were in Heightened Oversight and/or Monitoring during the past fiscal year.]

~~Attachment 2 presents the Summary of the NRC Regions' Adequacy Status. Attachment 3 presents a summary of IMPEP report issuance against the 104-day goal. Attachment 4 presents a summary of activities related to States in heightened oversight or increased monitoring.~~Enclosure 2 presents the Summary of the NRC Regions' Adequacy Status as of the last day of Fiscal Year [YEAR]. Enclosure 3 presents a summary of Fiscal Year [YEAR] IMPEP report issuances against the 104-day goal. Enclosure 4 presents a current summary of activities related to States on Heightened Oversight or Monitoring.

The NRC and the Agreement States continue to work in cooperation to achieve the goals of the IMPEP program. Inclusion of the Agreement States in the IMPEP review process facilitates an exchange of radiation protection knowledge. The NRC and the Agreement States are both able to benefit from the IMPEP program's blending of State and Federal resources.

~~Attachments~~Enclosures:
~~As stated~~
1) Summary of Agreement States' Adequacy and Compatibility Status as of the end of Calendar Year [YEAR]
2) Summary of the NRC Regions' Adequacy Status as of the last day of Fiscal Year [YEAR]
3) Summary of Fiscal Year [YEAR] IMPEP Report Issuance Against 104-day Goal

4) Summary of Activities Related to States on Heightened Oversight or Monitoring

cc: SECY
OGC
OCA
OPA
CFO

Distribution:
EDO RF (WITS #)
DIR RF DCD (SP01) PDR (YES)
IMPEP File
DOCUMENT NAME:

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	FSME/MSSA		FSME/ MSSA: DD		FSME/MSSA: D		FSME:DD		FSME:D		DEDMRT		EDO
NAME	IMPEP Project Manager												
DATE	/ /				/ /		/ /		/ /		/ /		/ /

OFFICIAL RECORD COPY

SUMMARY OF AGREEMENT STATES' ADEQUACY AND COMPATIBILITY STATUS

JANUARY [YEAR]

STATE	REVIEW YEAR	ADEQUACY FINDING	COMPATIBILITY FINDING
[STATE]	[YEAR]	[adequate...]	[compatible ...]

SUMMARY OF NRC REGIONS' ADEQUACY STATUS

REGION	REVIEW YEAR	ADEQUACY FINDING
Region I	[YEAR]	[adequate...]
Region II	[YEAR]	[adequate...]
Region III	[YEAR]	[adequate...]
Region IV	[YEAR]	[adequate...]

IMPEP REPORT TRACKING

FY [YEAR]

State or Region	**Review Date Month/Year**	**Total number of days from review to release of final report Goal: 104 Days**
[STATE]	[DATE]	[#]

~~FY [YEAR]~~ HEIGHTENED OVERSIGHT~~/~~ AND MONITORING CHART

State	RSAO/ASPO	Last IMPEP Review	Last Contact	Next Contact	Action(s) Due
HEIGHTENED OVERSIGHT					
[STATE]	[RSAO/ASPO]	[DATES]	[CALL, REVIEW...]	[CALL, REVIEW...]	[LIST OF ACTIONS
MONITORING					
[STATE]	[RSAO/ASPO]	[DATES]	[CALL, REVIEW...]	[CALL, REVIEW...]	[LIST OF ACTIONS