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NUCLEAR REGULATORY COMMISSION
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(FSME-09-038, June, Program, SA-116)

June 2009

FINAL FSME PROCEDURE SA-116, PERIODIC MEETINGS BETWEEN IMPEP REVIEWS (FSME-09-038)

Purpose: To inform Agreement States of the final issuance of the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-116, *Periodic Meetings Between IMPEP Reviews.*

Background: This procedure describes the process for planning and conducting periodic meetings with Nuclear Regulatory Commission (NRC) Regional and Agreement State radioactive materials programs between Integrated Materials Performance Evaluation Program (IMPEP) reviews. The procedure has been revised to reflect the NRC reorganization and to consolidate guidance for periodic meetings with NRC Regions and the Agreement States into one procedure.

Discussion: The final procedure along with the red-line/strikeout version of the procedures and the Comment Resolution document are enclosed. These documents can also be found at: http://nrc-stp.ornl.gov/procedures.html.

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

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Robert J. Lewis, Director **/RA/**
Division of Materials Safety and State Agreements
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Enclosures:
FSME Procedure SA-116
FSME Procedure SA-1 16, Redline/Strike Version
FSME SA 116, Comment Resolution

cc: Bradley Jones, Assistant General Counsel
for Rulemaking and Fuel Cycle, OGC

Arthur Howell, Director
Division of Nuclear Materials Safety, Region IV

John Kinneman, Director
Division of Nuclear Materials Safety, Region I

Steven Reynolds, Director
Division of Nuclear Materials Safety, Region III

FSME Procedure Approval

Periodic Meetings Between IMPEP Reviews

SA-116

Issue Date: June 3, 2009

Review Date: June 3, 2012

Robert J. Lewis ***/RA/***
Director, MSSA *Date: 6/3/2009*

A. Duncan White ***/RA/***
Branch Chief, MSSA *Date: 3/19/2009*

Aaron T. McCraw ***/RA/***
Procedure Contact, MSSA *Date: 3/19/2009*

NOTE
These procedures were formerly 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 the FSME procedures are available through the NRC website.

I. INTRODUCTION

This procedure describes the general objectives and process to be followed when scheduling, staffing, conducting, and documenting a periodic meeting with an NRC Region or Agreement State radioactive materials program.

II. OBJECTIVES

A. To designate the frequency for periodic meetings.

B. To establish protocols for scheduling and conducting a periodic meeting.

C. To identify the appropriate participants for a periodic meeting, including the staff responsible for conducting the meeting.

D. To define the scope of activities and areas for discussion during a periodic meeting.

E. To define the methods and the timing for documenting and communicating the results of a periodic meeting.

F. To specify the appropriate actions to take when performance concerns are identified during a periodic meeting.

G. To establish the mechanism to communicate periodic meeting results to the Management Review Board (MRB).

H. To provide guidance on the issuance of “letters of support.”

III. BACKGROUND

Periodic meetings were created to help NRC Headquarters, the NRC Regions, and the Agreement States remain knowledgeable of the others’ respective programs and to plan for future Integrated Materials Performance Evaluation Program (IMPEP) reviews. Periodic meetings serve as forums to exchange information, to identify potential areas of improvement for NRC Headquarters, the NRC Regions, and the Agreement State programs, and to address or define significant actions. Periodic meetings are not formal evaluations but are open, interactive discussions of program status and performance. The meetings should provide for identification and discussion of any program areas experiencing difficulties or program changes (e.g., loss of staff) that could potentially affect performance.

The periodic meeting process has evolved from its early beginnings to a more effective avenue to gather important performance information. The evolution is attributable to an

increased scope of discussions and increased focus on early identification of performance weaknesses. As a result of the evolution of periodic meetings, new responsibilities have emerged, an enhanced meeting coordination process was developed, and a more effective and active participation by the MRB was incorporated earlier in the process. Additionally, the Agreement States became more involved in the process. As examples, the Agreement States now have a greater role in the coordination of the periodic meetings and active participation at the MRB meetings.

This procedure documents current periodic meeting' practices, which include: (1) increased scope of discussion that allows a better sharing of information between NRC and the Agreement States; (2) briefing the MRB on the meeting's results with active participation from Agreement State staff; and (3) earlier identification of program weaknesses (e.g., staffing shortage, inspection backlogs) and implementation of corrective measures and (4) issuance of "letters of support:"

(a) To identify early indications of potential program weaknesses;
(b) To support program requests for additional resources; or,
(c) To recognize the benefits, contributions, success, or history of good performance of a program.

IV. ROLES AND RESPONSIBILITIES

A. IMPEP Project Manager:

1. Informs NRC managers, NRC staff, and the Agreement States of the proposed IMPEP and periodic meetings schedule for each year.

2. Tracks the issuance of periodic meeting summary reports.

3. Coordinates and schedules the presentation of the results of periodic meetings to the MRB.

4. Leads the presentation of the results of the periodic meeting to the MRB when the periodic meeting attendees are not able to participate in the MRB meeting.

5. Identifies and tracks any action items that result from a periodic meeting or the presentation of results of periodic meetings to the MRB.

6. Advises the MRB on the issuance of "letters of support" to senior State managers.

7. Drafts "letters of support," as directed by the MRB.

B. Regional State Agreements Officer (RSAO):

Note: The RSAO's responsibilities only apply to periodic meetings with Agreement States.

1. Schedules meetings with each of those Agreement States in his/her Region at the appropriate frequency (as defined in Part V. A).

2. Coordinates a meeting date with the Agreement State program and any other NRC attendees.

3. Informs the IMPEP Project Manager and appropriate Regional management of the meeting date.

4. Develops a draft agenda for the meeting in coordination with the Agreement State's Radiation Control Program Director (RCPD).

5. Issues, once a meeting date has been established, a letter to the RCPD a minimum of 60 days before the meeting, confirming the date for the meeting. The letter should include the draft agenda that was developed in coordination with the RCPD, as well as a request for any comments on the draft agenda and/or additional specific meeting discussion topics. A sample scheduling letter and draft agenda for a periodic meeting with an Agreement State can be found on the IMPEP Toolbox.

6. Schedules and plans the meeting to ensure that Agreement State attendance will include at least one radiation control program representative who can speak on behalf of the Agreement State program. Agreement State staff attendance at the meeting will be determined by the Agreement State.

7. Reviews all open recommendations from the most recent IMPEP review (if a previous periodic meeting had been held, review the program's progress on addressing the recommendations as of the date of the meeting).

8. Obtains and reviews a detailed printout of all Nuclear Material Events Database (NMED) entries since the last IMPEP review or periodic meeting for the respective Agreement State.

9. Becomes familiar with all allegations and concerns referred to the respective Agreement State since the last IMPEP review or periodic meeting. This information can be obtained from the Regional Senior Allegations Coordinator and NRC's Office of Federal and State Materials and Environmental Management Programs (FSME) Allegations Coordinator.

10. Reviews the status of the Agreement State's regulations as detailed in the State Regulation Status Sheet maintained by FSME.

11. Serves as lead facilitator for the meeting. If the RSAO cannot serve as the lead, the RSAO will reschedule the meeting, or request that an alternate NRC attendee lead the meeting. If the RSAO is unfamiliar with an Agreement State for any reason (e.g., there is a new RSAO or the RSAO was not a member of the previous IMPEP review team), FSME and/or NRC Regional management may choose to send an alternate staff member more knowledgeable about the Agreement State to the meeting. This decision will be made on a case-by-case basis.

12. Meets with senior State managers to provide a summary of the discussions held with the Agreement State program staff, as appropriate.

13. Issues the final periodic meeting summary.

14. Leads the presentation of the results of the periodic meeting to the MRB.

15. Recommends to the MRB issuance of "letters of support" to senior State managers, as appropriate.

C. FS ME Designee:

1. Attends and participates in assigned periodic meetings with NRC Regions and Agreement States. Assignments will be made on a case-by-case basis, depending on expertise of an individual and/or existing performance issues in an NRC Region or Agreement State.

2. For periodic meetings with Agreement States, coordinates and assists the RSAO in meeting preparation and development of specific information areas to be covered during the meeting, such as event reporting, allegations, and the status of regulations.

3. Leads the periodic meeting with an Agreement State, if necessary or requested.

4. Meets with senior State managers to provide a summary of the discussions held with the Agreement State program staff, as appropriate.

5. For periodic meetings with NRC Regions, prepares for, conducts, and documents all aspects of the meeting. This includes coordination of scheduling the meeting and preparing the meeting's agenda with the Regional Division of Nuclear Materials Safety (DNMS) management, as

well as review of Regional self-assessments, operating plan performance, and monthly Regional reports.

6. Leads the presentation of the results of the periodic meeting to the MRB, as appropriate.

D. Management Review Board (MRB):

1. Provides a senior-level review of the results of the periodic meetings.

2. Provides direction on a course of action when performance concerns are identified during a periodic meeting (see V.G. below). Any decisions regarding a course of action in response to performance concerns will be communicated directly to the RCPD or DNMS Director either at the MRB meeting or after the meeting by correspondence.

3. Directs NRC staff on the issuance of "letters of support" to senior State managers.

4. Membership, additional responsibilities, and protocols of the MRB are defined in FSME Procedure SA-106, *The Management Review Board (MRB).*

V. GUIDANCE

A. Frequency of Meetings

1. For a 4-year IMPEP cycle, a periodic meeting should take place approximately 24 months after the IMPEP review.

2. If additional meetings are required or requested by the MRB, FSME management, the NRC Region, or the Agreement State, the meeting frequency may be adjusted on a case-by-case basis.

3. Agreement States may request additional informal meetings, as NRC resources allow. A summary of the discussion of any informal meeting should be documented in a short letter to the State's RCPD to serve as a record of meeting.

B. Scope of Discussions with Agreement States during Periodic Meetings

As appropriate, topic areas for discussion during the meeting should include the following:

1. Status of the State's actions to address all open IMPEP review findings and/or open recommendations.

2. Strengths and/or weaknesses of the State program as identified by the State or NRC, including identification of actions that could strengthen the program.

3. Feedback on NRC's program as identified by the State, including identification of any action that should be considered by NRC.

4. Status of the State Program, including:

   a. Staffing and training:

      i) Number of staff in the program and status of their training and qualifications;
      ii) Program vacancies;
      iii) Staff turnover; and,
      iv) Adequacy of full-time equivalents (FTE) for the materials program.

   b. Program reorganizations:

      Discuss any changes in program organization, including program/staff relocations and new appointments.

   c. Changes in program budget/funding.

   d. Materials inspection program:

      Discuss the status of the inspection program, including whether an inspection backlog exists and the steps being taken to reduce or eliminate the backlog.

   e. Regulations and legislative changes:

      Discuss status of State's regulations and actions to keep regulations up to date, including the use of legally binding requirements.

5. Event reporting, including followup and closure information in NMED.

6. Response to incidents and allegations:

   a. Status of allegations and concerns referred by NRC for action;
   b. Significant events and generic implications.

7. Status of the following program areas, if applicable:

   a. Sealed Source and Device Evaluation Program;
   b. Uranium Recovery Program; and/or,
   c. Low-level Radioactive Waste Disposal Program.

8. Information exchange and discussion:

   a. Current State initiatives;
   b. Emerging technologies;
   c. Large, complicated, or unusual authorizations for use of radioactive materials;
   d. Major decommissioning and license termination actions;
   e. State's mechanisms to evaluate performance; and,
   f. Current NRC initiatives.

9. Schedule for the next IMPEP review.

10. Action items resulting from the periodic meeting (these should be documented in the meeting summary report). [Note: the meeting should not be used by the States to refer major policy issues to NRC since these are addressed through other mechanisms].

11. Other topics.

C. Scope of Discussions with NRC Regions During Periodic Meetings

As appropriate, topic areas for discussion during the meeting should include the following:

1. Status of operating plan metrics.

2. Review of strategic plan metrics and an assessment of the quality of the data contained in the monthly reports on material statistics.

3. Status of the Region's actions to address all open IMPEP review findings and/or open recommendations.

4. Status of the Region's program, including:

   a. Staffing and training:

      i) Number of staff in the program and status of their training and qualifications;
      ii) Vacancies in the program;

iii) Staff turnover; and,

iv) Adequacy of FTEs for the program.

b. Program reorganizations:

Discuss any changes in program organization, including program/staff relocations, new appointments, and redistribution of responsibilities.

c. Changes in program budget/funding.

d. Materials inspection program:

Discuss the status of the inspection program, including whether an inspection backlog exists and the steps being taken to reduce or eliminate the backlog.

e. Response to incidents and allegations:

i) Status of allegations and concerns;

ii) Status of response to events, including discussions on the status of incomplete NMED entries.

5. Status of Uranium Recovery Program (if applicable)

6. Review of Regional self-assessments and any actions the Region has taken to address any self-identified weaknesses or good practices that should be shared with other Regions.

7. New or potential FSME initiatives that may impact the Regions, including: program or policy changes, rulemakings, working groups, temporary instructions, inspection procedures, etc.

8. Schedule for the next IMPEP review.

9. Action items resulting from the periodic meeting.

10. Other topics.

D. Evaluation of Casework during Periodic Meetings

1. As discussed in Section III. of this procedure, periodic meetings are not formal evaluations of program performance. Reviews of licensing, inspection, or incident casework does not need to be performed. Review of some documents, however, may be useful to clarify points made in

discussions and/or to determine the status of open recommendations from previous IMPEP reviews (e.g., summary of printouts of inspection information, close-out letters in incident files, or status of regulations.)

2. In some cases, casework for allegations may need to be reviewed in order to ensure that appropriate followup action was taken. All casework for allegations and concerns referred directly to the State by NRC in which the alleger's identity has been withheld should be reviewed. Performance concerns closed through STP Procedure SA-400, *Management of Allegations*, do not need to be reviewed in depth.

E. Documentation of Periodic Meetings

1. The meeting lead should prepare, issue, and distribute the periodic meeting summary and transmittal correspondence within 30 days of the date of the meeting. A sample periodic meeting summary and transmittal letter can be found on the IMPEP Toolbox.

2. Prior to issuance of the periodic meeting summary, the meeting lead should share a draft of the periodic meeting summary with the Director, DNMS, or Agreement State RCPD and any other attendees for factual review and comment.

3. For each open recommendation from the previous IMPEP review, the meeting lead should assign one of the two following recommendations based on the status of the program's actions. Recommendations involving chronic performance issues should not be closed until a continuous period of adequate performance has been demonstrated.

   a. This recommendation should be verified and closed at the next IMPEP review.
   b. This recommendation remains open and should be evaluated at the next IMPEP review.

4. No specific information regarding any allegations or concerns discussed at the periodic meeting that could potentially identify an alleger should be contained in the periodic meeting summary or transmittal correspondence. The periodic meeting summary should only state the number of allegations and concerns discussed and whether the casework has been handled adequately. (If an Agreement State is not handling allegations or concerns in a manner consistent with the guidance provided in Management Directive 8.8, *Management of Allegations*, the RSAO or FSME designee at the meeting should report this fact separately to FSME management.)

F. Presentation of the Results of the Periodic Meetings to the MRB

1. The MRB will be convened to review the results of periodic meetings on an as-needed basis. Typically, the results of two to three periodic meetings will be presented in a session.

2. NRC Regional and Agreement State representatives of programs that are being discussed will be invited to participate in the MRB meeting.

G. Performance Concerns Identified during a Periodic Meeting

1. If programmatic or performance concerns about a program are identified during a periodic meeting, the concerns should be documented in the periodic meeting summary and presented to the MRB as part of the discussion of the results of the periodic meeting.

2. The MRB will decide on the appropriate course of action. Possible actions may include any or all of the following:

   a. altering the schedule for the next IMPEP review;
   b. scheduling an additional meeting with the program;
   c. conducting a special review of selected program areas;
   d. placing the Agreement State on Heightened Oversight or Monitoring (see STP Procedure SA-122, *Heightened Oversight and Monitoring*, for additional information); and,
   e. issuing a "letter of support" to bring declining program issues to the attention of Agreement State program senior management (see Appendix A).

3. If the concerns have the potential to immediately affect public health and safety, the meeting lead should immediately inform FSME management, NRC Regional management, and the IMPEP Project Manager of the findings and propose a course of action. FSME management should notify the Chair of the MRB of the concerns identified and the proposed course of action. The Chair of the MRB may request the MRB to convene to discuss the concerns and vote on the proposed course of action.

4. If performance issues in an Agreement State are identified through day-to-day interactions, the RSAO will document the program's issues in writing to present to the MRB. The written documentation should provide a complete description of the program performance issues and any other supporting information sufficient to allow the MRB to determine an appropriate course of action, as outlined in V.G.2.

VI. APPENDIX

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

VII. REFERENCES

1. FSME Procedure SA-106, *The Management Review Board (MRB)*
2. IMPEP Toolbox – http://nrc-stp.ornl.gov/impeptools.html
3. NRC Management Directive 8.8, *Management of Allegations*
4. STP Procedure SA-122, *Heightened Oversight and Monitoring*
5. STP Procedure SA-400, *Management of Allegations*

VIII. 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 NRC's Agencywide Documents Access and Management System (ADAMS) are listed below.

No.	Date	Document Title/Description	Accession Number
1	10/9/03	STP-03-077, Opportunity to Comment on Draft Revisions to STP Procedure SA-116	ML032820578
2	2/6/04	STP Procedure SA-116	ML040620604
3	2/6/04	Summary of Comments on SA-116	ML040620654
4	7/28/05	STP-05-061, Draft Revision of STP Procedures to Incorporate Letters of Support Guidance	ML052100400
5	10/5/05	STP Procedure SA-116	ML061310327
6	10/5/05	Summary of Comments on SA-116	ML061310346
7	9/12/07	FSME-07-086, Opportunity to Comment on Draft Revision to FSME Procedure SA-116	ML072470343
8		Summary of Comments on SA-116	

Appendix A

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 meetings are held to enable the U.S. Nuclear Regulatory Commission (NRC) and Agreement States to remain knowledgeable of each other's program 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 to protect public health and safety and compatibility with NRC's program and conducts these reviews under IMPEP.

NRC also uses the periodic meeting process to gather important performance information and increase focus on identifying performance issues before they escalate into serious problems. This process includes an enhanced meeting coordination process, with 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 the meeting 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 mission 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, Waste, Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Enclosure:
Periodic Meeting Summary for [State]

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

June 3, 2009

SUMMARY OF COMMENTS ON SA-116, PERIODIC MEETINGS BETWEEN IMPEP REVIEWS

I. Sent to the Agreement States for Comment: September 12, 2007 (FSME-07-086)

Comments/Dated: No Comments Received

II. Sent to the NRC Offices for Comment: September 12, 2007

Comments/Dated: DILR - 9/25/07 (e-mail - no comments)
Region I - 10/02/07 (e-mail - no comments)
Region IV - 10/05/07 (e-mail - no comments)
DWMEP – 10/05/07 (e-mail)
Region III - 10/09/07 (e-mail)

DWMEP:
Comment 1:
Page 9. Add item 4. g. Discuss status of sites undergoing decommissioning.

Response:
We agreed with the general premise of this comment. A new Item 8.d. was added to the items for discussion with the Agreement States. The item covers major decommissioning and license termination actions.

Comment 2:
Page 10. Add item 7. d. Decommissioning program

Response:
We agreed with the general premise of this comment. A new Item 8.d. was added to the items for discussion with the Agreement States. The item covers major decommissioning and license termination actions.

Region III:
Comment 1:
This sentence “Identifies and tracks any action items that result from a periodic meeting of the presentation of results of periodic meetings to the MRB” is confusing. Perhaps you should remove the term “a periodic meeting of.”

Response:
There was a typographical error in the sentence. The procedure has been revised to read: “Identifies and tracks any action items that result from a periodic meeting of the presentation **OR** results of periodic meetings to the MRB.”

Comment 2:
This paragraph refers to the Site Decommissioning Management Plan (SDMP). These sites are now called “complex sites” as described in SECY-04-0024, "Recommended Changes to the Nuclear Regulatory Commission's Decommissioning Program and Annual Decommissioning Program Report." The Commission’s May 12, 2004 SRM on the subject approved the change.

Response:
We agreed with this comment, and the procedure was revised accordingly. As noted under the response to DWMEP's comments, a new Item 8.d. was added to the topics for discussions with Agreement States to cover the status of any major decommissioning activities and license termination actions.

Comment 3:
In the first line of this paragraph, change "recommendations" to "recommendation."

Response:
We agreed with this comment, and the procedure was revised accordingly.