



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

March 28, 2017

ALL AGREEMENT STATES, VERMONT, WYOMING

OPPORTUNITY TO COMMENT ON DRAFT REVISION TO OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS PROCEDURE SA-116, "PERIODIC MEETINGS BETWEEN IMPEP REVIEWS" (STC-17-033)

Purpose: To provide the Agreement States with an opportunity to comment on the proposed revisions to the Office of Nuclear Material Safety and Safeguards (NMSS) (formerly the Office of Federal and State Materials and Environmental Management (FSME) Programs) Procedure SA-116, "Periodic Meetings Between IMPEP Reviews."

Background: This procedure is being revised to reflect the current NMSS organization (post FSME merger), to update with the current practices for periodic meetings between the Integrated Materials Performance Evaluation Program reviews, and allow for the option of not performing a periodic meeting.

Discussion: Enclosed for your review and comment is a draft revision to NMSS Procedure SA-116, "Periodic Meetings Between IMPEP Reviews." Periodic meetings occur at the midpoint between Integrated Materials Performance Evaluation Program (IMPEP) visits and allow for open discussions with the NRC. The current draft revision also includes a change to allow the option of no periodic meeting being conducted for programs that have been rated as adequate and compatible. The current draft revision is provided in red line strikeout format from the last revision in June 2009 and also a clean (readable) copy. The comment period for this document, which was developed following consultation with the Organization of Agreement States, ends on May 31, 2017.¹

¹ This information request has been approved by OMB 3150-0029 expiration 1/31/2019. The estimated burden per response to comply with this voluntary collection is approximately 3 hours. Send comments regarding the burden estimate to the FOIA, Privacy, and Information Collections Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to infocollects.resource@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.

If you have any questions regarding this correspondence, please contact me at (301) 415-3340, your respective Regional State Agreement Officer, or the individual named below:

POINT OF CONTACT: Kathy Modes
TELEPHONE: (215) 872-5804

E-MAIL: Kathy.Modes@nrc.gov

/RA/ PHenderson for DCollins

Daniel S. Collins, Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. SA-116, "Periodic Meetings Between IMPEP Reviews"
2. SA-116, "Periodic Meetings Between IMPEP Reviews", Redline Strikeout



Office of Nuclear Material Safety and Safeguards Procedure Approval

Periodic Meetings between IMPEP Reviews-SA-116

Issue Date:

Review Date:

Daniel S. Collins, Director
*Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards*

Date:

Paul Michalak, Branch Chief
*Agreement State Programs Branch
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards*

Date:

Lisa Dimmick, Procedure Contact
*Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards*

Date:

ML16034A390

NOTE

***Any changes to the procedure will be the responsibility of the NMSS Procedure Contact.
Copies of the NMSS procedures will be available through the NRC Web site.***



Procedure Title:
Periodic Meetings
Between IMPEP Reviews
Procedure Number: SA-116

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I. INTRODUCTION

This procedure describes the general objectives and process to be followed when scheduling, staffing, conducting, and documenting a periodic meeting with a U.S. Nuclear Regulatory Commission (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 and, identify the appropriate participants for a periodic meeting, including the staff responsible for conducting the meeting.
- C. To define the scope of activities and areas for discussion during a periodic meeting.
- D. To define the methods and the timing for documenting and communicating the results of a periodic meeting.
- E. To establish the frequency and the mechanism to communicate periodic meeting results to the Management Review Board (MRB).
- F. To specify the appropriate actions to take when performance issues are identified during a periodic meeting.
- G. To provide guidance on the issuance of "letters of support."

III. BACKGROUND

Periodic meetings were created to help the NRC and the Agreement States remain knowledgeable of the others' respective materials programs and to plan for future Integrated Materials Performance Evaluation Program (IMPEP) reviews.

Periodic meetings serve as forums to exchange information. Periodic meetings are not formal evaluations but are open, interactive discussions of program status and performance.

These 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.



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The periodic meeting process has evolved from its early beginnings, to an effective avenue for gathering important performance information. The evolution is attributable to an increased scope of discussion and a focus on early indications of performance challenges when present.

This procedure documents the expectations for periodic meeting practices which include (1) increased scope of discussion allowing a better sharing of information between the NRC and the Agreement States; (2) briefing the MRB on the meeting results; and (3) identification of program challenges (e.g., staffing shortage, inspection backlogs) and implementation of corrective measures.

IV. ROLES AND RESPONSIBILITIES

A. IMPEP Project Manager

1. Informs NRC managers, NRC staff, and the Agreement States of the proposed periodic meeting schedule for each fiscal 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. Tracks action items that result from a periodic meeting or Special MRB for the periodic meeting.
5. Drafts "letters of support," as directed by the MRB, with support from the Regional State Agreements Officer.

B. Regional State Agreements Officer (RSAO)

Note: These 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 Section V. A of this procedure).
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.



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4. Develops a draft agenda for the meeting in coordination with the Agreement State's Radiation Control Program Director (RCPD).
5. 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).
6. 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. This information can be obtained from the Idaho National Laboratory NMED program manager or by performing a search in NMED. Guidance for performing NMED searches is available in the Help Section of the NMED website.
7. Obtains and reviews information about 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, the Office of Nuclear Material Safety and Safeguards (NMSS) Performance Concerns Coordinator, and the Headquarters Allegations Team in the Office of Enforcement.
8. Obtains and reviews the status of the Agreement State's regulations as detailed in the State Regulation Status Sheet maintained by NMSS.
9. 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., RSAO is new to the position or the RSAO was not a member of the previous IMPEP review team), NMSS and/or NRC Regional management may choose to send an alternate staff member who is more knowledgeable about the Agreement State to the meeting. This decision will be made on a case-by-case basis.
10. Meets with senior State managers to provide a summary of the discussions held with the Agreement State program staff, as appropriate.
11. Issues the final periodic meeting summary.
12. Leads the presentation of the results of the Agreement State periodic meeting to the MRB, as appropriate.
13. Informs the IMPEP Project manager of any action item that should be tracked resulting from a periodic meeting.



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14. Follows up, resolves, or provides a path forward for actions items that are described in the periodic meeting summary.
15. Recommends to the MRB issuance of “letters of support.”
16. Works with the IMPEP Project Manager to draft “letters of support.”

C. NMSS 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. Coordinates and assists the RSAO in periodic meetings with Agreement States, 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 when requested.
4. Meets with senior State managers to provide a summary of the discussions held with the Agreement State program staff, as appropriate.
5. Prepares for, conducts, and documents all aspects of periodic meetings with NRC Regions. This includes scheduling the meeting and preparing the agenda in coordination with the Regional Division of Nuclear Materials Safety (DNMS) management.
6. Leads the presentation of the results of the NRC regional office periodic meeting to the MRB, as appropriate.

D. Management Review Board (MRB)

1. Provide a senior-level review of the results of the periodic meetings.
2. Provide direction on a course of action when performance issues are identified during a periodic meeting (see Section V.F. below). Any decisions regarding a course of action in response to performance issues will be communicated directly to the RCPD or DNMS Director either at the MRB meeting or after the meeting by correspondence.
3. Direct NRC staff on the issuance of “letters of support.”



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Note: Membership, additional responsibilities, and protocols of the MRB are defined in NMSS Procedure [SA-106](#), *The Management Review Board (MRB)*.

V. GUIDANCE

- A. Frequency of Periodic Meetings for NRC Region and Agreement State Programs
1. For those programs on a 4-year IMPEP review cycle, a periodic meeting should take place approximately 24 months after the IMPEP review. For those programs on a 5-year IMPEP review cycle, a periodic meeting should take place approximately 30 months after the IMPEP review.
 2. If additional meetings are required or requested by the MRB, NMSS 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 meetings, as NRC resources allow. A summary of the discussion held during any meeting should be documented in a short letter to the State's RCPD to serve as a record of the meeting. Special MRBs are not convened to disposition the results of these additional meetings. However, if performance issues are identified either through other meetings or day-to-day interactions, the concerns should be documented and handled in accordance with Section V.F. of this procedure.
- B. Scheduling of periodic meetings and meeting participants
1. Once a periodic meeting date has been established, the RSAO should send a letter to the RCPD a minimum of 30 days before the meeting, confirming the date for the meeting. A sample letter can be found in Appendix A. 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 agenda can be found in Appendix B. For periodic meetings with the regions, the NMSS designee should send a memo to the Regional Administrator a minimum of 30 days before the meeting, confirming the date for the meeting.
 2. Periodic meetings with the Agreement State should 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. Periodic meetings with the NRC regions should include at least one manager from the



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Division of Nuclear Materials Safety (DNMS). Staff attendance by the regions will be determined by DNMS management.

C. Scope of Discussions During Periodic Meetings

1. As appropriate, topic areas for discussion during the meeting should include the following:
 - a. Program Reorganizations and Program Budget/Funding;
 - b. Common Performance indicators: Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Inspections, Technical Quality of Licensing Actions, and Technical Quality of Incident and Allegation Activities;
 - c. Non-common performance indicators, as applicable, Compatibility Requirements, Sealed Source and Device (SS&D) Evaluation Program, Low-Level Radioactive Waste Disposal Program, Uranium Recovery Program.;
 - d. All open recommendations from the previous IMPEP review including the actions that have been taken, or are in progress, in regards to the recommendation; and
 - e. Information exchange covering: current program initiatives, current NRC initiatives, emerging technologies, large complicated licensing actions and/or decommissioning, and a mechanism for conducting self-assessments.
2. Evaluation of Casework during Periodic Meetings
 - a. 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).
 - b. 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 concerned individual's identity has been withheld should be reviewed. Performance concerns closed



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through STP Procedure [SA-400](#), *Management of Allegations*, do not need to be reviewed in depth.

D. Documentation of Periodic Meetings

1. A periodic meeting summary should be developed for each meeting.
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. The periodic meeting summary should include the status of all open recommendations from the previous IMPEP review. All recommendations remain open during periodic meeting reviews. Closure of recommendations occurs at the IMPEP review; not at the periodic meeting.
4. No specific information regarding any allegations or concerns discussed at the periodic meeting that could potentially identify a concerned individual 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 NMSS designee at the meeting should report this fact separately to NMSS management.)
5. If program performance at the periodic meeting supports placing a program on or taking off heightened oversight or monitoring, the meeting summary should provide sufficient information to support either action.
6. Action items resulting from feedback received during the periodic meeting should be described along with a path forward to address the particular issue.

Note: The meeting should not be used by the States to refer policy issues to NRC. Policy issues are addressed through other mechanisms.

E. Frequency and Presentation of the Results of the Periodic Meetings to the MRB

1. The MRB will be convened to review the results of periodic meetings. Typically, the results of the periodic meetings from a few material programs will be presented in a single MRB session.



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

F. Performance Issues Identified during a Periodic Meeting

1. If performance issues about adequacy or compatibility are identified during a periodic meeting, the issues 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 leadership (see Appendix D).
3. If the performance issues have the potential to immediately affect public health and safety, the meeting lead should immediately inform NMSS management, NRC Regional management, and the IMPEP Project Manager of the findings and propose a course of action. NMSS management should notify the Chair of the MRB of the performance issues identified and the proposed course of action. The Chair of the MRB may request that the MRB convene to discuss the performance issues 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.F.2.



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G. Letters of Support

Upon request of the program or at the suggestion of the MRB, NMSS, or the region, the NRC can issue a letter of support for the program. The letter of support come in many forms and can be addressed to Program Directors, Department/ Office Directors, Commissioners, and Governors. The letter of support might be issued with declining performance or chronic problems exist with staffing, budgets, and/or overdue regulations. The intent of the letter is to raise awareness to higher level state government official for specific needs of the State's Agreement with the NRC.

VI. APPENDICES

- Appendix A Sample Scheduling Letter (ML17024A259)
- Appendix B Sample Agenda (ML17024A246)
- Appendix C Sample Letter Documenting a Periodic Meeting with No Declining Performance (ML17024A340)
- Appendix D Sample Letter Addressing a Potential Decline in Agreement State Performance Noted During a Periodic Meeting (ML17030A278)
- Appendix E Sample Template Format for Periodic Meeting Summary (ML17024A286)

VII. REFERENCES

1. NMSS Procedure SA-106, *The Management Review Board (MRB)*
2. IMPEP Toolbox – <https://scp.nrc.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*
6. IMC 1248 *Qualification Programs for Federal and State Materials and Environmental Management Programs*

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.



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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 SCHEDULING A PERIODIC MEETING

[Radiation Control Program Director]
[Street Address]
[City], [ST] [Zip Code]

Dear [Addressee]:

In order to help the Agreement States and the U.S. Nuclear Regulatory Commission (NRC) remain knowledgeable of each other's program and to initiate planning for the next Integrated Materials Performance Evaluation Program (IMPEP) review, the NRC conducts one-day periodic meetings with Agreement States between IMPEP reviews.

In accordance with the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-116, "Periodic Meetings between IMPEP Reviews," and after previous coordination with [State contact] of your staff, we have scheduled the periodic meeting for [date]. The meeting will be held at the Radiation Control Program offices in [City, State]. In addition to myself, staff and management from NMSS and NRC's Region [I, III, OR IV] office may also attend the meeting.

Based on our previous discussions, the likely topics for discussion at the meeting are listed on the enclosed agenda. If there are any additional specific topics you would like to cover, or if you would like to focus on a specific area, please let me know. If you have any questions, please call me at [RSAO telephone number], or via e-mail at [RSAO [email address@nrc.gov](mailto:email_address@nrc.gov)].

Sincerely,

[RSAO signature block]
Regional State Agreement Officer
Division of Nuclear Materials Safety

Enclosure:
Periodic Meeting Agenda

Appendix B

SAMPLE AGENDA

Periodic Meeting Agenda with [Region/Agency/Department]. [DATE]

Topic areas for discussion during the meeting may include:

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

2. Program reorganizations:

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

3. Changes in program budget/funding.

4. Status of the NRC or State's program, including:

- a. Technical Staffing and Training

- i) Number of staff in the program and status of their training and qualifications.
- ii) Any program vacancies.
- iii) Staff turnover since the last IMPEP review.
- iv) Adequacy of FTEs for the materials program.
- v) Status of implementation of IMC 1248

- b. Status of Materials Inspection Program

- i) Number of Priority 1, 2, and 3 inspections completed on time and overdue since the last IMPEP review.
- ii) Number of initial inspections completed on time and overdue since the last IMPEP review.
- iii) Number of reciprocity inspections completed each year since the last IMPEP.
- iv) Inspection frequencies (changes to or those that differ from NRC's inspection frequencies).

- c. Technical Quality of Inspections

- i) Status of inspector accompaniments.
- ii) Management review process
- iii) Significant inspection activities/challenges

- d. Technical Quality of Licensing Actions
 - i) Number of licensing actions and types performed since the last IMPEP review.
 - ii) Large, complicated, or unusual authorizations for use of radioactive materials.
- e. Technical Quality of Incident and Allegation Activities
 - i) Status of allegations and concerns referred by the NRC for action.
 - ii) Significant events and generic implications.
 - iii) Number of reportable events received since the last IMPEP and event reporting, including follow-up and closure information in NMED.
- f. Compatibility Requirements, if applicable
 - i) Regulations
 - a. Compatibility requirements
 - b. Discuss status of State's regulations and actions to keep regulations up to date, including the use of legally binding requirements and sunset requirements.
 - ii) Legislative changes affecting the program.
- g. Sealed Source and Device (SS&D) Evaluation Program, if applicable
 - i) Technical Staffing and Training
 - a. Number of qualified SS&D reviewers and their signature authority.
 - b. Number of current or anticipated program vacancies.
 - c. Staff turnover since the last IMPEP review.
 - ii) Technical Quality of the Product Evaluation Program
 - a. Number of cases since the last IMPEP review to include new cases, amendments, inactivations and transfers.
 - iii) Evaluation of Defects and Incidents Regarding SS&Ds
 - a. Any cases noted involving manufacturing defects since the last IMPEP review?
- h. Low-Level Radioactive Waste Disposal Program (LLRW), if applicable
 - i) Technical Staffing and Training
 - ii) LLRW Status of the Inspection Program
 - iii) LLRW Technical Quality of Inspections
 - iv) LLRW Technical Quality of Licensing
 - v) LLRW Technical Quality of Incident and Allegation Activities

- i. Uranium Recovery Program (UR), if applicable
 - i) Technical Staffing and Training
 - ii) UR Status of the Inspection Program
 - iii) UR Technical Quality of Inspections
 - iv) UR Technical Quality of Licensing
 - v) UR Technical Quality of Incident and Allegation Activities
- 6. Information Exchange:
 - a. Current program initiatives;
 - b. Emerging technologies;
 - c. Large, complicated, or unusual authorizations for use of radioactive materials;
 - d. Major decommissioning and license termination actions;
 - e. Mechanisms to evaluate performance such as self-audits;
 - f. Operating/strategic plan metrics and outcomes, if applicable; and,
 - g. Current NRC initiatives.
- 7. Schedule for the next IMPEP review.
- 8. Next Steps/Meeting Summary/Q&A.
- 9. Exit with Senior Management if requested by the NRC Region or Agreement State.

Appendix C

SAMPLE LETTER DOCUMENTING A PERIODIC MEETING WITH NO DECLINING PERFORMANCE

[RADIATION CONTROL PROGRAM DIRECTOR]
[TITLE, STATE SENIOR MANAGEMENT]
[ADDRESS]

Dear [NAME]:

A periodic meeting was held with you and your staff on [Date], at your offices in [Location]. The purpose of this meeting was to review and discuss the status of the [State] Agreement State Program. The scope of the meeting was limited to activities conducted by the [Agency/Department]. A separate meeting was held with the [Agency/Department] on [Date]. *[NOTE: DELETE THE LAST TWO SENTENCES WHEN NOT A DUAL AGENCY/DEPARTMENT.]* The U.S. Nuclear Regulatory Commission (NRC) was represented by [NRC Staff], and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from discussions. A Management Review Board (MRB) meeting to discuss the outcome of the periodic meeting has been scheduled for [Date] at [Time] (EDT). Call-in information for the MRB will be provided in a separate transmission. *[NOTE: DELETE THE LAST TWO SENTENCES WHEN A MANAGEMENT REVIEW BOARD WILL NOT BE HELD.]*

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at [RSAO telephone number], or by email at [RSAO email address@nrc.gov].

Sincerely,

[NAME]
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
Periodic Meeting Summary

Appendix D

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, Compliance,
Administration, and Human Capital
Office of the Executive Director for Operations

Enclosures: As Stated

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

Appendix E

SAMPLE TEMPLATE FORMAT FOR PERIODIC MEETING SUMMARY

PERIODIC MEETING SUMMARY FOR THE NRC REGION OR
[STATE] AGREEMENT STATE PROGRAM

DATE OF MEETING: [DATE]

U.S. Nuclear Regulatory Commission (NRC) Attendees	[NRC REGIONAL STAFF NAME OR AGREEMENT STATE PROGRAM NAME] Attendees
[NAME, TITLE, OFFICE]	[NAME, TITLE, OFFICE]

DISCUSSION:

TOPICS COVERED DURING THE MEETING INCLUDED:

Program Reorganizations

[Discussion]

Program Budget/Funding

[Discussion]

Technical Staffing and Training ([YEAR OF LAST IMPEP] IMPEP: [RATING] and
RECOMMENDATION STATUS, if applicable)

[Discussion]

Status of Materials Inspection Program (([YEAR OF LAST IMPEP] IMPEP: [RATING] and
RECOMMENDATION STATUS, if applicable)

[Discussion]

Technical Quality of Inspections ([YEAR OF LAST IMPEP] IMPEP: [RATING] and
RECOMMENDATION STATUS, if applicable)

[Discussion]

Technical Quality of Licensing Actions ([YEAR OF LAST IMPEP] IMPEP: [RATING] and
RECOMMENDATION STATUS, if applicable)

[Discussion]

Technical Quality of Incident and Allegation Activities ([YEAR OF LAST IMPEP] IMPEP: [RATING] and RECOMMENDATION STATUS, if applicable)

[Discussion]

Compatibility Requirements ([YEAR OF LAST IMPEP] IMPEP: [RATING] and RECOMMENDATION STATUS, if applicable)

[Discussion]

Sealed Source and Device (SS&D) Evaluation Program ([YEAR OF LAST IMPEP] IMPEP: [RATING] and RECOMMENDATION STATUS, if applicable)

[Discussion]

Low-Level Radioactive Waste Disposal Program ([YEAR OF LAST IMPEP] IMPEP: [RATING] and RECOMMENDATION STATUS, if applicable)

[Discussion]

Uranium Recovery Program ([YEAR OF LAST IMPEP] IMPEP: [RATING] and RECOMMENDATION STATUS, if applicable)

[Discussion]

Current State Initiatives

[Discussion]

Emerging Technologies

[Discussion]

Large complicated licensing actions and/or decommissioning

[Discussion]

NRC or State's Mechanism for Evaluating Performance

[Discussion]

Current NRC Initiatives

[Discussion]

CONCLUSIONS:

Overall statements on performance and recommendation(s) for next IMPEP review and/or other action. List an action items resulting from the periodic meeting.



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Issue Date: -
6/3/2009

Office of Nuclear Material Safety and Safeguards
Procedure Approval

Periodic Meetings between IMPEP Reviews-SA-116

Issue Date:

Review Date:

Daniel S. Collins, Director
*Division of Material Safety, State, Tribal
and Rulemaking Programs*
*Office of Nuclear Material Safety
and Safeguards*

Date:

Paul Michalak, Branch Chief
Agreement State Programs Branch
*Division of Material Safety, State, Tribal
and Rulemaking Programs*
*Office of Nuclear Material Safety
and Safeguards*

Date:

Lisa Dimmick, Procedure Contact
*Division of Material Safety, State, Tribal
and Rulemaking Programs*
*Office of Nuclear Material Safety
and Safeguards*

Date:

ML16034A390

NOTE

**Any changes to the procedure will be the responsibility of the NMSS Procedure Contact.
Copies of the NMSS procedures will be available through the NRC Web site.**



Procedure Title:
Periodic Meetings
Between IMPEP Reviews
Procedure Number: SA-116

~~Page: 11 of 11~~
~~Page: 1 of 11~~
~~Issue Date:~~
6/3/2009
Issue Date:

I. INTRODUCTION

This procedure describes the general objectives and process to be followed when scheduling, staffing, conducting, and documenting a periodic meeting with a U.S. Nuclear Regulatory Commission (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 **and, identify the appropriate participants for a periodic meeting, including the staff responsible for conducting the meeting.**
- C. To define the scope of activities and areas for discussion during a periodic meeting.
- D. To define the methods and the timing for documenting and communicating the results of a periodic meeting.
- E. To establish the **frequency and the** mechanism to communicate periodic meeting results to the Management Review Board (MRB).
- F. To specify the appropriate actions to take when performance **issues** are identified during a periodic meeting.
- G. To provide guidance on the issuance of "letters of support."

III. BACKGROUND

Periodic meetings were created to help the NRC and the Agreement States remain knowledgeable of the others' respective materials 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.

These 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 an effective avenue for gathering important performance information. The evolution is attributable to an increased scope of discussion and a focus on early indications of performance challenges when present.

~~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~~the~~ expectations for periodic meeting practices which include (1) increased scope of discussion allowing a better sharing of information between the NRC and the Agreement States; (2) briefing the MRB on the meeting results with active participation from Agreement State staff; and (3) earlier identification of program weaknesses~~challenges~~ (e.g., staffing shortage, inspection backlogs) and implementation of corrective measures and (4) issuance of "letters of support."

IV. ROLES AND RESPONSIBILITIES

A. IMPEP Project Manager:

1. Informs NRC managers, NRC staff, and the Agreement States of the proposed periodic meeting schedule for each fiscal 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.
- ~~0. 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.~~
- ~~6.4. Identifies~~ Tracks action items that result from a periodic meeting or Special MRB for the periodic meeting.
- ~~7.5. Advises the MRB on the issuance of "letters of support" to senior State managers.~~
5. Drafts "letters of support," as directed by the MRB, with support from the Regional State Agreements Officer.

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 Section V. A of this procedure).
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).
- ~~0. 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.~~
- ~~0. 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.~~
- ~~9-5.~~ 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).
- ~~10-6.~~ 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. This information can be obtained from the Idaho National Laboratory NMED program manager or by performing a search in NMED. Guidance for performing NMED searches is available in the Help Section of the NMED website.
- ~~11-7.~~ Obtains and reviews information about 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, the Office of Nuclear Material Safety and Safeguards (NMSS) Performance Concerns Coordinator, and the Headquarters Allegations Team in the Office of Enforcement.

~~13-8.~~ Obtains and reviews the status of the Agreement State's regulations as detailed in the State Regulation Status Sheet maintained by NMSS.

~~14-9.~~ 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., RSAO is new to the position or the RSAO was not a member of the previous IMPEP review team), NMSS and/or NRC Regional management may choose to send an alternate staff member who is more knowledgeable about the Agreement State to the meeting. This decision will be made on a case-by-case basis.

~~15-10.~~ Meets with senior State managers to provide a summary of the discussions held with the Agreement State program staff, as appropriate.

~~16-11.~~ Issues the final periodic meeting summary.

~~17-12.~~ Leads the presentation of the results of the Agreement State periodic meeting to the MRB, as appropriate.

~~13.~~ Informs the IMPEP Project manager of any action item that should be tracked resulting from a periodic meeting.

~~14.~~ Follows up, resolves, or provides a path forward for actions items that are described in the periodic meeting summary.

~~15.~~ Recommends to the MRB issuance of "letters of support".

~~18-16.~~ Works with the IMPEP Project Manager to senior State managers, as appropriate, draft "letters of support."

C. NMSS 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. Coordinates and assists the RSAO in periodic meetings with Agreement States, 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 when requested.

4. Meets with senior State managers to provide a summary of the discussions held with the Agreement State program staff, as appropriate. Page: 11 of 11
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~~5.~~ Prepares for, conducts, and documents all aspects of periodic meetings with NRC Regions. This includes scheduling the meeting and preparing the agenda in coordination 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 NRC regional office periodic meeting to the MRB, as appropriate.

D. Management Review Board (MRB):

1. Provide a senior-level review of the results of the periodic meetings.
2. Provide direction on a course of action when performance issues are identified during a periodic meeting (see Section V.F. below). Any decisions regarding a course of action in response to performance issues will be communicated directly to the RCPD or DNMS Director either at the MRB meeting, or after the meeting by correspondence.
3. Direct NRC staff on the issuance of "letters of support."

Note: Membership, additional responsibilities, and protocols of the MRB are defined in NMSS Procedure [SA-106](#), *The Management Review Board (MRB)*.

V. GUIDANCE

A. Frequency of Periodic Meetings for NRC Region and Agreement State Programs

1. For those programs on a 4-year IMPEP review cycle, a periodic meeting should take place approximately 24 months after the IMPEP review. For those programs on a 5-year IMPEP review cycle, a periodic meeting should take place approximately 30 months after the IMPEP review.
2. If additional meetings are required or requested by the MRB, NMSS 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 meetings, as NRC resources allow. A summary of the discussion held during any meeting should be documented in a short letter to the State's RCPD to serve as a record of the meeting.

B. Scheduling of periodic meetings and meeting participants

1. Once a periodic meeting date has been established, the RSAO should send a letter to the RCPD a minimum of 30 days before the meeting, confirming the date for the meeting. A sample letter can be found in Appendix A. 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 agenda can be found in Appendix B. For periodic meetings with the regions, the NMSS designee should send a memo to the Regional Administrator a minimum of 30 days before the meeting, confirming the date for the meeting.
0. Periodic meetings with the Agreement State should 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.
2. Periodic meetings with the NRC regions should include at least one manager from the Division of Nuclear Materials Safety (DNMS). Staff attendance by the regions will be determined by DNMS management.

B-C. Scope of Discussions ~~with NRC Regions~~ During Periodic Meetings

- A. As appropriate, topic areas for discussion during the meeting should include the following:
 - i. Program Reorganizations and Program Budget/Funding
 - ii. Common Performance indicators: Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Inspections, Technical Quality of Licensing Actions, and Technical Quality of Incident and Allegation Activities
 - iii. Non-common performance indicators, as applicable, Compatibility Requirements, Sealed Source and Device (SS&D) Evaluation Program, Low-Level Radioactive Waste Disposal Program, Uranium Recovery Program.
 - iv. Information exchange covering: current program initiatives, current NRC initiatives, emerging technologies, large complicated licensing actions and/or decommissioning, and a mechanism for conducting self-assessments.
0. Status of the State Program, including:

~~-. Staffing and training:~~

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

~~-. Program reorganizations:~~

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

0. ~~Changes in program budget/funding:~~

~~-. 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.~~

~~-. 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.~~

0. ~~Event reporting, including followup and closure information in NMED.~~

0. ~~Response to incidents and allegations:~~

- ~~-. Status of allegations and concerns referred by NRC for action;~~
- ~~) Significant events and generic implications.~~

0. ~~Status of the following program areas, if applicable:~~

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

Information exchange and discussion:

- ~~-. Current State initiatives;~~
- ~~-. Emerging technologies;~~
- ~~-. Large, complicated, or unusual authorizations for use of radioactive materials;~~
- ~~-. Major decommissioning and license termination actions;~~
- ~~-. State's mechanisms to evaluate Special MRBs are not convened to disposition the results of these additional meetings. However, if performance; and,~~

~~Current NRC initiatives.~~

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~~6. Schedule for the next IMPEP review.~~

~~51.3. 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/identified either through other mechanisms] meetings or day-to-day interactions, the concerns should be documented and handled in accordance with Section V.F. of this procedure.~~

D. Evaluation of Casework during Periodic Meetings:

- i. 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).
- ii. 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 concerned individual'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 [State Communication Portal webpage \(https://scp.nrc.gov/\)](https://scp.nrc.gov/) under the IMPEP Toolbox, as well as, in Appendices C, D, and E of this procedure.
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 review~~ the status of the ~~program's actions that have been taken, or are in progress, in regards to the recommendation. All recommendations remain open during periodic meeting reviews.~~ Recommendations involving chronic performance issues should not be

closed until a continuous period of adequate performance has been demonstrated. (Note: Closure of recommendations occurs at the IMPEP review; not at the periodic meeting.)

4. No specific information regarding any allegations or concerns discussed at the periodic meeting that could potentially identify a concerned individual 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 NMSS designee at the meeting should report this fact separately to NMSS management.)

5. If program performance at the periodic meeting supports placing a program on or taking off heightened oversight or monitoring, the meeting summary should provide sufficient information to support either action.

6. Action items resulting from feedback received during the periodic meeting should be described along with a path forward to address the particular issue.

Note: The meeting should not be used by the States to refer policy issues to NRC. Policy issues are addressed through other mechanisms.

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

1. The MRB will be convened to review the results of periodic meetings. Typically, the results of the periodic meetings from a few material programs will be presented in a single MRB 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 Issues Identified during a Periodic Meeting

1. If programmatic or performance issues about adequacy or compatibility are identified during a periodic meeting, the issues 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 leadership (see Appendix D).

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3. If the performance issues have the potential to immediately affect public health and safety, the meeting lead should immediately inform NMSS management, NRC Regional management, and the IMPEP Project Manager of the findings and propose a course of action. NMSS management should notify the Chair of the MRB of the performance issues identified and the proposed course of action. The Chair of the MRB may request that the MRB convene to discuss the performance issues 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.F.2.

G. Letters of Support

Upon request of the program or at the suggestion of the MRB, NMSS, or the region, the NRC can issue a letter of support for the program. The letter of support come in many forms and can be addressed to Program Directors, Department/ Office Directors, Commissioners, and Governors. The letter of support might be issued with declining performance or chronic problems exist with staffing, budgets, and/or overdue regulations. The intent of the letter is to raise awareness to higher level state government official for specific needs of the State's Agreement with the NRC.

VI. APPENDICES

- Appendix A Sample Scheduling Letter (ML17024A259)
- Appendix B Sample Agenda (ML17024A246)
- Appendix C Sample Letter Documenting a Periodic Meeting with No Declining Performance (ML17024A340)
- Appendix D Sample Letter Addressing a Potential Decline in Agreement State Performance Noted During a Periodic Meeting (ML17030A278)
- Appendix E Sample Template Format for Periodic Meeting Summary (ML17024A286)

VII. REFERENCES

1. NMSS Procedure SA-106, *The Management Review Board (MRB)*
2. IMPEP Toolbox – <https://scp.nrc.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 SCHEDULING A PERIODIC MEETING

[Radiation Control Program Director]
[Street Address]
[City], [ST] [Zip Code]

Dear [Addressee]:

In order to help the Agreement States and the U.S. Nuclear Regulatory Commission (NRC) remain knowledgeable of each other's program and to initiate planning for the next Integrated Materials Performance Evaluation Program (IMPEP) review, the NRC conducts one-day periodic meetings with Agreement States between IMPEP reviews.

In accordance with the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-116, "Periodic Meetings between IMPEP Reviews," and after previous coordination with [State contact] of your staff, we have scheduled the periodic meeting for [date]. The meeting will be held at the Radiation Control Program offices in [City, State]. In addition to myself, staff and management from NMSS and NRC's Region [I, III, OR IV] office may also attend the meeting.

Based on our previous discussions, the likely topics for discussion at the meeting are listed on the enclosed agenda. If there are any additional specific topics you would like to cover, or if you would like to focus on a specific area, please let me know. If you have any questions, please call me at [RSAO telephone number], or via e-mail at [RSAO email address@nrc.gov].

Sincerely,

[RSAO signature block]
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
Agenda for Periodic Meeting

Appendix B

SAMPLE AGENDA

Agenda for Periodic Meeting with [Region/Agency/Department]. **[DATE]**

Topic areas for discussion during the meeting may include:

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

2. Program reorganizations:

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

3. Changes in program budget/funding.

4. Status of the NRC or State's program, including:

a. Technical Staffing and Training

- i) Number of staff in the program and status of their training and qualifications.
- ii) Any program vacancies.
- iii) Staff turnover since the last IMPEP review.
- iv) Adequacy of FTEs for the materials program.
- v) Status of implementation of IMC 1248

b. Status of Materials Inspection Program

- i) Number of Priority 1, 2, and 3 inspections completed on time and overdue since the last IMPEP review.
- ii) Number of initial inspections completed on time and overdue since the last IMPEP review.
- iii) Number of reciprocity inspections completed each year since the last IMPEP.
- iv) Inspection frequencies (changes to or those that differ from NRC's inspection frequencies).

c. Technical Quality of Inspections

- i) Status of inspector accompaniments.
- ii) Management review process
- iii) Significant inspection activities/challenges

d. Technical Quality of Licensing Actions

- i) Number of licensing actions and types performed since the last IMPEP review.
- ii) Large, complicated, or unusual authorizations for use of radioactive materials.

e. Technical Quality of Incident and Allegation Activities

- i) Status of allegations and concerns referred by the NRC for action.
- ii) Significant events and generic implications.
- iii) Number of reportable events received since the last IMPEP and event reporting, including follow-up and closure information in NMED.

f. Compatibility Requirements, if applicable

- i) Regulations
 - a. Compatibility requirements
 - b. Discuss status of State's regulations and actions to keep regulations up to date, including the use of legally binding requirements and sunset requirements.
- ii) Legislative changes affecting the program.

g. Sealed Source and Device (SS&D) Evaluation Program, if applicable

- i) Technical Staffing and Training
 - a. Number of qualified SS&D reviewers and their signature authority.
 - b. Number of current or anticipated program vacancies.
 - c. Staff turnover since the last IMPEP review.
- ii) Technical Quality of the Product Evaluation Program
 - a. Number of cases since the last IMPEP review to include new cases, amendments, inactivations and transfers.
- iii) Evaluation of Defects and Incidents Regarding SS&Ds
 - a. Any cases noted involving manufacturing defects since the last IMPEP review?

h. Low-Level Radioactive Waste Disposal Program (LLRW), if applicable

- i) Technical Staffing and Training
- ii) LLRW Status of the Inspection Program
- iii) LLRW Technical Quality of Inspections
- iv) LLRW Technical Quality of Licensing
- v) LLRW Technical Quality of Incident and Allegation Activities

i. Uranium Recovery Program (UR), if applicable

i) Technical Staffing and Training

ii) UR Status of the Inspection Program

iii) UR Technical Quality of Inspections

iv) UR Technical Quality of Licensing

v) UR Technical Quality of Incident and Allegation Activities

6. Information Exchange:

a. Current program initiatives:

b. Emerging technologies:

c. Large, complicated, or unusual authorizations for use of radioactive materials:

d. Major decommissioning and license termination actions:

e. Mechanisms to evaluate performance such as self-audits:

f. Operating/strategic plan metrics and outcomes, if applicable; and,

g. Current NRC initiatives.

7. Schedule for the next IMPEP review.

8. Next Steps/Meeting Summary/Q&A.

9. Exit with Senior Management if requested by the NRC Region or Agreement State.

Appendix C

SAMPLE LETTER DOCUMENTING A PERIODIC MEETING WITH NO DECLINING PERFORMANCE

[RADIATION CONTROL PROGRAM DIRECTOR]
[TITLE, STATE SENIOR MANAGEMENT]
[ADDRESS]

Dear [NAME]:

A periodic meeting was held with you and your staff on [Date], at your offices in [Location].
The purpose of this meeting was to review and discuss the status of the [State] Agreement
State Program. The scope of the meeting was limited to activities conducted by the
[Agency/Department]. A separate meeting was held with the [Agency/Department] on [Date].
[NOTE: DELETE THE LAST TWO SENTENCES WHEN NOT A DUAL
AGENCY/DEPARTMENT.] The U.S. Nuclear Regulatory Commission (NRC) was represented
by [NRC Staff], and me.

I have completed and enclosed a general meeting summary, including any specific actions
resulting from discussions. A Management Review Board (MRB) meeting to discuss the
outcome of the periodic meeting has been scheduled for [Date] at [Time] (EDT). Call-in
information for the MRB will be provided in a separate transmission. [NOTE: DELETE THE
LAST TWO SENTENCES WHEN A MANAGEMENT REVIEW BOARD WILL NOT BE
HELD.]

If you feel that our conclusions do not accurately summarize the meeting discussion, or have
any additional remarks about the meeting in general, please contact me at [RSAO telephone
number], or by email at [RSAO email address@nrc.gov].

Sincerely,

[NAME]
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
Periodic Meeting Summary

Appendix D

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, Compliance,
Administration, and Human Capital
Office of the Executive Director for Operations

Enclosures: As Stated

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

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Appendix E

SAMPLE TEMPLATE FORMAT FOR PERIODIC MEETING SUMMARY

PERIODIC MEETING SUMMARY FOR THE NRC REGION OR [STATE] AGREEMENT STATE PROGRAM

DATE OF MEETING: [DATE]

<u>U.S. Nuclear Regulatory Commission (NRC) Attendees</u>	<u>[NRC REGIONAL STAFF NAME OR AGREEMENT STATE PROGRAM NAME] Attendees</u>
<u>[NAME, TITLE, OFFICE]</u>	<u>[NAME, TITLE, OFFICE]</u>

DISCUSSION:

TOPICS COVERED DURING THE MEETING INCLUDED:

Program Reorganizations

[Discussion]

Program Budget/Funding

[Discussion]

Technical Staffing and Training ([YEAR OF LAST IMPEP] IMPEP: [RATING] and
RECOMMENDATION STATUS, if applicable)

[Discussion]

Status of Materials Inspection Program ([YEAR OF LAST IMPEP] IMPEP: [RATING] and
RECOMMENDATION STATUS, if applicable)

[Discussion]

Technical Quality of Inspections ([YEAR OF LAST IMPEP] IMPEP: [RATING] and
RECOMMENDATION STATUS, if applicable)

[Discussion]

Technical Quality of Licensing Actions ([YEAR OF LAST IMPEP] IMPEP: [RATING] and
RECOMMENDATION STATUS, if applicable)

[Discussion]

Technical Quality of Incident and Allegation Activities (YEAR OF LAST IMPEP) IMPEP: [RATING] and RECOMMENDATION STATUS, if applicable)

[Discussion]

Compatibility Requirements (YEAR OF LAST IMPEP) IMPEP: [RATING] and RECOMMENDATION STATUS, if applicable)

[Discussion]

Sealed Source and Device (SS&D) Evaluation Program (YEAR OF LAST IMPEP) IMPEP: [RATING] and RECOMMENDATION STATUS, if applicable)

[Discussion]

Low-Level Radioactive Waste Disposal Program (YEAR OF LAST IMPEP) IMPEP: [RATING] and RECOMMENDATION STATUS, if applicable)

[Discussion]

Uranium Recovery Program (YEAR OF LAST IMPEP) IMPEP: [RATING] and RECOMMENDATION STATUS, if applicable)

[Discussion]

Current State Initiatives

[Discussion]

Emerging Technologies

[Discussion]

Large complicated licensing actions and/or decommissioning

[Discussion]

NRC or State's Mechanism for Evaluating Performance

[Discussion]

Current NRC Initiatives

[Discussion]

CONCLUSIONS:

Overall statements on performance and recommendation(s) for next IMPEP review and/or other action. List an action items resulting from the periodic meeting.

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