



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

November 16, 2020

ALL AGREEMENT STATES, NRC NMSS, NRC REGIONS I, III and IV

OPPORTUNITY TO COMMENT ON STATE AGREEMENT (SA) PROCEDURE, PERIODIC MEETINGS BETWEEN IMPEP REVIEWS (STC-20-077)

Purpose: To provide the National Materials Program (NMP) an opportunity to comment on the revised SA-116, *Periodic Meetings Between IMPEP Reviews*.

Background: Periodic Meetings serve as the platform for information exchange between IMPEP reviews. These meetings are not evaluations but an opportunity to help the Agreement States and the NRC maintain awareness of the others' respective radiation control programs between Integrated Materials Performance Evaluation Program (IMPEP) reviews and to plan for future IMPEP reviews.

Discussion: This letter notifies the NMP community that NMSS procedure SA-116 has been revised to allow Agreement State and the NRC staff in the NMP community to provide comments^{1, 2} based on their review of the procedure.

The procedure was revised to clarify and enhance roles and responsibilities of the different participants, includes information regarding the details of the one NRC periodic meeting, and timing of the periodic meeting summary. The appendices to SA-116 are included in the document for review and comment, however, consistent with the recently issued SA's, the appendices will be removed from this procedure and added to the state communication portal.

The comment period which was developed following consultation with the Organization of Agreement States, ends 60 days from the date of this letter. Please provide comments to me or the individual listed below.


[1] This information request has been approved by OMB 3150-0029 expiration 7/31/2023. The estimated burden per response to comply with this voluntary collection is approximately 4 hours. Comments regarding this collection may be submitted to the FOIA, Library 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) 415-9967, or the individual named below:

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**Brian C.
Anderson**

 Digitally signed by Brian C.
Anderson
Date: 2020.11.16 13:37:44
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Brian C. Anderson, Chief
State Agreement Liaison Programs Branch
Division of Materials Safety, Security, State
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards



Office of Nuclear Material Safety and Safeguards Procedure Approval

Periodic Meetings between IMPEP Reviews, State Agreements (SA) Procedure-116

Issue Date:

Review Date:

Kevin Williams
Director, NMSS/MSST

Date:

Brian C. Anderson
Branch Chief, NMSS/MSST/SALB

Date:

Lizette Roldan-Otero, Ph.D.
Procedure Contact, NMSS/MSST/SALB

Date:

David Crowley
Chair, Organization of Agreement States

Date:

ML

NOTE

Any changes to the procedure will be the responsibility of the NMSS Procedure Contact. Copies of the NMSS procedures are available through the NRC Web site at <https://scp.nrc.gov>.

I. INTRODUCTION

This procedure describes the general objectives and process to be followed when scheduling, staffing, conducting, and documenting a periodic meeting with an Agreement State or U.S. Nuclear Regulatory Commission (NRC) radiation control program (Program).

II. OBJECTIVES

- A. To define the purpose of the periodic meeting.
- B. To designate the frequency for periodic meetings.
- C. To establish protocols for scheduling, planning, establishing the scope of discussion, and conducting a periodic meeting.
- D. To identify the appropriate participants for a periodic meeting.
- E. To define the format for documentation, timing for issuance of the results of a periodic meeting, and how periodic meeting results will be communicated to the Management Review Board (MRB), when necessary.
- F. To establish protocols for alignment meetings between the Office of Nuclear Material Safety and Safeguards (NMSS) and Regional management and staff for Agreement State Programs.
- G. To specify the appropriate actions to take when performance issues are identified and to provide guidance on the issuance of “letters of support¹.”

III. BACKGROUND

Periodic meetings serve as informal forums to exchange information. These meetings are not evaluations but are open, interactive discussions of a Program’s performance. Periodic meetings help the Agreement States and the NRC remain knowledgeable of the others’ respective radiation control programs in between Integrated Materials Performance Evaluation Program (IMPEP) reviews and to plan for future IMPEP reviews. In addition, they provide an opportunity for prompt identification of program trends, challenges or changes (e.g., staffing shortage, inspection and/or licensing backlogs) that could potentially affect performance and implementation of corrective measures. Periodic meetings should discuss items such as, but not limited to, event evaluations, operating experience, allegations, all MRB directed actions, and other relevant topics of interest.

¹ A letter of support is a formal correspondence requesting support and action on a specific State performance or need. The letter may be sent to an Agreement State, legislature official, up to, and including the governor.

IV. ROLES AND RESPONSIBILITIES

A. IMPEP Project Manager

1. Informs the Division of Materials, Safety, Security, State and Tribal Programs (MSST), regional Division of Nuclear Materials Safety (DNMS) Directors, and the Regional State Agreements Officers (RSAOs) of the proposed periodic meeting schedule at the beginning of the fiscal year.
2. Tracks the scheduling and completion of periodic meetings, and the issuance of periodic meeting summaries.
3. Coordinates with the RSAOs to develop a recommendation for MSST and DNMS management regarding the need for an alignment meeting prior to periodic meetings. The recommendation should include a discussion of potential performance issues, programs on enhanced oversight, execution of MRB direction, recent or significant events (that have occurred in Agreement State regulatory jurisdiction), and any other unique or special circumstances.
4. Briefs the MSST Division Director of upcoming periodic meetings with the recommendations developed in A.3. to determine whether there is interest in attending the periodic meeting. Notifies the RSAO if there is management interest in an alignment meeting or attending a periodic meeting.
5. Coordinates and schedules the presentation of the results of periodic meetings to the MRB, in accordance with this procedure. If there is no MRB, and a briefing is requested by MSST or NMSS management, coordinates and schedules the briefing provided by the RSAO for the MSST Director on the outcome of the periodic meeting.
6. Coordinates with the RSAO to develop "letters of support" when requested by the Agreement State or MRB.

B. State Agreement and Liaison Program (SALB) Branch Chief

1. Leads, conducts and documents the NRC periodic meeting in conjunction with the IMPEP Program Manager.
 - a. Schedules the NRC periodic meeting at the appropriate frequency defined in Section V.A of this procedure.
 - b. Ensures that appropriate NRC attendees are available for the periodic meeting, as necessary. Meetings will be in-person unless coordinated with MSST management.

- c. Develops the periodic meeting agenda (See Appendix A) in coordination with the NRC management, NMSS staff, and Regional DNMS staff who will be representing the Agency.
- d. Prepares to discuss all applicable IMPEP performance indicators, including all open recommendations from the most recent IMPEP review. If a previous periodic meeting was held, reviews the agencies progress on addressing the recommendations as of the date of the meeting.
- e. Conducts the exit meeting with the NMSS Office Director and Regional Administrators.
- f. Provides a draft periodic meeting summary to the NMSS Office Director, Regional Administrators, MSST Director, and DNMS Directors for a factual review.
- g. Follows up, resolves, or provides a path forward for actions items that are described in the periodic meeting summary.
- h. Leads the presentation of the results of the NRC periodic meeting to the MRB, as appropriate and when necessary.
- i. Signs and issues the final periodic meeting summary for the NRC radiation control program.

C. Regional State Agreement Officer (RSAO)

- 1. Leads, conducts, and documents periodic meetings with the Agreement State.
 - a. Schedules periodic meetings with Agreement States in their Region at the appropriate frequency defined in Section V.A of this procedure.
 - b. Ensures that the appropriate Agreement State Program personnel and any other NRC attendees are available for the periodic meeting.
 - c. Informs the IMPEP Project Manager and appropriate Regional management of the meeting date.
 - d. If applicable, holds an alignment meeting with MSST and DNMS management to discuss the performance concerns documented during the previous IMPEP review and any additional direction given by the MRB, recent or significant events (that have occurred in Agreement State regulatory jurisdiction), and any other unique or special circumstances.

- e. Develops the periodic meeting agenda (see Appendix A) in coordination with the Agreement State's Radiation Control Program Director (RCPD).
- f. Prepares to discuss all applicable IMPEP performance indicators, including all open recommendations from the most recent IMPEP review. If a previous periodic meeting was held, review the Program's progress on addressing the recommendations as of the date of the meeting.
- g. Conducts the exit meeting with Senior State officials, at the request of the RCPD.
- h. Provides a draft periodic meeting summary to the RCPD and other NRC participants for a factual review.
- i. Provides the periodic meeting summary to the management representative (e.g., DNMS Director) present at the meeting for review and concurrence. At the same time, provides the periodic meeting to the SALB Branch Chief for review.
- j. Follows up, resolves, or provides a path forward for actions items that are described in the periodic meeting summary.
- k. Leads the presentation of the results of the Agreement State periodic meeting to the MRB, if required.
- l. Signs and issues the final periodic meeting summary to the Agreement State radiation control program.
- m. Recommends, coordinates and writes "letters of support." Letters of support are issued by either NMSS or the Chairman of the Commission depending on the addressee. Letters that are addressed to the Governor are always signed by the Chairman.

D. Director, MSST

- 1. Responsible for the oversight and management of the Periodic Meetings.
- 2. Attends and participates in periodic meetings with Agreement States or delegates to the Regional DNMS Director.
- 3. Participates in alignment meetings with the RSAO, IMPEP Project Manager, Regional DNMS Director, NRC NMP Co-Champion, as necessary, to discuss the expectations, purpose of the periodic meeting, scope of the review, event evaluation, operating experience, and MRB direction.
- 4. Informs and briefs NMSS management on any issues pertaining to periodic meetings including any alignment meetings.

5. Attends the MRB meetings.
6. Supports the conduct of the NRC periodic meeting. This includes:
 - a. Approves the periodic meeting schedule and agenda associated with the periodic meeting for the NRC's radioactive materials program.
 - b. Attends the exit meeting with the NMSS Office Director and Regional Administrators.
 - c. Reviews the draft periodic meeting summary.
 - d. Reviews and concurs on the final periodic meeting summary.

E. NMSS Director or Designee

1. Participates in alignment meetings with the MSST director, RSAO, IMPEP Project Manager, and DNMS Director prior to a Periodic Meeting, as necessary.
2. Participates as a board member in MRB meetings.

V. MRB

1. The MRB provides for a senior-level management review of the results of periodic meetings on an as needed basis. An MRB will be held if:
 - a. The Program is on monitoring, heightened oversight, or probation;
 - b. The Program was found adequate to protect public health and safety but needs improvement or not compatible during the last IMPEP review;
 - c. The Program or the NRC staff attending the periodic meeting identified a performance issue that could result in a less than satisfactory performance for one or more indicators as compared to the rating criteria established in MD 5.6.;
 - d. The Program specifically requests an MRB meeting to discuss the periodic meeting; or
 - e. At the direction of the MRB Chair as an outcome of the previous IMPEP review.
2. An MRB should be convened within 90-105 days of the onsite periodic meeting

3. The MRB Chair directs the NRC staff on the issuance of “letters of support” when necessary.
4. The MRB follows the guidance in NMSS State Agreements (SA) Procedure [SA-106](#), *The Management Review Board (MRB)*.

VI. GUIDANCE

- A. Frequency of Periodic Meetings for Agreement State and NRC radiation control programs:
 1. The first periodic meeting with a new Agreement State should take place approximately 9 months after the signing of the Agreement, unless an alternative timeframe is decided upon by the NRC and Agreement State management.
 2. For Programs on a 4-year IMPEP review cycle, a periodic meeting should take place approximately 2 years after the IMPEP review. For Programs on a 5-year IMPEP review cycle, a periodic meeting should take place approximately 2.5 years after the IMPEP review.
 3. If additional periodic meetings are directed by the MRB Chair, requested by the NRC, or the Agreement State, the meeting frequency may be adjusted on a case-by-case basis. Some of the factors that could affect the frequency of periodic meetings include performance issues, events, and specific action that have not been completed by the Program that were outside of its control.
- B. Scheduling of periodic meetings with Agreement States and meeting participants:
 1. A date for the meeting should be established at least 6 weeks in advance of the meeting, if possible.
 2. The RSAO should send the scheduling letter, a minimum of 30 days before the meeting, confirming the date for the meeting. The scheduling letter should include the draft periodic meeting agenda, as well as a request for any additional specific meeting discussion topics. A template for a periodic meeting agenda and letter can be found in Appendices A and B, respectively.
 3. Periodic meetings with the Agreement State should include the RCPD or designee who can speak on behalf of the Agreement State Program. Agreement State staff attendance at the meeting will be determined by the RCPD or designee.
 4. Periodic meetings will be conducted in-person unless approved by MSST and Regional management.

- C. Scheduling of periodic meetings with the NRC and meeting participants:
1. Once a periodic meeting date has been established with the NRC, the MSST Director or designee should send a memorandum to the NMSS Office Director and Regional Administrators a minimum of 30 days before the meeting, confirming the date for the meeting. The memorandum should include the periodic meeting agenda that was developed in coordination with the NMSS Office Director and Regional Administrators, as well as a request for any additional specific meeting discussion topics. A template for a periodic meeting agenda can be found in Appendix A.
 2. Periodic meetings with the NRC should include a representative from NMSS and the DNMS Directors from the Regions. NMSS staff attendance will be determined by NMSS management. Staff attendance by the Regions will be determined by Division management.
- D. Alignment Meeting
1. Held in accordance with recommendations developed as described in Section IV.A.3 of this procedure, prior to a periodic meeting.
 2. Alignment meetings prior to a periodic meeting should include at a minimum, MSST management, the SALB Chief, the NRC National Materials Program Co-Champion, Regional DNMS management, the RSAO, and the IMPEP project manager.
 3. If an MRB meeting will be convened based on the criteria in Section V. "MRB" of this procedure, an alignment meeting between MSST management, Regional DNMS management and the RSAO may be held.
- E. Preparation for Periodic Meetings
1. Prior to the periodic meeting, the lead for the periodic meeting should:
 - a. Review the last IMPEP report and MRB meeting minutes to ensure that the periodic meeting addresses all required items.
 - b. Download the Nuclear Material Event Database (NMED) report to identify all incidents that have been reported since the last IMPEP review for the Program. All incidents received by the Program after the last IMPEP review and prior to the Periodic Meeting should be discussed at a high level. Special attention should be given to events that have not been completed, closed, have an outstanding request for additional information from Idaho National Laboratories, or were not reported in the correct manner or timeframe.

- c. Allegations that have been forwarded to the Program from the NRC since the last IMPEP review and those that have been received directly by the Program should be discussed.
- d. Identify overdue regulation amendments or regulation amendments with outstanding comments, as designated on the State Regulation Status sheet. Additionally, identify other program elements, (e.g., pre-licensing guidance checklist, medical guidance) that have been issued since the last IMPEP review and require adoption. A list of regulation and non-regulation program elements requiring implementation can be found at: <https://scp.nrc.gov/regtoolbox.html>. The lead should discuss the status of any overdue regulations, including those noted as overdue in the last IMPEP report, the Program's status in the promulgation of regulations and any related outstanding comments identified during the NRC's compatibility review of the State's regulations; and the implementation of other program elements.

F. Scope of the Periodic Meetings

- 1. The periodic meeting should address the Program's actions since the last IMPEP review, including any specific actions as directed by the MRB.
- 2. The periodic meeting agenda in Appendix A should be used as the scope of the periodic meeting. All IMPEP performance indicators and any open recommendations should be discussed as part of the periodic meeting.
- 3. If the MRB Chair directs a specific action to occur at the next periodic meeting and that action cannot be accomplished, the RSAO or meeting lead should discuss with the IMPEP Project Manager and MSST Division Director to decide whether or not the meeting should be delayed in order to allow for completion of the action.

G. Evaluation of Casework during Periodic Meetings

- 1. Periodic meetings are not formal evaluations of Program performance. Any formal casework evaluations that are assessing and potentially changing overall Program performance for an indicator (e.g., reviews specific types of licensing actions or inspections as directed by the MRB) should be not be performed during a Periodic meeting but instead be scheduled in accordance with SA Procedure, SA-100, *"Implementation of the Integrated Materials Performance Evaluation Program (IMPEP)"* and Management Directive 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)"* as a follow-up IMPEP review.

H. Documentation of Periodic Meetings and Timing for Issuance

- 1. A draft periodic meeting summary should be developed by the RSAO within 30 days of the meeting and shared with: 1) IMPEP Project Management, 2) NRC management in attendance at the periodic meeting, 3) the

appropriate Regional DNMS management, and 4) the Agreement State RCPD for factual review and comment.

2. Action items resulting from feedback received during the periodic meeting should be described along with a plan to address the issue. The meeting should not be used by the Agreement States to refer policy issues to the NRC. Policy issues should be addressed through separate correspondence outside the periodic meeting process.
3. The periodic meeting summary should include the status of each performance indicator and all open recommendations from the previous IMPEP review.
4. If the Program experienced a significant safety or security event since the last IMPEP, the lead should obtain an understanding of the event and the Program's actions, taken and planned; and document this in the periodic meeting summary.
5. The RSAO should resolve any comments, prepare the final periodic meeting summary, and issue the summary within 60 days from the date of the periodic meeting.
6. If an MRB meeting is required, the RSAO will issue a proposed final periodic meeting summary within 60 days from the date of the periodic meeting to all participants to ensure adequate preparation for the meeting. The final periodic meeting summary should be issued within 30 days from the date of the MRB.
7. The periodic meeting summary should be issued with a cover letter.

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

1. The MRB will be convened within 90-105 days of the onsite periodic meeting to discuss the results of the meeting based on the criteria described in Section V. above.
2. Agreement State and NRC representatives of radiation control programs that are being discussed will be invited to participate in the MRB meeting via telephone, video conference or other electronic communication applications (e.g., Microsoft Teams, WebEx.)
3. If there is no MRB, the RSAO will brief the MSST Director on the outcome of the periodic meeting.

J. Performance Issues Identified during a Periodic Meeting

1. If there are performance situations that have the potential to immediately affect public health and safety², the meeting lead should immediately inform NMSS 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 recommend the proposed course of action.
2. If performance issues 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.
3. 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. In addition, the RSAO should inform NMSS management, and the IMPEP Project Manager of the findings and propose a course of action. The written documentation should provide a complete description of the program performance issues and any other supporting information to allow the MRB Chair to determine an appropriate course of action.
4. The MRB Chair, in consultation with MRB members and cognizant staff, will direct the appropriate course of action.

K. Letters of Support

1. Upon request of the Agreement State Program or at the direction of the MRB, the NRC can issue a letter of support for the Program. The letter of support can be addressed to the Program Director, Senior Department Management, Cabinet level officials, Legislative Committees or the Governor. The letter of support can be issued when there are areas of declining program performance or when there is a potential for problems to arise caused by lengthy staffing vacancies, inadequate funding, or overdue regulations in which adoption is being held up by factors outside the Program's control. The intent of the letter is to raise awareness to higher level state government officials of the provisions agreed to in the State's 274b. Agreement with the NRC and the specific items needed to support that agreement.
2. If the MRB Chair directs that a letter of support be issued, the RSAO will draft the letter and provide it to the IMPEP Project Manager who will route the letter through concurrence and final issuance. The letter of support will be

² These would be situations where the Agreement State has failed to take actions to correct the situation upon identification in a prompt manner. These do not include single or isolated events. Another example would a situation where the State creates a significant regulatory gap in the National Materials Program that causes immediate or imminent health and safety or compatibility consequences in other jurisdictions.

signed by the appropriate level of NRC management commensurate to the addressee. Letters directed to the governor will be signed by the Chairman.

VII. APPENDICES

- Appendix A Periodic Meeting Agenda
- Appendix B Sample Scheduling Letter
- Appendix C Sample Template Format for Periodic Meeting Summary
- Appendix D Sample Letter Documenting a Periodic Meeting with No Declining Performance
- Appendix E Sample Letter to an Agreement State Following an MRB Decision Addressing a Potential Decline in Agreement State Performance Noted During a Periodic Meeting

VIII. REFERENCES

1. IMPEP Toolbox available at <https://scp.nrc.gov/impeptools.html>
2. Management Directives (MD) available at <https://scp.nrc.gov>.
3. NMSS SA Procedures available at <https://scp.nrc.gov>.

IX. 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	6/3/09	FSME SA-116	ML090350474
9	3/28/17	Opportunity to Comment on Draft Revision to NMSS SA-116 (STC-17-033)	ML16034A454
10	4/5/18	Opportunity to Comment on Limiting the Number of Special MRBs (STC-18-024)	ML18059A312
11	10/25/19	Resolution of Comments	ML19298A091
12	11/ /20	Opportunity to Comment on Draft Revision to NMSS SA-116	ML20318A065

Appendix A

PERIODIC MEETING AGENDA

Periodic Meeting Agenda with [Agency/Department/NRC] [DATE]

Topic areas for discussion during the meeting may include:

1. Program reorganizations:

Discuss any changes to the Program organization, including Program/staff relocations and new appointments.
2. Changes in Program budget/funding.
3. Status of the State's or NRC's Program, including:
 - a. Technical Staffing and Training
 - i) Number of Program staff 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

Recommendation: (as appropriate)

- 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 and confirmation that the Program has an established reciprocity procedure
 - iv) Inspection frequencies (changes to or those that differ from NRC's inspection frequencies)

Recommendation: (as appropriate)

- c. Technical Quality of Inspections
 - i) Status of annual inspector accompaniments
 - ii) Management review process
 - iii) Significant inspection activities/challenges
 - iv) Overdue inspections/inspection backlog

Recommendation: (as appropriate)

d. Technical Quality of Licensing Actions

- i) Number of licensing actions and types performed since the last IMPEP review
- ii) Confirmation of the implementation of the most current Pre-Licensing Guidance (PLG) and Risk Significant Radioactive Material (RSRM) Checklist
- iii) Emerging technologies (e.g., medical)
- iv) Large, complicated, or unusual authorizations for use of radioactive materials
- v) Major decommissioning and license termination actions
- vi) Management/Peer review process
- vii) Significant licensing actions/challenges

Recommendation: (as appropriate)

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
- iv) Confirmation that the Program has an established incident and allegation procedure(s)

Recommendation: (as appropriate)

f. Legislation, Regulations, and Other Program Elements, if applicable

- i) Legislative changes affecting the Radiation Control Program
- ii) Regulations
 - a. Discuss status of State's rulemaking activities and timeliness of regulation promulgation/adoption, including the use of legally binding requirements
 - b. Review State Regulation Status Sheet (SRS) for errors/completeness
 - c. Discuss Program's status of overdue regulation amendments at the time of the last IMPEP review
- iii) Other Program Elements affecting adequacy and compatibility (e.g., Medical guidance documents, Pre-Licensing Guidance checklist) since the last review
 - a. Discuss those program elements required for Agreement State implementation
 - b. Discuss the timeliness and completion of implementation of program elements by the State
- iv) Sunset Requirements
 - a. Discuss if the State has any sunset requirements
 - b. If so, discuss their actions to address this in a timely manner

Recommendation: (as appropriate)

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, in-activations, and transfers
- iii) Evaluation of Defects and Incidents Regarding SS&Ds
 - a. Number of cases noted involving manufacturing defects since the last IMPEP review

Recommendation: (as appropriate)

- 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

Recommendation: (as appropriate)

- 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

Recommendation: (as appropriate)

- 4. Information Exchange:
 - a. Current Program initiatives;
 - b. Mechanisms to evaluate performance such as self-audits or self-assessments;
 - c. Operating/strategic plan metrics and outcomes, if applicable; and,
 - d. Current NRC initiatives.
 - e. Operating experience
 - f. Current event response activities
- 5. Review any additional actions the MRB may have asked to be performed during the periodic meeting.
- 6. Schedule for the next IMPEP review.
- 7. Next Steps/Meeting Summary/Q&A.
- 8. Exit with Senior Management if requested by the Agreement State or NRC.

Appendix B

SAMPLE LETTER SCHEDULING A PERIODIC MEETING

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

Dear [Addressee]:

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]. NRC staff planning to participate in the meeting include [name], Division of Nuclear Materials Safety, [name], Office of Nuclear Material Safety and Safeguards, and myself.

Based on our previous discussions, the likely topics for discussion at the meeting are listed on the enclosed periodic meeting 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 Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
Periodic Meeting Agenda

Distribution:

Division Directors, MSST

Chief, SALPB

IMPEP Project Managers

Division Directors, DNMS for the applicable Agreement State

OFFICE	DNMS/RXX		SALPB/MSST		DNMS/RXX	
NAME	RSAO		IMPEP PM		DIVISION DIRECTOR	
DATE						

Appendix C

SAMPLE TEMPLATE FORMAT FOR PERIODIC MEETING SUMMARY PERIODIC MEETING SUMMARY FOR THE [STATE] AGREEMENT STATE OR NRC PROGRAM



INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

PERIODIC MEETING WITH THE STATE OF [STATE]

[ADD IF APPLICABLE: TYPE OF OVERSIGHT: MONITORING / HEIGHTENED OVERSIGHT]

[DATE]

DRAFT

[GENERAL NOTES]:

- Numbers: spell out numbers from one through nine; and use numerals for a single number of 10 or more, except as noted in the NRC Style Guide (e.g., use numerals to express unit of measurement, such as time or percent);
- Do not start a sentence with an acronym, even if it's been used and defined previously;
- Limit statements to facts affecting performance, not hearsay or assumptions;
- Avoid using qualifiers, e.g., "generally", "mostly" or "the majority of"; use specific numbers instead (e.g., 10 of the 15 reviewed, 90 percent, etc.);
- Provide enough detail especially when performance-based issues are found, for the next team to review thoroughly;
- Make recommendations for issues involving specific problems within the indicator, not for issues that are basically required by the indicator(s)
- Ensure 2 spaces after a colon or a period;
- Do not use hard returns or breaks of any kind at the end of pages.

PERIODIC MEETING PARTICIPANTS

List NRC and Agreement State participants with their name, title and office.

NRC

[NAME, TITLE, OFFICE]

[STATE]

[NAME, TITLE, OFFICE]

1.0 INTRODUCTION

[This summary presents the results of the periodic meeting held between the U.S. Nuclear Regulatory Commission (NRC) and the [State/Commonwealth of STATE] or This summary presents the results of the periodic meeting held with the U.S. Nuclear Regulatory Commission (NRC).] The meeting was held on [MONTH, DAY, YEAR]]. The meeting was conducted in accordance with NMSS Procedure SA-116 "Periodic Meetings between IMPEP Reviews," dated [MONTH, DAY, YEAR].

The [STATE/NRC] is administered by...*insert organizational hierarchy for example, Agreement State Program is administered by the Bureau of Radiation Control (the Bureau) which is located within the Division of Emergency Preparedness and Community Support (the Division). The Division is part of the Department of Health (the Department).* At the time of the meeting, the [STATE Agreement State Program or NRC] regulated approximately [#] specific licenses authorizing possession and use of radioactive materials. [USE FOR AGREEMENT STATES ONLY: The meeting focused on the radioactive materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of [STATE].]

During the [YEAR] IMPEP review of the [STATE] Agreement State Program, the review team found the State's performance satisfactory for [#] indicators: [CHOOSE: Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Inspections, Technical Quality of Licensing Actions, Technical Quality of Incident and Allegation Activities, and Legislation, Regulations and Other Program Elements, Sealed Source and Device Evaluation Program, Low-Level Radioactive Waste Disposal Program, Uranium Recovery Program]; and satisfactory but needs improvement for [#] indicators: [CHOOSE: Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Inspections, Technical Quality of Licensing Actions, Technical Quality of Incident and Allegation Activities, and Legislation, Regulations and Other Program Elements, Sealed Source and Device Evaluation Program, Low-Level Radioactive Waste Disposal Program, Uranium Recovery Program]; and unsatisfactory for [#] indicators: [CHOOSE: Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Inspections, Technical Quality of Licensing Actions, Technical Quality of Incident and Allegation Activities, and Legislation,

Regulations and Other Program Elements, Sealed Source and Device Evaluation Program, Low-Level Radioactive Waste Disposal Program, Uranium Recovery Program]. There were [#] recommendations made during the last IMPEP review. On [MONTH, DAY, YEAR], the MRB found the overall program [adequate to protect public health and safety/adequate to protect public health and safety, but needs improvement, or not adequate to protect public health and safety] and [compatible/not compatible] with the NRC's program. [REVISE ACCORDINGLY: Because this review was the second consecutive review with all indicators rated satisfactory, the review team recommended, and the MRB agreed, that the next IMPEP review take place in approximately 5 years and that a periodic meeting be held in approximately 2.5 years.]

[FOR PROGRAMS ON ENHANCED OVERSIGHT: Provide a chronological description of the history of the Program – describe how the Program was placed on enhanced oversight and where there were at the time of the periodic meeting //// State the history of the program including improvements. Examples can be found in ADAMS (e.g. Accession No.: ML19084A298, ML19120A355, ML19162A240 and ML20064C943)]

The [STATE] Agreement State Program has been subject to enhanced oversight by the NRC since [MONTH, YEAR]. During a Management Review Board (MRB) held on [MONTH, DAY, YEAR], to discuss the results of the [MONTH, YEAR] Integrated Materials Performance Evaluation Program (IMPEP) review, the MRB determined that the [STATE] Agreement State Program should be placed on [Monitoring/Heightened Oversight/Probation] and overall found [adequate to protect public health and safety/adequate to protect public health and safety, but needs improvement, or not adequate to protect public health and safety] and [compatible/not compatible] with the NRC's program.

2.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the Agreement State and the NRC radiation control programs during an IMPEP review. These indicators are (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

2.1 Technical Staffing and Training (Insert year and rating)

[STATE/The NRC] is comprised of [#] staff members. [explain # of managers, team leaders, and number of staff (license reviewers/inspectors)]. There are approximately [#] full time equivalents (FTE) dedicated to the [STATE] Agreement State Program.

Currently, there are [# or "no"] vacancies. Since the [YEAR] IMPEP, [#] of the staff members left the program and [#] staff members were hired. [Explain why staff left the program]. As positions became available, the [STATE] Agreement State Program was able to post and subsequently fill all positions. The positions were each filled within a [TIMEFRAME] of the vacating employee's departure.

[STATE] has a training and qualification program [compatible with the NRC's IMC 1248]

OR [not compatible and why]. Staff are attending the NRC's training courses when available. [#] technical staff are going through the license reviewer and inspector qualification process. The expectation is that each staff member going through the qualification process will qualify in at least [#] program areas, including but not limited to [REVISE ACCORDINGLY: industrial radiography, portable gauge, fixed gauge, nuclear pharmacy, or nuclear medicine, each year]. Qualified inspection and licensing staff are aware of the requirement to complete 24 hours of refresher training every two years and are working to meet this requirement. [REVISE ACCORDINGLY: Technical staff members track their own refresher training and management reviews it as part of the technical staff's annual performance review.] The [STATE] Agreement State Program uses staff developed monthly training, NRC courses, and conference attendance to meet the requirements.

Also include a discussion on the status of recommendations, if applicable.

Recommendation #:

The MRB recommended that the [STATE] Agreement State Program.....

Status:

[Explain]

2.2 Status of the Materials Inspection Program

(Insert year and rating)

The [STATE] Agreement State Program's inspection frequencies are the [same, more frequent, less frequent] as the NRC's inspection frequencies that are listed in IMC 2800. A discussion was held regarding the changes made to the NRC's IMC 2800 regarding inspection frequency timeliness, and the Program is fully implementing the changes.

The [STATE] Agreement State Program has completed all their Priority 1, 2, and 3 inspections, and initial inspections on time since the last IMPEP review. There were no overdue inspections at the time of the periodic meeting. Additionally, all inspection reports were issued within 30 days of the exit meeting with the licensee. [If not, explain].

The [STATE] Agreement State Program has developed a procedure for reciprocity inspections. The [STATE] has completed [#, #, and #] of reciprocity inspections for calendar years [YEAR, YEAR, and YEAR] respectively.

Also include a discussion on the status of recommendations, if applicable.

Recommendation #:

The MRB recommended that the [STATE] Agreement State Program.....

Status:

[EXPLAIN]

2.3 Technical Quality of Inspections

(Insert year and rating)

Inspection guidance used by the [STATE] Agreement State Program is equivalent to the NRC's IMCs and Inspection Procedures. The [STATE] Agreement State Program issues all inspection findings, regardless of whether or not there is a violation, by written correspondence from the office. Inspection documentation is reviewed and issued by the supervisor/manager. Inspection findings are routinely sent to the licensee within 30 days of the completion of an inspection. All supervisory accompaniments in calendar years [YEAR, YEAR, and YEAR] were completed for all qualified inspectors. [If not, explain].

Also include a discussion on the status of recommendations, if applicable

Recommendation #:

The MRB recommended that the [STATE] Agreement State Program.....

Status:

[EXPLAIN]

2.4 Technical Quality of Licensing Actions

(Insert year and rating)

The [STATE] Agreement State Program has approximately [#] specific licensees. There have been [#] of licensing actions completed since the last IMPEP review. Licenses are renewed every [#] years. All licensing actions have been in-house for [REVISE ACCORDINGLY: less than one year and no backlog exists]. [EXPLAIN PROCESS WHEN LICENSING ACTION IS SUBMITTED TO PROGRAM AND HOW IT GETS ASSIGNED] After the action is assigned, the license reviewer completes the review. [USE IF APPLICABLE: Once complete, a peer reviewer is assigned to review the action. Once all, if any, items identified by the peer reviewer are addressed the license is signed and issued to the licensee. The [STATE] has a process to properly mark, handle, control, and secure documents containing sensitive security information.]

Address if any license actions have been denied.

Licensing guidance used by the [STATE] Agreement State Program is equivalent to the NRC's NUREG-1556 Series. The license reviewers are following the current Pre-Licensing Guidance Checklist and the Risk-Significant Radioactive Material Checklist. The [STATE] has staff perform a pre-licensing site visit prior to issuing a license to an unknown entity.

Also include a discussion on the status of recommendations, if applicable.

Recommendation #:

The MRB recommended that the [STATE] Agreement State Program.....

Status:

[EXPLAIN]

2.5 Technical Quality of Incident and Allegation Activities

(Insert year and rating)

The [STATE] Agreement State Program has processes in place to maintain effective

responses to incidents and allegations. [#] incidents have been reported to the NRC since the last IMPEP review. When an incident requires reporting to the NRC's Headquarters' Operations Officer (HOO), the [STATE] Agreement State Program provides additional follow-up information as appropriate and ensures that the NRC's Nuclear Materials Events Database (NMED) system is updated and that incidents in the system are completed and closed. At the time of this periodic meeting, there were [#] of open incidents in NMED and all reports to the HOO were made timely.

[If there was a safety or security significant incident, provide a summary of the incident and the actions taken, and planned, by the STATE/NRC.]

[#] allegations have been received since the [YEAR] IMPEP review, [#] of which were referred by the NRC. Each allegation is evaluated when it is received and onsite follow-up is performed, when appropriate. Closure letters to the concerned individuals are issued in a timely manner. [EXPLAIN ALLEGER IDENTITY PROTECTION OR Due to [STATE]'s open records act, the [STATE] Agreement State Program is unable to guarantee protection of an allegor's identity.]

Also include a discussion on the status of recommendations, if applicable.

Recommendation #:

The MRB recommended that the [STATE] Agreement State Program.....

Status:

[EXPLAIN]

3.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State/NRC Programs: (1) Legislation, Regulations, and Other Program Elements, (2) Sealed Source and Device (SS&D) Evaluation Program, (3) Low-Level Radioactive Waste (LLRW) Disposal Program, and (4) Uranium Recovery (UR) Program.

3.1 Legislation, Regulations, and Other Program Elements (Insert year and rating)

[No or list # of legislative amendments] legislation affecting the radiation control program was passed during the review period. [If legislation was passed, mention the impact it has on the program]

The regulation review process takes approximately [TIMEFRAME] to complete.

Regulations applicable to the [STATE] Agreement State Program are not subject to "sunset" law requirements. [If they are, explain the process].

At the last IMPEP review, there were [#] of regulation amendments overdue. [DISCUSS what was done with these regulation packages.]

Since the last IMPEP review, [STATE] submitted [#] proposed regulation amendment(s), [#] final regulation amendment(s), and [#] legally binding license condition to the NRC for

a compatibility review. [# or "None"] of the amendments were overdue for State adoption at the time of submission.

At the time of this periodic meeting, the following [#] amendments were overdue: [OR no amendments were overdue.]

- [Example] "Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material; Licensing and Reporting Requirements," 10 CFR Parts 30, 31, 32, and 150 amendment (72 FR 58473), that was due for Agreement State adoption by December 17, 2010.

[ADDRESS ANY COMMENTS ON FINAL REGULATION PACKAGES]

Also include a discussion on the status of recommendations, if applicable.

Recommendation #:

The MRB recommended that the [STATE] Agreement State Program.....

Status:

[EXPLAIN]

3.2 Sealed Source and Device (SS&D) Evaluation Program (Insert year and rating)

[STATE/the NRC] has [#] staff qualified to perform SS&D reviews [if any are currently being trained mention that as well]. Currently, there are [# or "no"] vacancies. During the review period [#] of the SS&D staff members left the program and [#] staff members were hired. The positions were vacant from [X to X (days, weeks, months, etc.) give the range of time, e.g., 6 to 9 months]. The [State/NRC] (does/does not have) a training program equivalent to NRC training requirements listed in the NRC's IMC 1248, Appendix D.

[STATE/the NRC] has [#] SS&D licensees. Since the last IMPEP review, there have been [#] incidents involving SS&D registered products. [STATE/The NRC] indicated that [none or x] of the incidents were related to manufacturing or design of the sources/devices manufactured or distributed by a licensee with a SS&D registered by [STATE/the NRC].

Also include a discussion on the status of recommendations, if applicable.

Recommendation #:

The MRB recommended that the [STATE] Agreement State Program.....

Status:

[EXPLAIN]

3.3 Low-Level Radioactive Waste Disposal Program (Insert year and rating)

At the time of the periodic meeting, the [STATE] Agreement State Program has [#] of LLRW facility/ies in the operations phase. The facility is currently in the [CHOOSE: pre-operations (e.g., initial licensing, construction), operations (e.g., waste receipt and

disposal), or preparation for site closure.] **OR**

At the time of the periodic meeting, the [STATE] Agreement State Program has [#] of LLRW facility/ies in the closure phase. The facility is currently in the [CHOOSE: post-closure period (see Title 10 of the *Code of Federal Regulations* (10 CFR) Part 61.29) or the institutional control period.]

[STATE] has [#] qualified LLRW staff [if any are currently being trained mention that as well]. Currently, there are [# or "no"] vacancies. Since the last IMPEP review, [#] of the staff members left the LLRW program and [#] staff members were hired. The positions were vacant from [X to Y (days, weeks, months, etc.) give the range of time, e.g., 6 to 9 months]. The [STATE] has (does/does not have) a training program equivalent to NRC training requirements listed in the NRC's IMC 1248, Appendix E.

The [STATE] Agreement State Program's inspection frequencies are the [same, more frequent, less frequent] as the NRC's inspection frequencies that are listed in IMC 2401. [STATE] performed [#] inspections since the last IMPEP review. [Discuss if any inspections were overdue.] The [STATE] indicated that inspection findings for the LLRW disposal program were communicated by formal correspondence to the licensee within [#] days following the inspection [If not, explain].

Inspection guidance used by the [STATE] Agreement State Program is equivalent to the NRC's IMCs and Inspection Procedures. The [STATE] Agreement State Program issues all inspection findings, regardless of whether or not there is a violation, by written correspondence from the office. Inspection findings are routinely sent to the licensee within 30 days of the completion of an inspection. All supervisory accompaniments in calendar years [YEAR, YEAR, and YEAR] were completed for all qualified inspectors.

The [STATE] Agreement State Program follows the NRC's 10 CFR Part 61 and/or has equivalent Agreement State regulations for LLRW. Since the last IMPEP review, the [STATE] has amended/renewed the LLRW license [EXPLAIN] and has conducted [#] public meetings as a result of these licensing action(s).

The [STATE] Agreement State Program has processes in place to maintain effective responses to incidents and allegations. [#] incidents associated with the LLRW facility have been reported to the NRC since the last IMPEP review. [If there was a safety or security significant incident, provide a summary of the incident and the actions taken, and planned, by the STATE/NRC.]

[#] allegations associated with the LLRW facility have been received since the [YEAR] IMPEP review, [#] of which were referred by the NRC. Each allegation is evaluated when it is received and onsite follow-up is performed, when appropriate. Closure letters to the concerned individuals are issued in a timely manner. [EXPLAIN ALLEGER IDENTITY PROTECTION OR Due to [STATE]'s open records act, the [STATE] Agreement State Program is unable to guarantee protection of an allegeder's identity.]

Also include a discussion on the status of recommendations, if applicable.

Recommendation #:

The MRB recommended that the [STATE] Agreement State Program.....

Status:
[EXPLAIN]

[If the State entered into the Agreement prior to 1981 and has authority for LLRW but does not have a facility use the paragraph below]

In 1981, the NRC amended its Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement," to allow a State to seek an amendment for the regulation of LLRW as a separate category. Although, the [STATE] Agreement State Program has authority to regulate a LLRW disposal, the NRC has not required States to have a program for licensing a disposal facility until such time as the State has been designated as a host State for a LLRW disposal facility. When an Agreement State has been notified or becomes aware of the need to regulate a LLRW disposal facility, it is expected to put in place a regulatory program that will meet the criteria for an adequate and compatible LLRW disposal program. There are no plans for a LLRW disposal facility in [STATE].

[If the State entered into the Agreement after 1981 and has authority for LLRW but does not have a facility use the paragraph below]

Although, the [STATE] Agreement State Program has authority to regulate a LLRW disposal, the NRC has not required States to have a program for licensing a disposal facility until such time as the State has been designated as a host State for a LLRW disposal facility. When an Agreement State has been notified or becomes aware of the need to regulate a LLRW disposal facility, it is expected to put in place a regulatory program that will meet the criteria for an adequate and compatible LLRW disposal program. There are no plans for a LLRW disposal facility in [STATE].

3.4 Uranium Recovery Program (Insert year and rating)

At the time of the periodic meeting, the [STATE/NRC] uranium recovery program consists of [#] conventional mill licenses, ([#] sites currently under decommissioning and currently undergoing groundwater assessments), [#] in-situ recovery licenses (two licensees in decommissioning status, [#] licensee in "standby" status, [#] licensee in active production, and [#] licensee newly approved but not in operation), [#] in-situ recovery applications for new facilities, and [#] "reclamation" licensee to administer cleanup of vicinity properties abutting an in-situ recovery licensee that had been revoked by the [STATE/NRC]. The duties and responsibilities for the [STATE/NRC] uranium recovery program are assigned to staff within the [appropriate organization].

[STATE/The NRC] has [#] qualified uranium recovery staff **[if any are currently being trained mention that as well]**. Currently, there are [# or "no"] vacancies. Since the last IMPEP review, [#] of the staff members left the uranium recovery program and [#] staff members were hired. The positions were vacant from [X to Y (days, weeks, months, etc.) give the range of time, e.g., 6 to 9 months]. [STATE] [has/does not have] a training

program equivalent to NRC training requirements listed in the NRC's IMC 1248.

The [STATE] Agreement State Program's inspection frequencies are the [same, more frequent, less frequent] as the NRC's inspection frequencies that are listed in IMC 2801. [STATE/NRC] performed [#] inspections since the last IMPEP review. [Discuss if any inspections were overdue.] The [STATE/NRC] indicated that inspection findings for the UR program were communicated by formal correspondence to the licensee within [#] days following the inspection [If not, explain].

Inspection guidance used by the [STATE] Agreement State Program is equivalent to the NRC's IMCs and Inspection Procedures. The [STATE] Agreement State Program issues all inspection findings, regardless of whether or not there is a violation, by written correspondence from the office. Inspection findings are routinely sent to the licensee within 30 days of the completion of an inspection. All supervisory accompaniments in calendar years [YEAR, YEAR, and YEAR] were completed for all qualified inspectors.

Since the last IMPEP review, the [STATE] has amended/renewed the UR licenses [EXPLAIN] and has conducted [#] public meetings as a result of these licensing action(s).

The [STATE] Agreement State Program has processes in place to maintain effective responses to incidents and allegations. [#] incidents associated with the UR facility have been reported to the NRC since the last IMPEP review. [If there was a safety or security significant incident, provide a summary of the incident and the actions taken, and planned, by the STATE/NRC.]

[#] allegations associated with the UR facility have been received since the [YEAR] IMPEP review, [#] of which were referred by the NRC. Each allegation is evaluated when it is received and onsite follow-up is performed, when appropriate. Closure letters to the concerned individuals are issued in a timely manner. [EXPLAIN ALLEGED IDENTITY PROTECTION OR Due to [STATE]'s open records act, the [STATE] Agreement State Program is unable to guarantee protection of an alleged's identity.]

Also include a discussion on the status of recommendations, if applicable.
Recommendation #:

The MRB recommended that the [STATE] Agreement State Program.....

Status:
[EXPLAIN]

4.0 SUMMARY

[Provide a summary and make sure to discuss trends, retrospective/prospective outlook, possible concerns that need to be monitored by the RSAO, identify significant achievements, and any noteworthy aspects of the program.]

The [STATE] Agreement State Program continues to be an effective, well-maintained program with an experienced and well-trained staff. The Program currently has [#] technical staff vacancy [EXPLAIN: that it has not yet been given permission to fill]. No

[or [#]] inspections have been performed overdue and **all** licensing actions are up-to-date. The Program has [#] regulation amendments overdue for adoption. The Program stated that it is working on addressing the NRC's comments and plans to have the rules in place by [MONTH, YEAR]. Based on the information discussed during the periodic meeting, the NRC staff recommends that the next IMPEP review be conducted as scheduled in [FISCAL YEAR].

[If there were recommendations: The [STATE] Agreement State Program has addressed the [#] recommendations made as a result of the [YEAR] IMPEP review and continues to make improvements to ensure compliance with IMPEP requirements. No programmatic concerns are noted at this time. **[If not, explain].**]

Appendix D

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 periodic meeting summary, including any specific actions resulting from discussions. Based on the criteria established in Section V of NMSS Procedure SA-116 "Periodic Meetings between IMPEP Reviews," a Management Review Board (MRB) meeting for this periodic meeting is not required at this time.

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

Distribution:

NRC personnel in attendance at periodic meeting

Division Directors, MSST

Chief, SALB

IMPEP Project Managers

Division Directors, DNMS for the applicable Agreement State

OFFICE	DNMS/RXX		DNMS/RXX
NAME	RSAO	DIVISION DIRECTOR	
DATE			

OFFICIAL RECORD COPY

Appendix E

SAMPLE LETTER TO AN AGREEMENT STATE SHARING DRAFT PERIODIC MEETING SUMMARY AND NOTIFICATION OF MANAGEMENT REVIEW BOARD MEETING

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

Dear [NAME]:

A periodic meeting with you and your staff was held on [DATE]. The purpose of this meeting was to review and discuss the status of the [STATE] Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by [NRC STAFF] and me.

I have completed and enclosed a draft periodic meeting summary. A Management Review Board (MRB) meeting to discuss the outcome of the periodic meeting has been scheduled for [DATE] at [TIME]. Meeting information for the MRB has been provided to you in a separate transmission. At the conclusion of the MRB, the draft periodic meeting summary will be revised to include any changes dictated during the meeting. A final summary will be issued to you within 30 days of the MRB.

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:

Draft Periodic Meeting Summary

cc: [RADIATION CONTROL PROGRAM DIRECTOR]

[OTHER]

Distribution:

NRC personnel in attendance at periodic meeting

Division Directors, MSST

Chief, SALPB

IMPEP Project Managers

Division Directors, DNMS for the applicable Agreement State

ADAMS Accession No. ML

OFFICE	DNMS/RXX	DNMS/RXX
NAME	RSAO	DIVISION DIRECTOR
DATE		

OFFICIAL RECORD COPY

Appendix F

SAMPLE LETTER TO AN AGREEMENT STATE FOLLOWING MRB DECISION 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.

NRC also uses the periodic meeting process to gather information between IMPEP reviews and increase focus on identifying performance issues before they result in a significant decline in performance in your program. 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 [Agreement State] radiation control program's ability to maintain an effective regulatory program that is adequate to protect public health and safety and compatible with NRC's 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: [RADIATION CONTROL PROGRAM DIRECTOR]
[OTHER]

Distribution:

NRC personnel in attendance at periodic meeting

Division Directors, MSST

Chief, SALPB

IMPEP Project Managers

Division Directors, DNMS for the applicable Agreement State

ADAMS Accession No. ML

OFFICE	DNMS/RXX	SALPB/MSST	DNMS/RXX	
NAME	RSAO	BRANCH CHIEF	DIVISION DIRECTOR	MRB CHAIR
DATE				

OFFICIAL RECORD COPY