National Materials Program

Options and Recommendations

Final Report of the Working Group

SECY 99-250

Volume I

May 2001

National Materials Program Working Group Report

examines

- ***impacts of increasing number of Agreement States***
- ***six options for a National Materials Program structure***

and

- ***the following six issues as specified in SECY-99-250***

Development of an overall program mission statement with defined top level goals and objectives.

Delineation of the respective roles and legal responsibilities of NRC and the Agreement States, including the Organization of Agreement States and the Conference of Radiation Control Program Directors, Inc.

Delineation of the scope of activities to be covered by the program and the need for statutory changes at both state and federal levels.

Establishment of formal program coordination mechanisms.

Establishment of performance indicators and a program assessment process to both measure program performance and to ensure program evolution.

National Materials Program

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Acknowledgments - continued

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Kathy Allen, Co-Chair **Jim Myers, Co-Chair**

Executive Summary

In November 1999, NRC Commissioners approved the staff plan (SECY-99-250) to form a working group to address the impacts of the increased number of Agreement States and to provide advice to the NRC on the "National Materials Program."

Currently, 32 Agreement States regulate approximately 16,500 radioactive materials licensees and NRC regulates approximately 5,000 licensees. As the number of Agreement States continues to increase, the number of licensees under NRC jurisdiction will continue to decrease. This trend has resulted in:

- shifting expertise from NRC to Agreement States
- decreasing numbers of licensees to support NRC's infrastructure
- increasing likelihood that new technologies will emerge in an Agreement State, rather than in an area under NRC jurisdiction

The National Materials Program Working Group, consisting of six representatives from states and six NRC representatives and an NRC advisor, first met in early 2000. The Steering Committee consisted of nine senior NRC managers and two Agreement State program directors.

Because there is no clear definition of a "National Materials Program," the Working Group defined the attributes of a national program. SECY-99-250 directed the Working Group to address the following six issues:

1. Development of an overall program mission statement with defined top level goals and objectives.
2. Delineation of the respective roles and legal responsibilities of NRC and the Agreement States, including Organization of Agreement States and Conference of Radiation Control Program Directors, Inc.
3. Delineation of the scope of activities to be covered by the program and the need for statutory changes at both state and federal levels.
4. Establishment of formal program coordination mechanisms.
5. Establishment of performance indicators and a program assessment process to both measure program performance and to ensure program evolution.
6. Provision/budgeting of resources at both state and federal levels.

Executive Summary-cont'd

The Working Group defined its mission to "develop options for the Commission's consideration for creating a National Materials Program that will implement the following philosophy:

> **To create a true partnership of the NRC and the States that will ensure protection of public health and safety and the environment…"**

The Working Group's mission and philosophy is consistent with NRC's Strategic Goals and Objectives.

The Working Group then identified the program elements necessary for a National Materials Program. These included, but were not limited to, elements such as licensing and inspection programs, rule and guidance development, and mechanisms for communicating with stakeholders. The current methods for implementing various program elements were defined and alternatives identified. These alternatives were evaluated against the current methods using the following objectives:

- Optimize resources of federal, state, professional, and industrial organizations
- Account for individual agency needs and abilities
- Promote consensus on regulatory priorities
- Promote consistent exchange of information
- Harmonize regulatory approaches
- Recognize state and federal needs for flexibility

Once basic program elements were identified, the Working Group developed options for a National Materials Program. After defining the current national regulatory program, five other options were developed and discussed. Options ranged from allowing all states to independently regulate all radioactive materials without federal oversight to having only one regulatory entity with jurisdiction over all radioactive material in the United States.

The Working Group sought input from stakeholders at several meetings, and conducted a tabletop exercise at the October 2000 Organization of Agreement States meeting to test a consensus-based national program. One of the comments repeated at various meetings with stakeholders reflected the need to have a leadership presence at the national level.

Executive Summary-cont'd

After evaluating comments from stakeholders, considering the advantages and disadvantages for each of the structural options, and the potential resource implications for each option, the National Materials Program Working Group recommends that the Commission adopt the Alliance Option, a cooperative, consensus process for a National Materials Program. The Alliance serves as a basis for achieving NRC's current strategic goals and objectives, as well as the future goals and objectives of a National Materials Program. The Alliance offers the prospect of leveraging NRC's program by joining in a continuing collaborative process with other regulators. The process would jointly establish national priorities and agendas, share resources, and develop common regulatory products. Implementation of the Alliance Option will assist NRC by continuing its presence in a National Materials Program, as its share of licensees nationwide decreases.

An Implementation Plan should also be developed and used to ensure that the Commission's directions regarding a National Materials Program are fully enacted.

In addition to the structure for a National Materials Program, the Working Group identified several enhancements that could be used with or without changes to the national program. Regardless of which option the Commission selects, NRC should encourage the use of Centers of Expertise to supplement its abilities and should continue its role in maintaining an information infrastructure. In addition, NRC should create a Standing Compatibility Committee to ensure consistency of compatibility determinations for all rules. Finally, NRC should seek authority to regulate discrete naturally-occurring or accelerator produced radioactive material in order to ensure national consistency in the regulation of all radioactive material.

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