



STP Procedure Approval

The Management Review Board

SA-106

Issue Date: September 8, 2003

Review Date: September 8, 2006

Paul H. Lohaus
Director, STP

Original signed by:
Paul H. Lohaus

Date: 09/8/2003

Josephine M. Piccone
Deputy Director, STP

Original signed by:
Josephine M. Piccone

Date: 09/5/2003

Lance J. Rakovan
Procedure Contact, STP:

Original signed by:
Lance J. Rakovan

Date: 09/3/2003

NOTE

The STP Director's Secretary is responsible for the maintenance of this master copy document as part of the STP Procedure Manual. Any changes to the procedure will be the responsibility of the STP Procedure Contact. Copies of STP procedures will be distributed for information.



Procedure Title:
The Management Review Board
Procedure Number: SA-106

Page: 1 of 6

Issue Date:
09/8/2003

I. INTRODUCTION

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

II. OBJECTIVES

1. To provide the guidelines that will be followed by the MRB when conducting MRB meetings for IMPEP reviews and issuing findings for Regional and Agreement State programs.
2. To establish the means to keep the MRB and the Commission informed on the status of Regional and Agreement State materials programs in a timely fashion.
3. To specify directions for documenting precedents established by the MRB.

III. BACKGROUND

- A. The MRB makes the overall assessment of each NRC Region or Agreement State program on the basis of the proposed final report and recommendations prepared by the IMPEP team that conducted the review of that Region or State, including any unique circumstances.
- B. The overall MRB assessment includes a consideration of information provided by the Region or State at the MRB meeting.

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

IV. ROLES AND RESPONSIBILITIES

- A. The MRB is responsible for establishing the adequacy of Agreement State Programs and NRC Regions, as well as the compatibility of Agreement State Programs. In addition, they can set precedents and decide upon significant changes to the IMPEP process. Its membership consists of senior NRC managers, or their designees, to include: Deputy Executive Director for Materials, Research and State Programs (DEDMRS); Director, Office of Nuclear Material Safety and Safeguards (NMSS); Director, Office of State and Tribal Programs (STP); General Counsel; and an Agreement State Liaison to the MRB. A quorum for an MRB meeting consists of at least three voting members of the MRB. Designees count as part of the quorum.
- B. The DEDMRS or DEDMRS's designee, is the Chair of the MRB. The Chair has signature authority for outgoing correspondence resulting from MRB proceedings.
- C. STP is the lead office responsible for the coordination of MRB meetings.
- D. Specific NMSS responsibilities are described in Part V. Guidance, C.
- E. The Organization of Agreement States (OAS) is responsible for specifying a representative to serve as a member of each MRB, as a non-voting Agreement State Liaison. In this capacity, the State representative receives applicable documentation and engages in all MRB discussions. The Agreement State Liaison representative is expected to provide an Agreement State perspective on any matter that is discussed or voted on by the MRB. The MRB may request an additional OAS Liaison with specific expertise or experience to participate in a particular MRB meeting if an additional State perspective is desirable.
- F. A representative from a fifth NRC office may participate as an MRB member if a concern exists with regard to a specific aspect of an NRC Region or Agreement State program. The lead office for the review will

be responsible for inviting the representative. Representatives will be non-voting MRB members and may be taken from the following offices as needed:

1. The Office of Nuclear Safety and Incident Response (NSIR), lead office for NRC coordination of incident response issues.
2. The Office of Human Resources (HR), lead office for staffing and training issues.

V. GUIDANCE

A. MRB

1. MRB meetings are to be conducted approximately 74 days from the last day of the IMPEP review in order to issue the final report within 104 days. Although these meetings are exempt from the “Commission Policy Statement on Staff Meetings Open to the Public,” the public is invited to observe each meeting. Each meeting will be published in the weekly notice of “NRC Meetings Open to the Public.” MRB meetings may take place beyond the 74th day in order to assemble a quorum to accommodate Agreement State/Regional schedules, and/or to incorporate important supplemental material. However, every effort should be made by STP and NMSS to meet the timeliness goal for issuing the final reports in 104 days.
2. The MRB Chair consults with other MRB members to reach a consensus position on each indicator and, if necessary, provides specific instructions to the IMPEP team leader. If a consensus is not apparent, a vote is taken and a simple majority decides the MRB's position about report revisions.
3. In some instances, the overall program adequacy finding and, for Agreement States, the compatibility finding, may not be possible at the time of the MRB meeting. In those cases, a report is issued to the Region or Agreement State within the goal of 104 days that addresses both completed review findings and the status of outstanding issues. A report supplement will be issued when the outstanding areas are resolved by the MRB.

4. The MRB may choose to go into an executive session during the public meeting at the discretion of the MRB Chair. For all matters that require a formal vote by the MRB, the vote will take place during the public meeting, regardless of whether the topic was discussed in an executive session or not.
5. If the MRB recommends that an Agreement State be placed on heightened oversight, the guidance in STP Procedure SA-122, *Heightened Oversight*, should be followed.
6. If a finding of “Adequate, But Needs Improvement” is made of a Region, the MRB (including the Director, NMSS) will consult with the Executive Director for Operations to determine what remedial steps need to be taken and will inform the Commission accordingly. Program probation, suspension, and termination which will be considered when an “Adequate, But Needs Improvement” finding is made for an Agreement State Program are not applicable to Regional programs. NRC must implement immediate action to correct Regional program deficiencies that are similar to those that would warrant probation, suspension, or termination actions for an Agreement State.
7. If the MRB recommends that NRC initiate proceedings to place an Agreement State program on probation, STP Procedure SA-113, *Placing an Agreement State on Probation*, should be followed.
8. If the MRB recommends that NRC initiate proceedings to suspend an Agreement State program, STP Procedure SA-114, *Suspension of a Section 274b Agreement*, should be followed.
9. If the MRB recommends that NRC initiate proceedings to terminate an Agreement State program, STP Procedure SA-115, *Termination of a Section 274b Agreement*, should be followed.

B. STP

1. For both Regional and Agreement State MRB meetings, the STP lead secretary ensures that MRB meetings are announced using Form 549, “Public Meeting Announcement Data Input” and are open to the public.

2. For Agreement State MRB meetings, the STP IMPEP project manager is responsible for providing all relevant correspondence (i.e., State responses, proposed final reports, meeting agendas) to the MRB, the IMPEP team, and other attendees, at least seven days in advance of meeting as described in Appendix B.
3. The STP lead secretary in consultation with the IMPEP team leader, coordinates attendance at the MRB meeting with the representatives of the Agreement State or Region under review, the IMPEP review team members, and an Agreement State Liaison including invitational travel for attendance at the meeting. Attendance by Agreement State and NRC Regional participants through a video conference is encouraged whenever possible. If the State or Regional representative(s) will not be physically attending the meeting, arrangements for video conference or teleconference should be made by the STP lead secretary.
4. It is the duty of the STP IMPEP project manager to keep the MRB informed on the status of Regional and Agreement State materials programs in a timely fashion through briefings of periodic meeting summaries (See NMSS Policy and Procedures Letter 1-70, and STP Procedure SA-116, Periodic Meetings with Agreement States). A brief summary of each Region's and State's periodic meeting report will be given to the MRB at the most convenient MRB meeting following the issuance of the periodic meeting report. Management from each program discussed should be invited to participate in the meeting.
5. The STP IMPEP project manager is responsible for taking and issuing minutes of Agreement State and Regional MRB meetings. The minutes should summarize major discussions, but not include verbatim accounts of the proceedings. Root causes for significant program performance issues, any precedents established by the MRB or lessons learned during the review that will be applied to the IMPEP process in the future, and any good practices should also be clearly documented. Preparation and dissemination of meeting minutes are the responsibility of STP, unless otherwise stated. Minutes of the preceding meeting are approved by the MRB in its next meeting or through mail. Following MRB approval, the minutes become a matter of the public record.

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

C. NMSS

1. For Regional reviews, the NMSS IMPEP team leader is responsible for providing all relevant correspondence (i.e., draft report, Regional responses, proposed final report, meeting agenda) to the MRB, the IMPEP team, and other attendees, at least seven days in advance of meeting as described in Appendix B.

VI. APPENDICES - Draft Samples

Appendix A - Annual Report of Agreement States' and Regions' Radioactive Material Programs

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

VII. REFERENCES

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

Appendix A

MEMORANDUM TO: [The Chairman and Commissioners]

FROM: [Executive Director for Operations]

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

This is an annual report on the status of the Agreement States' and Regions' radioactive material programs. Depending on the State's performance, review cycles under IMPEP are up to four years. All but [#] Agreement States were found to be adequate to protect public health and safety and were found to be compatible with the NRC's program. Attachment 1 is the Summary of Agreement States' Adequacy and Compatibility Status as of January [YEAR].

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

Attachment 2 presents the Summary of the NRC Regions' Adequacy Status. Attachment 3 presents a summary of IMPEP report issuance against the 104-day goal. Attachment 4 presents a summary of activities related to States in heightened oversight or increased monitoring.

Attachments:
As stated

cc: SECY
OGC
OCA
OPA
CFO

Distribution:
EDO RF (WITS #)
DIR RF DCD (SP01) PDR (YES)

IMPEP File

DOCUMENT NAME:

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

OFFICE	STP	<input type="checkbox"/>	STP:DD	<input type="checkbox"/>	NMSS:D	<input type="checkbox"/>	STP:D	<input type="checkbox"/>	DEDMRS	<input type="checkbox"/>	EDO
NAME											
DATE	/ /		/ /		/ /		/ /		/ /		/ /

OFFICIAL RECORD COPY

SUMMARY OF AGREEMENT STATES' ADEQUACY AND COMPATIBILITY STATUS

JANUARY [YEAR]

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

SUMMARY OF NRC REGIONS' ADEQUACY STATUS

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

IMPEP REPORT TRACKING

FY [YEAR]

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

FY [YEAR] HEIGHTENED OVERSIGHT/MONITORING CHART

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

Appendix B

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

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

Director, Office of State and Tribal Programs

Director, Office of Nuclear Material Safety
and Safeguards

General Counsel

FROM: Deputy Director, Office of State and Tribal Programs

[OR]

Director
Division of Industrial and Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

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

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

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

OR

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

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

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

Attachments:

As stated

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

Agenda for Management Review Board Meeting

[day, date, time, location]

1. MRB Chair convenes meeting. Introduction of MRB members, review team members, [State/Regional] representatives, and other representatives participating through telephone bridge or video conferencing.
2. Consideration of [State/Region] IMPEP Report.
 - A. Presentation of Findings Regarding [State/Region] Program and Discussion.
 - Technical Staffing and Training
 - Status of Materials Inspection Program
 - Technical Quality of Inspections
 - Technical Quality of Licensing Actions
 - Response to Incidents and Allegations

[And the applicable following non-common performance indicators]

 - Legislation and Program Elements Required for Compatibility
 - Sealed Source and Device Evaluation Program
 - Low-Level Radioactive Waste Disposal Program
 - Uranium Recovery Program
 - Regional Fuel Cycle Inspection Program
 - Site Decommissioning Management Plan
 - B. MRB Consultation/Comments on Issuance of Report
 - Adequacy [and Compatibility] Rating
 - Recommendation for the Next IMPEP Review
 - C. Comments
3. Results of Periodic Meetings
4. Status of IMPEP Reviews and Heightened Oversight/Monitoring Activities.
5. Precedents/Lessons Learned and Identification of Good Practices
6. Adjournment.

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