

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

TN: DT-02-13

To: NRC Management Directives Custodians

Subject: Transmittal of Management Directive 5.3, "NRC/Agreement State Working Groups"

Purpose: Directive and Handbook 5.3 are being revised to better establish the roles and responsibilities of both NRC and Agreement State staff in the establishment and implementation of NRC/Agreement State working groups. MD 5.3 also better reflects the current national materials program philosophy. New features include information that must be included in a working group's charter, the role of steering committees, and a description of the role of a new NRC/Agreement State Working Group Coordinator. Because of the extensive revisions to the handbook, this issuance contains no change bars.

**Office and
Division of Origin:** Office of State and Tribal Programs

Contact: Lance Rakovan, 415-2589

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NRC/Agreement State Working Groups

Directive
5.3

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U. S. Nuclear Regulatory Commission

Volume: 5 Governmental Relations and Public Affairs

STP

NRC/Agreement State Working Groups

Directive 5.3

Policy

(5.3-01)

It is the policy of the U.S. Nuclear Regulatory Commission to provide Agreement State programs opportunity for early and substantive involvement in the development or formulation of any rule, policy, directive, or guidance document, as well as participation in any special study or other NRC activity, as authorized under Section 274 of the Atomic Energy Act of 1954, as amended. This management directive describes the steps and process the staff should follow in the establishment and implementation of NRC/Agreement State working groups as one mechanism whereby Agreement States are provided this early and substantive involvement.

Objective

(5.3-02)

To describe the steps to be followed to establish an NRC/Agreement State working group.

Organizational Responsibilities and

Delegations of Authority

(5.3-03)

The Commission

(031)

Approves policy matters related to NRC/Agreement State working groups.

Organizational Responsibilities and Delegations of Authority

(5.3-03) (continued)

Deputy Executive Director for Materials,
Research, and State Programs (DEDMRS)
(032)

As delegated by the Executive Director for Operations, provides management oversight of the activities described herein.

General Counsel
(033)

Ensures that there is no conflict with the Federal Advisory Committee Act or other statutes or procedures.

Director, Office of State and
Tribal Programs (STP)
(034)

- Makes recommendations regarding the establishment of NRC/Agreement State working groups in the development of any rule, policy, directive, or guidance document, as well as participation in any special study or other national radioactive materials regulatory program activity. (a)
- Concurs in the establishment of all NRC/Agreement State working groups and steering committees to help ensure appropriate coordination with Agreement States. (b)
- Concurs in all charters of NRC/Agreement State working groups and steering committees to help ensure efficient and effective purpose, function, and product. (c)

Organizational Responsibilities and
Delegations of Authority
(5.3-03) (continued)

Office Directors and
Regional Administrators
(035)

- Make recommendations and approve the establishment and use of NRC/Agreement State working groups and steering committees as appropriate. (a)
- Concur in all charters of NRC/Agreement State working groups and steering committees for which the NRC office serves as lead. (b)

Organization of Agreement States
(OAS) Executive Board
(036)

(Although this directive is an internal NRC document, the OAS Executive Board has responsibilities involving NRC/Agreement State working groups and is included here for completeness.)

- Makes recommendations and approves the establishment of NRC/Agreement State working groups and steering committees. (a)
- The OAS Chair concurs in all charters of NRC/Agreement State working groups and steering committees. (b)

Applicability
(5.3-04)

The policy and guidance in this directive and handbook apply to all NRC employees who are responsible for establishing and participating in NRC/Agreement State working groups.

Volume 5, Governmental Relations and Public Affairs
NRC/Agreement State Working Groups
Directive 5.3

Handbook
(5.3-05)

Handbook 5.3 provides guidance for the establishment and processes of NRC/Agreement State working groups.

References
(5.3-06)

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

COMKC-91-007, "Improving Cooperation With Agreement States," memorandum from Samuel J. Chilk, Secretary, to James M. Taylor, Executive Director for Operations, and Harold R. Denton, Director, Office of Governmental and Public Affairs, April 11, 1991.

NRC Management Directive 3.5, "Public Attendance at Certain Meetings Involving the NRC Staff."

NRC/Agreement State Working Groups

Handbook

5.3

Part I

Establishment of an NRC/Agreement State Working Group

General (A)

An NRC office (headquarters or region) or the Organization of Agreement States (OAS) Executive Board may recommend the establishment of an NRC/Agreement State working group. Working groups may be established to address a wide range of issues and to develop a variety of different products. They provide a means for NRC and State staff to work cooperatively in the development of a rule, policy, directive, or guidance document, or participate in a special study. Representatives of the Conference of Radiation Control Program Directors (CRCPD) may be requested to participate if the issue involves topics affecting non-Agreement States or all States. Other Federal agency representatives may also be requested as necessary, depending on the purpose and scope of the working group. (1)

All working group members should be given the opportunity to actively contribute to work goals and products/outcomes. Working group members should be active in recommending improvements and understand how their contributions are used in the process and products. (2)

Lead Organization (B)

The lead organization (NRC office or OAS) recommending establishment of an NRC/Agreement State working group will usually assume lead responsibility for the working group. This lead responsibility includes establishing the purpose of the working group, requesting participation, drafting a charter, identifying members, and tracking progress. The lead organization should submit a request for participation to other NRC offices [e.g., the

Lead Organization (B) (continued)

Office of State and Tribal Programs (STP), the Office of Nuclear Material Safety and Safeguards (NMSS), the regions] and the OAS Chair, as appropriate. When the lead organization is OAS, requests for NRC office participation should be made through STP. (1)

The request should describe the purpose, membership, estimated level of effort expected of participants, scope of activities, and expected product/outcome of the working group (a sample request for participation is attached as Exhibit 1 of this handbook). Each area is discussed further below. (2)

- **Purpose (a)**

Describe the specific purpose for creating the working group, including any supporting background information. Any restrictions or limitations to be placed on the working group should also be detailed.

- **Suggested Membership (b)**

Describe the suggested membership of the working group, including the number of members desired from each organization and the desired expertise and skills of potential participants. For proposed State members, indicate whether the member is expected to also represent OAS or the CRCPD.

- **Level of Effort Expected of Participants (c)**

Describe the level of commitment expected of working group members. Detail the likely number of working group meetings to be held and the amount of time outside of official working group meetings that participants will be expected to spend on working group issues.

Lead Organization (B) (continued)

- **Scope of Activities and Expected Product (d)**

Describe the scope of the activities, the proposed schedule, and the expected product of the working group.

- **Steering Committee (e)**

Identify whether a steering committee will be established to support the working group (see Part II of this handbook).

After submitting a request for participation, the lead organization should place the new working group on the agenda for discussion during the next monthly NRC/OAS/CRCPD teleconference to ensure a common understanding of the purpose, scope, and proposed membership of the new working group. (3)

Identification of Working Group Participants (C)

Each organization should respond to the lead organization's request within 30 days and identify working group members. The requesting organization may suggest specific members for participation in the working group; however, working group membership is ultimately the decision of respective program management. Participating members should be selected to meet the skill needs identified in the lead organization's request for participation. This practice will help ensure that the working group has the correct mix of skills necessary to be effective. A minimum of 30 days should be given to OAS to identify State members. (1)

In some cases, additional participants from outside the Federal or State government may be requested to be part of a working group. However, if all working group members are not permanent government employees, the group may be considered to be an advisory committee subject to the procedural requirements of the Federal Advisory Committee Act (FACA). In most instances,

Identification of Working Group Participants (C) (continued)

participation by Federal or State employees in an NRC working group does not have FACA implications, but participation by other persons who are not regular government employees could result in application of the act to the group's activities. If all working group members are not regular government employees, the Office of the Assistant General Counsel for Legal Counsel, Legislation, and Special Projects of the Office of the General Counsel should be contacted before any meeting of the working group takes place to inquire about the applicability of FACA and what actions need to be taken to meet FACA requirements. (2)

The Working Group Charter (D)

Drafting and Approval (1)

Before the working group convenes, the lead organization should draft a charter for the working group and provide working group members and steering committee members an opportunity to review and comment on the draft charter. The charter should preserve the essential elements of the request for participation. Most NRC/Agreement State working groups should have a charter. Some rulemaking groups may not require a formal charter but may operate under administrative processes clearly defined by office policy, procedure, and approved rulemaking plans. (a)

The charter should be finalized within 30 days of the first working group meeting. The Director of STP, the director of the lead NRC office, and the OAS Chair should concur in the final charter. (b)

Charter Contents (2)

The charter should contain the following information (a sample working group charter is attached as Exhibit 2 to this handbook):

The Working Group Charter (D) (continued)

Charter Contents (2) (continued)

- **Purpose (a)**

Describe the specific purpose for creating the working group, including any supporting background information. Any restrictions or limitations to be placed on the working group should also be detailed.

- **Membership (b)**

List each working group member, including the organization each member represents. Steering committee membership and representation should also be included if a steering committee has been assigned to the working group.

- **Objectives (c)**

Fully detail the tasks to be performed by the working group and clearly define the working group products/outcomes.

- **Schedule (d)**

Describe the timeframe in which the working group is expected to complete its objectives and issue its final product. Information on expected progress reports, draft products, and meetings with steering committees should be documented as well.

Working Group Chairs and Co-Chairs (E)

The lead organization should select a working group chair or designate co-chairs. Chairs are responsible for the following activities:

Working Group Chairs and Co-Chairs (E) (continued)

- Helping coordinate activities as the working group is established (1)
- Scheduling and leading working group meetings (2)
- Preparing meeting minutes and other support activities (3)
- Ensuring that documents are made available in NRC's Agencywide Documents Access and Management System (ADAMS) and the Public Document Room (4)
- Ensuring that the working group follows the charter, including completion of all tasks within the agreed-upon timeframe (5)
- Ensuring that the lead organization is kept informed of progress (6)
- Ensuring that the steering committee is kept informed of progress (7)
- Ensuring that issues and areas needing policy guidance or direction are brought to the lead organization or steering committee for discussion and resolution (8)
- Issuing the final working group product (9)

Part II

Steering Committees for NRC/Agreement State Working Groups

General (A)

In some cases, the lead organization may establish a steering committee to aid a working group in accomplishing its objectives (for example, if a working group is addressing a particularly complex policy issue). A steering committee should assist a working group achieve its goals by providing feedback, insight, and advice on the technical, regulatory, and policy issues being addressed by the working group. A steering committee functions until a working group ceases its activities. (1)

If a steering committee is not established, the managers who concurred on the working group charter will be responsible for providing guidance and support on working group activities. (2)

Purpose and Functions of a Steering Committee (B)

A steering committee is to aid a working group by performing the following functions:

- Reviewing and commenting on the working group charter (1)
- Serving as a sounding board for the working group (2)
- Setting expectations and ensuring that all involved parties are in agreement with the scope, product, and expected outcomes throughout the process (3)
- Providing insight on the technical, regulatory, and policy issues being addressed by the working group (4)

Purpose and Functions of a Steering Committee (B) (continued)

- Reviewing progress and providing management direction, guidance, and oversight of working group activities (5)
- Helping resolve difficult critical issues, especially when members of the working group disagree or are at an impasse (6)
- Providing feedback on draft working group products (7)
- Reviewing the final working group product and providing advice as to whether it is ready for issuance, fully addresses the substance of the charter, and is of sufficient depth, quality, and content (8)
- Keeping senior management informed of working group progress, as necessary (9)

Identification of Steering Committee Members (C)

The managers who concurred on the working group charter should agree upon the number of steering committee members needed and which organizations should be represented. The lead organization will request each appropriate organization to recommend an official to serve on the steering committee. When the lead organization is OAS, requests for NRC steering committee members should be made through STP. A copy of the working group charter should be given to each potential steering committee member, along with an estimate of the level of commitment proposed for steering committee members. Steering committee members should be aware that additional meetings may be necessary if unexpected difficulties arise in the working group's progress. (1)

Identification of Steering

Committee Members (C) (continued)

Each organization should respond to the lead organization within 30 days to identify steering committee members. The lead organization may suggest specific members for participation in the steering committee; however, membership is ultimately the decision of respective program management. A minimum of 30 days should be given to the Organization of Agreement States (OAS) to identify State members. (2)

The lead organization, in conjunction with the organizations that concurred on the working group charter, should identify a chair or co-chairs for the steering committee. The responsibilities of steering committee chairs are similar to those of Section E(1) through (6) listed for working group chairs in Part I of this handbook. The organizations concurring on the working group charter should also concur on the steering committee charter, its membership, and its chair(s). (3)

Steering Committee Charter (D)

The lead organization should prepare a draft charter to describe the purpose of the steering committee and its membership. An estimate of the number of steering committee meetings expected to be held and the amount of time that members will be expected to spend on working group issues outside of official steering committee meetings should also be identified in the charter. The Director of STP, the director of the lead NRC office, and the OAS Chair should concur in the final charter.

Steering Committee and Working Group Relationships (E)

A working group should keep the steering committee informed of its activities by routinely providing steering committee members copies of meeting agendas, meeting minutes, and draft products

Steering Committee and Working Group Relationships (E) (continued)

as they are prepared. The steering committee and the working group should establish a preferred method of making information uniformly available to each steering committee member (e.g., periodic formal reports, information e-mail summaries). The steering committee should meet at appropriate points in time (e.g., to review issues when draft products are proposed; as requested or needed by the working group to address specific issues). A steering committee should also meet with a working group to review progress, discuss key technical, regulatory, or policy issues, or to provide and receive feedback. (1)

Steering committee guidance and direction should be provided by the steering committee as a whole through the steering committee chair, not by individual members of the steering committee. The working group should, however, have the flexibility to interact with individual members of the steering committee to help, for example, understand issues, clarify points of discussion, or to seek information. The working group should consider collective steering committee comments or guidance as recommendations. The working group should consider these recommendations and either reflect them in its work product or provide feedback to the steering committee (e.g., at a steering committee meeting) as to how they were considered and resolved. It is not expected that the working group must specifically address individual steering committee member comments or points of discussion. If any areas of disagreement exist between the steering committee and the working group, the area of disagreement should be discussed and resolved at the next steering committee meeting. If a resolution is not possible, the final product may contain opposing views. (2)

Management Advisor (F)

If a working group may benefit from routine management interaction and feedback, the working group, the lead organization, or the steering committee may request the

Management Advisor (F) (continued)

identification and involvement of a management advisor. A management advisor can provide perspective on issues and working group tasks and can serve as a sounding board for a working group. The advisor should attend working group meetings and provide assistance on working group products, as necessary. The lead organization should work in conjunction with the Office of State and Tribal Programs and OAS to choose a suitable representative. A management advisor may be from either the NRC or an Agreement State.

Part III

Implementation of NRC/Agreement State Working Groups

Announcing and Holding Meetings (A)

The working group chair(s) should announce each meeting, including teleconferences, by placing them on the NRC Public Meeting Notice System at least 2 weeks in advance of the meeting, and on other announcement media, as appropriate (e.g., the NRC Public Document Room [PDR] and the Office of Public Affairs). A notice announcing the first meeting should be published in the *Federal Register*. Public observers should be able to comment on the issues at the end of the meeting, or at designated times throughout the meeting. For additional guidance, see NRC Management Directive (MD) 3.5, "Public Attendance at Certain Meetings Involving the NRC Staff." (1)

Sufficient notice of each meeting should be given to all working group participants to ensure that workloads can be managed and proper travel arrangements can be made. Although working group members should attempt to attend meetings in person, participation by teleconference or video may be considered. (2)

At the first working group meeting, the lead organization and working group members should discuss each of the items in the working group charter and topics such as details and timing of working group meetings. (3)

Predecisional Information (B)

Working groups may be provided with predecisional information that is exempt from public disclosure. In such situations, the portion of the working group meeting involving discussion or consideration of predecisional information (information that NRC

Predecisional Information (B) (continued)

would not normally discuss in public meetings) would not be open to the public, nor would draft products containing predecisional information be made available to the public through ADAMS (the Agencywide Documents Access and Management System) or another distribution mechanism. The lead organization, along with the working group chair(s), should decide when meetings and products should be made available to the public. If the Organization of Agreement States (OAS) is the lead organization, the Office of State and Tribal Programs (STP) may be asked to aid the working groups in making these decisions. For further guidance, see MD 3.5 and “Enhancing Public Participation in the NRC Meetings; Policy Statement,” 67 FR 36920.

Administrative Tasks (C)

The working group and steering committee chair(s) should ensure that minutes are kept of all meetings. The minutes and accompanying background documents, with predecisional material deleted, will be placed in ADAMS and the PDR, as appropriate. The title of the document should be unique to the specific meeting and should include the name of the NRC/Agreement State working group and the subject of the meeting. E-mails, telephone calls, memoranda relating to setting up meetings or arranging working group business, or similar administrative activities, are not required to be placed in the PDR. Refer to ADAMS Template No. NRC-001, “Meeting-Related Documents for NRC Staff-Level Offices.” (1)

If a working group does not have an NRC chair, the working group may request that the Working Group Coordinator (see Part IV(D)(3) of this handbook) handle administrative tasks, such as announcing meetings, ensuring that meeting minutes are placed in ADAMS, and so on. (2)

Changes to the Working Group Charter and Membership (D)

If the working group charter requires revision after it has been finalized, the lead organization should prepare a revised charter and resubmit it for concurrence. The original charter should be followed unless a revision is agreed upon by all concurring organizations. (1)

If additional members are required for a working group, the lead organization should revise the charter and obtain concurrence as appropriate. New members should be recruited in the same manner as the original members. (2)

Progress Reports and Draft Working Group Products (E)

The lead organization, the steering committee, and the working group should agree upon the format and frequency for progress reports, the format for draft products, and who should receive copies. The lead organization and the working group chair(s) may report progress during the monthly NRC/Organization of Agreement States/Conference of Radiation Control Program Directors (NRC/OAS/CRCPD) teleconference, as appropriate. Working group members should decide upon what feedback is necessary with the organizations they are representing.

Final Working Group Products (F)

The working group's final product should be concurred upon by all members of the working group. If a working group member holds different views, the views may be included in the product and noted as such. If a steering committee has been established, the working group shall provide the steering committee an opportunity to review the final product before issuance. (1)

Final NRC/Agreement State working group products will be placed in the PDR and distributed to the OAS Chair, the Deputy Executive Director for Materials, Research, and State Programs (DEDMRS), the Director of STP, and the directors of the appropriate NRC offices. (2)

Coordination With NRC Offices (G)

The lead organization should inform the DEDMRS of the formation of any NRC/Agreement State working groups. The lead organization should also coordinate with the Office of the General Counsel to ensure that there is no conflict with current statutes or procedures. When the lead organization is OAS, STP will perform these functions.

Sunsetting (H)

A working group should be considered dissolved upon the issuance of the final working group product. Normally, additional work, if necessary, would be handled by OAS, NRC, individual Agreement State programs, or through the formation of another working group. In cases in which additional work is expected from the working group after the final product has been issued, the lead organization should discuss this need with NRC management and the OAS Executive Board.

Part IV Administration

Master List of NRC/Agreement State Working Groups (A)

A master list of all NRC/Agreement State working groups should be maintained by the Office of State and Tribal Programs (STP). The list should be updated as new working groups are established, as well as when current working groups complete their objectives. At least annually, the list should be distributed to the appropriate offices and contacts to ensure that it is current. The list should also be posted on the Web.

Travel Considerations for Working Group Participants (B)

Travel and per diem expenses for representatives of the Organization of Agreement States in NRC/Agreement State working groups should normally be paid by NRC, unless other arrangements are made with the lead organization. NRC will consider funding of representatives of the Conference of Radiation Control Program Directors on a case-by-case basis. The lead organization should coordinate with the Director of STP on the current procedure for invitational travel for State officials and to determine how NRC will cover invitational travel expenses. (1)

Travel and per diem expenses for NRC participants will be paid by their respective offices. (2)

Timekeeping (C)

To ensure that time spent on a working group is identified, a TAC [technical assignment control] number should be assigned for each working group for use by NRC working group members. (1)

Timekeeping (C) (continued)

If a State working group participant needs documentation of the amount of time spent on working group tasks, the participant should discuss his or her needs with the working group chair(s), as well as with the Working Group Coordinator. (2)

NRC/Agreement State Working Group Coordinator (D)

An STP staff member will be designated by the Director of STP to serve as a coordinator for NRC/Agreement State working groups. The coordinator will be responsible for aiding working groups in reaching their objectives by ensuring that working group members fully understand the working group's process and objectives, and by facilitating working group meetings if facilitation assistance is requested. The coordinator will not be an official member of the working group. The coordinator will attend each initial working group meeting to ensure that all procedural issues are properly addressed. Depending on the topic, scope, and/or complexity of a working group, the chair of the working group can request that the coordinator attend additional working group meetings as well. (1)

If a working group does not have an NRC chair or co-chair, the coordinator may aid the working group by drafting *Federal Register* notices and assisting in other administrative tasks. (2)

If requested, the working group coordinator can also aid steering committees in scheduling and arranging meetings and, if designated by the steering committee chair, may consolidate steering committee comments and concerns into a single, consensus steering committee response. The coordinator may also be tasked with drafting steering committee meeting minutes and ensuring that meeting minutes are posted on ADAMS (the Agencywide Documents Access and Management System). (3)

Exhibit 1

Sample Request for Working Group Participation

Joint NRC/Agreement State Working Group To Evaluate the Integrated Materials Performance Evaluation Program

PURPOSE

On completion of the first cycle of Integrated Materials Performance Evaluation Program (IMPEP) reviews for the Agreement States, the NRC Office of State and Tribal Programs (STP) plans to establish a working group consisting of representatives from the Nuclear Regulatory Commission (NRC) and the Agreement States to evaluate IMPEP experiences for additional enhancements and lessons learned to strengthen the IMPEP process.

BACKGROUND

In Fiscal Year (FY) 1996, NRC began implementation of the IMPEP in the evaluation of Agreement State and regional materials programs to ensure that public health and safety are adequately protected from the hazards associated with the use of radioactive materials and that Agreement State programs are compatible with NRC's programs. The IMPEP process employs a team of NRC and Agreement State staff to assess both the Agreement State and the NRC regional office radioactive materials licensing and inspection program. All reviews use common criteria in the assessment and place primary emphasis on performance. Additional areas have been identified as non-common performance indicators and are also addressed in the assessment. The final determination of adequacy and compatibility of each Agreement State program, based on the review team's report, is made by a Management Review Board (MRB) composed of NRC managers and an Agreement State program manager who serves as the Agreement State liaison to the MRB.

At the end of FY 1999, NRC completed its first round of IMPEP reviews for all Agreement States. Regional reviews have occurred every 2 years and Agreement State

Exhibit 1 (Continued)

reviews at frequencies of 2 to 4 years. From its inception, the IMPEP has been an iterative process. As the program progressed from the pilot, through interim implementation to final implementation, the NRC staff has factored in experience, comments, and suggestions to enhance the IMPEP. At the completion of this first cycle of reviews, NRC management believes that an independent examination by a working group of the IMPEP experiences to date could further enhance this program.

SUGGESTED MEMBERSHIP

The working group should consist of approximately five members, as follows:

- NRC Co-chair
- Agreement State Co-chair representing the Organization of Agreement States (OAS)
- Representative from the Office of Nuclear Material Safety and Safeguards (NMSS)
- Representative from STP
- Agreement State program representative representing the OAS

The co-chairs should have extensive experience with IMPEP, either in participating on IMPEP review teams, working for a program that has been reviewed under IMPEP, or both. Additional working group members should at the very least have a basic understanding of the IMPEP process.

LEVEL OF EFFORT EXPECTED OF PARTICIPANTS

A minimum of two several-day meetings are expected for this working group in addition to teleconferences. Working group participants will also be expected to review background information and draft products while not attending meetings. Drafting and revising the working group report will also be necessary. The expected period for the working group to complete this assignment will be approximately 6 months. Approximately 3 staff weeks of effort is expected for working group members.

Exhibit 1 (Continued)

SCOPE OF ACTIVITIES AND EXPECTED PRODUCTS

This working group will examine the IMPEP process as conducted from FY1996 through the present and identify issues or enhancements to improve the process. The working group should complete and file a report detailing its findings and recommendations to the Director of the Office of State and Tribal Programs by October 8, 2001.

STEERING COMMITTEE

A steering committee will be established for this working group. The steering committee will be composed of NRC management from STP and NMSS, as well as representatives from OAS.

Exhibit 2

Sample Working Group Charter

Joint NRC/Agreement State Working Group To Evaluate the Integrated Materials Performance Evaluation Program

PROPOSED CHARTER

PURPOSE

On completion of the first cycle of Integrated Materials Performance Evaluation Program (IMPEP) reviews for the Agreement States, a working group consisting of representatives from the Nuclear Regulatory Commission (NRC) and the Agreement States will evaluate IMPEP experiences for additional enhancements and lessons learned to strengthen the IMPEP process. Experiences from all past IMPEP reviews (both Agreement State and regional) may be used in this evaluation.

The NRC/Agreement State Working Group will examine the IMPEP process as conducted from FY 1996 through the present and identify issues or enhancements to improve the process.

MEMBERSHIP

The following personnel will serve on the working group:

NRC Personnel:

James Lynch, Region III, Co-Chair
Charles Cox, NMSS
Lance Rakovan, STP

Agreement State Personnel:

William Silva, TX, Co-Chair (representing OAS)
Terry Frazee, WA (representing OAS)

Exhibit 2 (Continued)

Resource Representatives:

Kathleen Schneider, STP

George Deegan, NMSS

OBJECTIVES

In examining the IMPEP process, the working group should address the following tasks. Each substantive working group recommendation should be evaluated and prioritized in the context of the following five NRC performance goals.

1. Evaluate the program's performance for additional enhancements, including whether the set of IMPEP elements is complete and sufficiently focused, whether changes are needed in the indicator criteria, and whether there are any patterns or issues identified from Management Review Board (MRB) review, discussions during MRB meetings, or changes to draft IMPEP reports that should be addressed (e.g., whether the reviews and reports can be enhanced to better address the technical quality of inspections; whether additional inspection accompaniments may be desirable when significant areas of improvement are identified in a region or State inspection program).
2. Examine how to best utilize the performance data in the nuclear material events database (NMED) and reported as outcome measures in preparing for and focusing reviews, and the extent to which the goals, measures, and metrics of the strategic plan can be used as key issues or questions to focus the review of each common and non-common performance indicator. Additionally, evaluate whether IMPEP review criteria should be added or expanded to assess the outcome of program initiatives to bring licensees into compliance with rules and license conditions and to prevent recurrence of problems.
3. Examine the effectiveness of between-IMPEP interactions, such as the value of periodic meetings, the need for any modifications to the periodic meeting process, and the effectiveness or use of structured program self-audits between IMPEP reviews.
4. Identify areas that should be considered for specific examination during IMPEP reviews, based on the review experience to date, such as the handling of complex or controversial licensing actions.

Exhibit 2 (Continued)

5. Reevaluate making the Organization of Agreement States (OAS) Liaison to the MRB a voting member of the MRB.

The working group collectively will be responsible for developing a final charter, establishing a work plan, monitoring progress, and preparing drafts of minutes and other products. The product of the working group will be a report discussing the various recommendations of the group.

SCHEDULE

Complete and submit report to the Director of STP within approximately 1 year.

LEVEL OF EFFORT EXPECTED OF PARTICIPANTS

A minimum of two several-day meetings are expected for this working group in addition to teleconferences. Working group participants will also be expected to review background information and draft products while not attending meetings. Drafting and revising the working group report will also be necessary. The expected period for the working group to complete this assignment will be approximately 6 months. Approximately 3 staff weeks of effort is expected for working group members.

Interactions with the Steering Committee should take place as necessary.

STEERING COMMITTEE

The following personnel will participate on the steering committee:

NRC Personnel:

Doug Collins, Region II
Don Cool, NMSS
Jesse Funches, CFO
Joseph Gray, OGC
Paul Lohaus, STP
Cynthia Pederson, Region III
Martin Virgilio, NMSS

Exhibit 2 (Continued)

State Personnel:

Ed Bailey, CA
Robert Hallisey, MA

Working group meetings are not subject to the requirements of the Federal Advisory Committee Act (FACA), but they will be announced in advance through the NRC Public Meeting Notice System. Maximum use will be made of other appropriate media for facilitating interaction with the working group, for example, conference calls, facsimiles, and electronic mail. Working group meetings will be open to the public (unless predecisional information not normally publicly disclosed will be discussed) and will be held in the Washington, D.C., area or other locations as agreed upon by the working group members. Other persons attending working group meetings will be welcome to provide comments to the working group for its consideration in either written form or orally at times specified by the working group chair. Meeting minutes and draft and final documents produced by the working group will be publicly available from the NRC Public Electronic Reading Room, with the exception of exempt information.