

Overview of the Agreement State Program

April 25, 2006

Richmond, VA

8:30 am - 4:30pm

AGENDA

- 8:30 am Welcome - Dr. Carl Armstrong
- 8:35 am Introductions - Leslie Foldesi
- 8:40 am Purpose of Meeting - Leslie Foldesi, Janet Schlueter
- 8:45 am Overview of the Virginia Radiological Health Program - Leslie Foldesi
- Statutory Authority
 - Regulations
 - Staffing
 - Licensing Program
 - Inspection Program
- 10:00 am Break
- 10:10 am NRC Organization and Overview of the Office of State and Tribal Programs - Janet Schlueter
- 10:20 am Background and Overview of the Agreement State Program - Janet Schlueter
- 10:50 am Overview of the Process to Become an Agreement State - Shawn Rochelle Smith, Lloyd Bolling
- SA-700
 - Timeline
 - Lessons Learned
 - Poster Session at 2006 CRCPD Meeting
- 12:00 pm Lunch
- 1:15 pm Energy Policy Act of 2005 - Janet Schlueter
- 1:50 pm Tour of Virginia Program Offices - Leslie Foldesi
- 2:10pm Break
- 2:20 pm Once Agreement is Effective - Sheri Minnick
- Exchanges of Information
 - Technical Assistance
 - Integrated Materials Performance Evaluation Program (IMPEP)
- 3:35 pm Break
- 3:45 pm Questions and Answers - Leslie Foldesi, Janet Schlueter
- 4:25 pm Closing Remarks - Leslie Foldesi
- 4:30 pm Meeting Adjourned

Speakers:

Dr. Carl Armstrong, Director, Office of Epidemiology, Virginia Department of Health

Leslie Foldesi, Director, Division of Radiological Health and Safety Regulations, Office of Epidemiology, Virginia Department of Health

Janet Schlueter, Director, Office of State and Tribal Programs, U.S. Nuclear Regulatory Commission

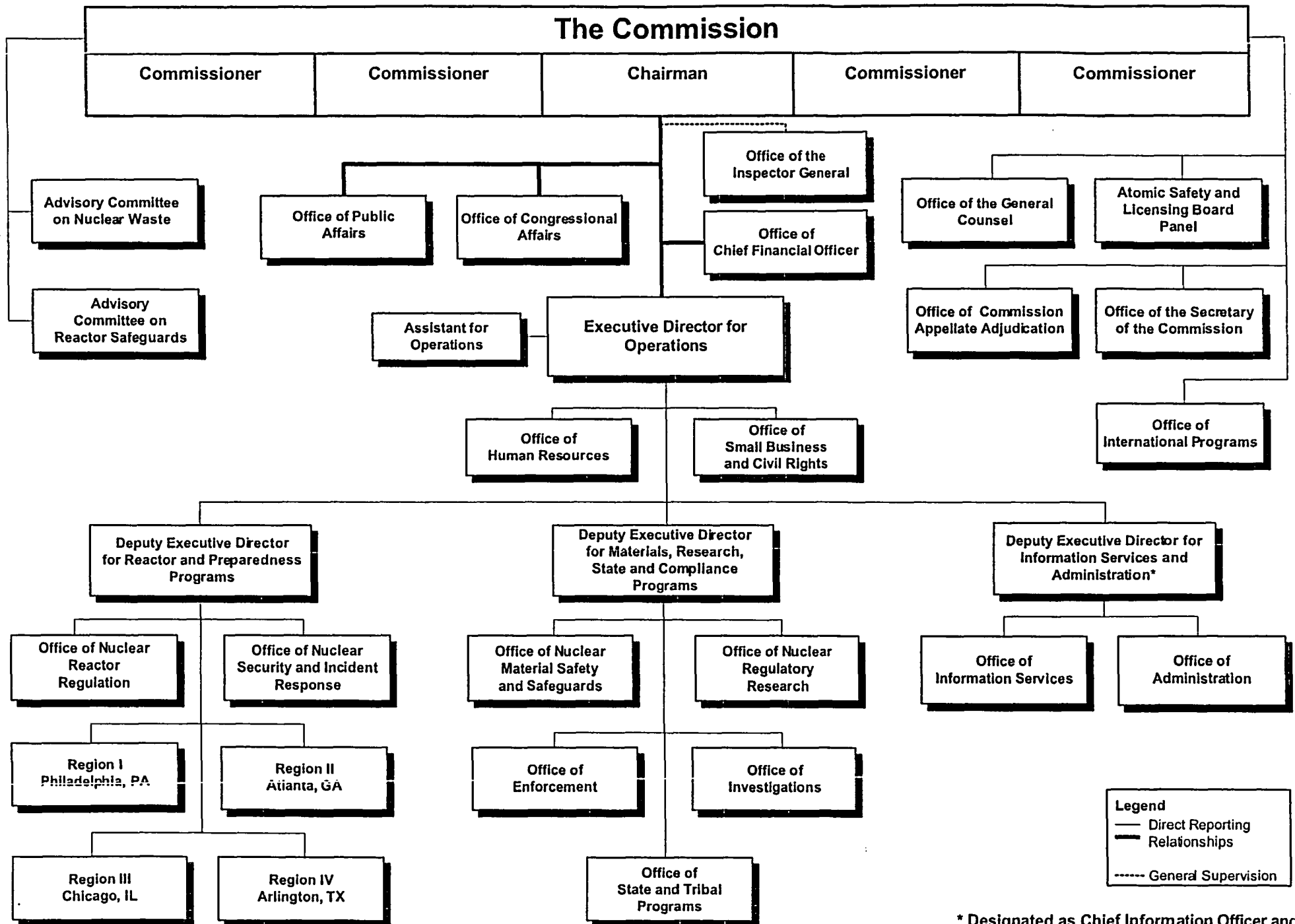
Shawn Rochelle Smith, Health Physicist, Office of State and Tribal Programs, U.S. Nuclear Regulatory Commission

Lloyd Bolling, Health Physicist, Office of State and Tribal Programs, U.S. Nuclear Regulatory Commission

Sheri Minnick, Regional State Agreements Officer, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region I

Nuclear Regulatory Commission Organization Chart

[View Text Version]



* Designated as Chief Information Officer and Chief Freedom of Information Act Officer



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State and Tribal Programs

State and Tribal Programs encompasses two areas: the Agreement State Program and the Federal, State, and Tribal Liaison Program which are implemented through NRC Headquarters and Regional Offices. The [Office of State and Tribal Programs](#) serves as the primary contact for NRC policy matters for these program areas.

- [Agreement State Program](#)

Through the Agreement State Program, 33 States have signed formal agreements with the NRC, by which those States have assumed regulatory responsibility over certain byproduct, source, and small quantities of special nuclear material. NRC assists States intending to become Agreement States and reviews and approves new Agreements. NRC technical assistance to Agreement States continues after the Agreement is signed. NRC also reviews Agreement State programs for continued adequacy to protect public health and safety and compatibility with NRC's regulatory program. NRC and Agreement States jointly develop new regulations, regulatory guidance and other regulatory initiatives.

- [Federal, State, and Tribal Liaison Program](#)

Through the Federal, State, and Tribal Liaison Program, NRC works in cooperation with Federal, State, and local governments, interstate organizations and Native American Tribal Governments to ensure that NRC maintains effective relations and communications with these organizations and promotes greater awareness and mutual understanding of the policies, activities, and concerns of all parties involved, as they relate to radiological safety at NRC licensed facilities. See also [Emergency Preparedness and Response](#).

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Last revised Monday, November 22, 2004

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Rosetta Virgilio	ROV	2367	O3 H15
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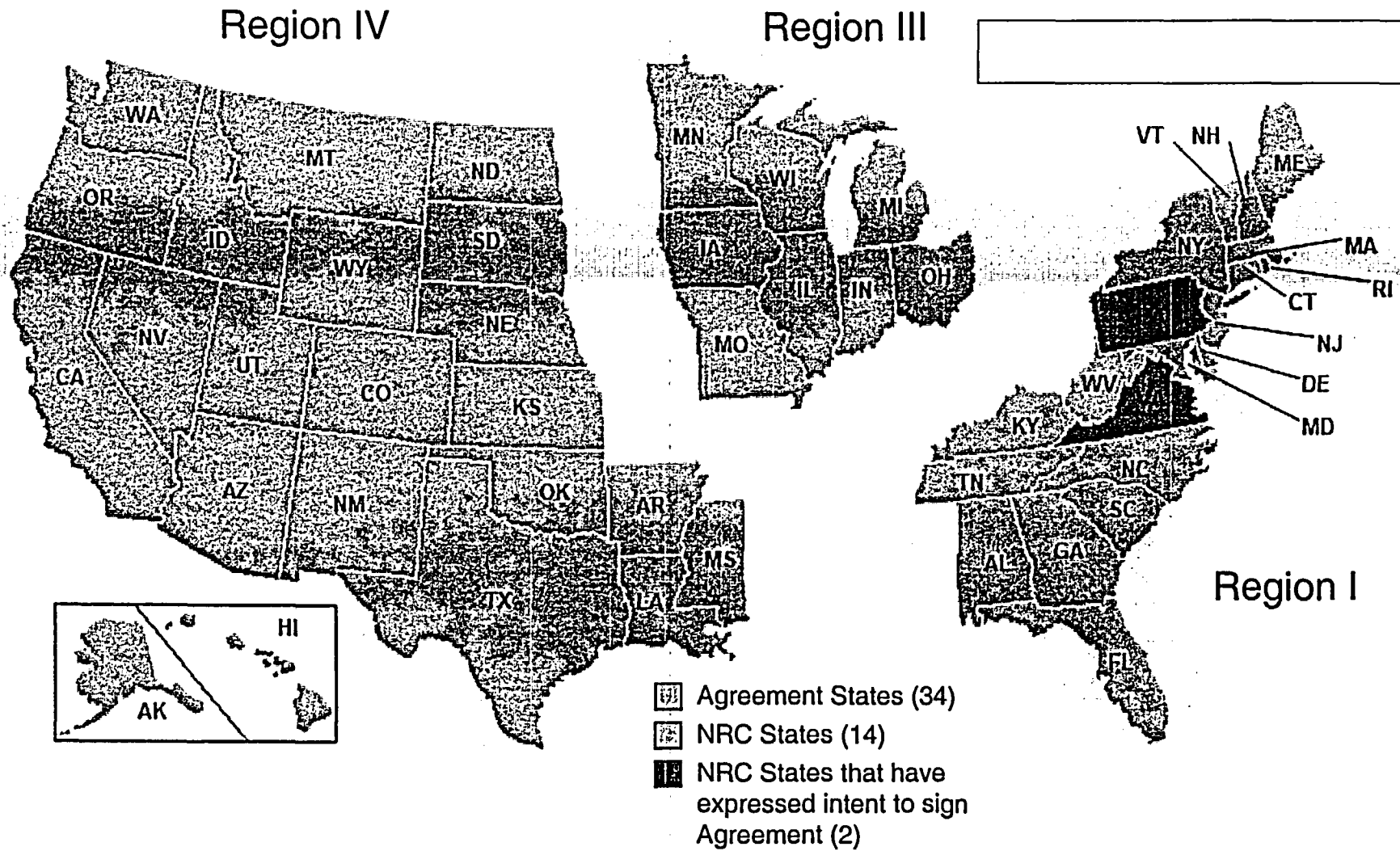
Fax: 301-415-3502

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April 3, 2006

THE AGREEMENT STATES

As of April 2006



Background and Overview of the Agreement State Program

Janet R. Schlueter, Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission

BACKGROUND

SECTION 274 OF THE ATOMIC ENERGY ACT

- Enacted in 1959.
- Initiative from the States to regulate atomic energy.
- Recognize interests of States.
- Established cooperative program.
- Provides a mechanism for transfer of certain NRC authority.
- Provides for coordination in development of standards.

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SECTION 274 OF THE ATOMIC ENERGY ACT

- Reserves certain areas for NRC to regulate.
- Modified in 1978 to direct NRC to periodically review Agreement State Programs.
- DeConcini Amendment in 1980 authorizes NRC to suspend all or part of an Agreement in an emergency.

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SECTION 274 OF THE ATOMIC ENERGY ACT

- Currently, 34 Agreement States
- States regulate approximately 80% of all Nuclear Materials Licensees in the United States
- PA and VA currently pursuing Agreements

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CATEGORIES OF AGREEMENTS

- STANDARD AGREEMENT
 - Authority to regulate
 - Byproduct material as defined in Sections 11e(1), 11e(3), and 11e(4) of the Atomic Energy Act (material yielded in or made radioactive through the process of producing or utilizing special nuclear material),
 - Source material and
 - Special nuclear material in quantities less than critical mass.
 - All categories of licensees except uranium mills and low-level waste facilities.
 - At State option, sealed source and device evaluation authority may be retained by NRC.

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CATEGORIES OF AGREEMENTS

- Uranium Mill Agreement
 - Authority to regulate byproduct materials as defined in Section 11e(2) of the Atomic Energy Act (tailings or wastes produced by the extraction or concentrations of uranium or thorium from ore).
- Low-Level Waste Agreement
 - Authority to regulate land disposal of radioactive waste.
- Full Agreement
 - Authority to regulate all of the categories above.

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AREAS OF AUTHORITY RESERVED TO NRC

- 10 CFR Part 150 – Implementing Regulations
- NRC retains authority over
 - Protection of common defense and security
 - Federal agencies
 - Production and utilization facilities
 - Exports and imports
 - Disposal in the ocean
 - High-level waste handling and disposal
 - Transfer of materials to persons exempt from licensing (consumer products)
 - Large quantities of special nuclear material
 - Off-shore waters
 - Certain aspects of mill tailings management.

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FUNDING AGREEMENT STATE PROGRAMS

- NRC, as matter of policy, does not provide seed money to establish Agreement Programs.
- NRC not authorized to provide operating funds.
- Beginning in FY 1997, NRC ceased funding for Agreement State staff training and travel.
- Direct technical assistance provided on a fee reimbursable basis.

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PROCESS TO BECOME AN AGREEMENT STATE

April 25, 2006
Shawn Rochelle Smith, Health Physicist
Lloyd Bolling, Health Physicist
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission

OUTLINE

- Policies and Procedures
- Overview of Process to Become an Agreement State
- NRC Criteria for State to Become an Agreement State
- Timeline

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POLICIES AND PROCEDURES

- Office of State and Tribal Programs (STP) Procedures (e.g., SA-700 "Processing an Agreement")
- Policy Statement – "Statement of Principles and Policy for the Agreement State Program"
- Policy Statement – "Adequacy and Compatibility of Agreement State Programs"
- Policy Statement – Criteria for Guidance to States "on Agreements"
- Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)"

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**OVERVIEW OF PROCESS TO
BECOME AN AGREEMENT STATE**

- STP Procedure SA-700, "Processing an Agreement"
- Letter of Intent from Governor
- STP Project Manager assigned
- State develops/submit draft request
- NRC reviews draft request for completeness only

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**OVERVIEW OF PROCESS TO
BECOME AN AGREEMENT STATE**

- State Develops a Complete Formal Request
- Governor Submits Formal Request and Certifies State Has Adequate Program
- Request Includes: Supporting Legislation, Regulations, and Program Description

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**OVERVIEW OF PROCESS TO
BECOME AN AGREEMENT STATE**

- NRC staff prepares draft assessment following SA-700
- Commission approval to publish proposed Agreement and draft assessment in the Federal Register for 30-day public review and comment
- NRC staff analysis of public comments and final assessment

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OVERVIEW OF PROCESS TO BECOME AN AGREEMENT STATE

- Commission approval of final Agreement
- Chairman and Governor sign
 - 30-day effective date
- Final Agreement published in Federal Register
- Orderly transfer and assumption of authority
- Continued post-Agreement program of exchange-of-information and assessment of program performance through the Integrated Materials Performance Evaluation Program

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NRC CRITERIA FOR STATES ENTERING INTO AN AGREEMENT

Legal Elements

- Statutory Authority
- Program Organization
- Content of Agreement

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NRC CRITERIA FOR STATES ENTERING INTO AN AGREEMENT

Regulatory Elements

- Radiation Protection Standards
- Transboundary Requirements
- Orderly Pattern of Regulation or Health and Safety Significance

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**NRC CRITERIA FOR STATES
ENTERING INTO AN AGREEMENT**

Licensing Program

- Materials Licensing
- SS&D Safety Evaluations
- Licensing Quality
- Licensing Administrative Procedures

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**NRC CRITERIA FOR STATES
ENTERING INTO AN AGREEMENT**

Inspection Program

- Inspection Procedures
- Inspections Quality Assurance
- Inspection Administrative Procedures

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**NRC CRITERIA FOR STATES
ENTERING INTO AN AGREEMENT**

Enforcement Program

- Routine Enforcement Procedures
- Escalated Enforcement Procedures

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NRC CRITERIA FOR STATES ENTERING INTO AN AGREEMENT

Technical Staff

- Technical Staff Organization
- Formal Qualification Plan
- Current Technical Staff Qualifications

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NRC CRITERIA FOR STATES ENTERING INTO AN AGREEMENT

Event and Allegation

- Event & Allegation Response Procedures
- Event Reporting Procedures

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TIMELINE FOR PROCESSING AN AGREEMENT

- NRC completeness review of draft request for Agreement – 6 weeks
- State prepares and submits formal request – 8 weeks
- Draft staff assessment of formal request and proposed Agreement completed – 10 weeks
- Commission and public review of draft assessment and proposed Agreement – 12 weeks
- Final staff assessment completed – 4 weeks
- Final processing and Commission approval – 13 weeks
 - Effective date – 1 month after signature.
- Total time to process an Agreement – 53 weeks

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PROCESSING SCHEDULE for NEW AGREEMENTS

<u>Event</u>	<u>Event time</u> <u>Weeks</u>	<u>Elapsed times</u> <u>Weeks</u>
Part 1 - Review of the Request for an Agreement		(24)
Notification that a Draft Request will be submitted		(2 months prior to submittal)
Review team established		(between notification and receipt of draft)
Receipt of draft request ¹	0	0
Team concludes completeness review	3	3
A completeness comment letter mailed ²	3	6
Receipt of formal request	8	14
Team review of formal request finished ³	8	22
Team completes negative consent Commission Paper, including draft staff assessment and FR notice	2	24
Part 2 - FR publication & public comment period		(16)
NRC Offices concur on Commission Paper	3	27
EDO sends Paper to Commission	2	29
Commission gives negative consent	2	31
First publication in FR	1	32
Public comment period ends	4	36
Team analyzes comments; completes final assessment and Commission paper	4	40
Part 3 - Final processing and Commission approval		(13)
NRC Offices concur on final assessment and paper	3	43
EDO signs paper	2	45
Commission SRM approving Agreement	4	49
Effective date of Agreement	4	53

¹presumes a two month alert by State, allowing four weeks to establish the NRC staff review team

²presumes two week office concurrence

³presumes no unresolved issues

ENERGY POLICY ACT of 2005

Janet R. Schlueter, Director
Office of State and Tribal Programs
Nuclear Regulatory Commission

OUTLINE

- Energy Policy Act of 2005
- Waivers
- NARM Rulemaking
- Transition Plan
- Rulemaking on Secure Transfer of Nuclear Materials
- Radiation Source Protection and Security Task Force
- Contacts

Energy Policy Act of 2005

- Signed into law August 8, 2005
- Section 651(e) of EPAct amended the definition of byproduct material in Section 11e of the Atomic Energy Act to include:
 - Accelerator-produced radioactive material
 - Discrete sources of radium-226
 - Discrete sources of other naturally occurring radioactive material that the NRC determines, in consultation with EPA, DOE & DHS, pose a threat similar to radium-226

Energy Policy Act of 2005

- Waivers
 - EPAct allows the Commission to grant waivers allowing current programs to continue regulating new materials for up to 4 years after enactment
 - NRC issued waiver August 25, 2005
 - Waiver published in Federal Register on August 31, 2005 (70 FR 51581)

NARM Rulemaking

- Amended byproduct material definition is applicable to:
 - Materials produced, extracted or converted after extraction before, on, or after August 8, 2005
 - Materials used for commercial, medical, or research activities

NARM Rulemaking

- Amended definition is NOT applicable to:
 - Accelerators (only the material produced by the accelerators)
 - Diffuse sources of radium-226 or other naturally occurring radioactive materials

NARM Rulemaking

- Additional Provisions of NARM Legislation
 - Agreement States
 - Section 274 b. of the Atomic Energy Act was amended to include the expanded byproduct material definition
 - Radiopharmaceuticals
 - EPAct requires NRC to consider the impact of the availability of radiopharmaceuticals to physicians and patients

NARM Rulemaking

- Additional Provisions of NARM Legislation (cont.)
 - Stakeholder Input
 - States
 - To the maximum extent practicable, NRC will
 - Consult and cooperate with States
 - Use model State standards
 - Other stakeholders
 - Consultation

NARM Rulemaking

- Rulemaking Process
 - Working Group and Steering Committee
 - Representatives from NRC Headquarters, Regions, and States
- Rulemaking Schedule (subject to Commission approval)
 - Draft Proposed Rule Text to States – January 2006
 - Proposed Rule to Commission – March 2006
 - Proposed Rule Published – Summer 2006
 - Final Rule – NLT February 7, 2007 (required by EPAct)

NARM Rulemaking

- Key Issues:
 - Definition of Discrete Source
 - Exempt Distribution Licensing Authority
 - Regulatory Framework for Licensing Discrete Radium-226 Sources
 - Approach for Regulating Accelerator Produced Material
 - Decommissioning
 - Implementation Timing
 - Compatibility

Transition Plan

- Required by the EPA Act
- Being developed, in conjunction with the NARM rulemaking
- Intended to facilitate an orderly transition of regulatory authority with respect to byproduct material
- Will address authority transition (timing and conditions) between NRC, Agreement States, and Non-Agreement States under the new definition of byproduct material.

Rulemaking on Secure Transfer of Nuclear Materials

- EPA Act Section 656 requires "Each individual receiving or accompanying the transfer of such materials [those transferred or received in the U.S. by any party pursuant to an NRC import or export license] shall be subject to a security background check conducted by appropriate Federal entities."
- NRC required to issue regulations by August 7, 2006. Delayed Implementation.
- Regulations must identify radioactive materials or classes of individuals that are appropriate exceptions to the requirement.

Fingerprinting and Criminal History Record Checks

- EPAct Section 652 provides the Commission with the authority to require fingerprinting and background checks for individuals with:
 - Access to Safeguards Information
 - Unescorted access to a utilization facility
 - Unescorted access to radioactive material or other property determined by the Commission to be of such significance to require such checks
- The Commission is working to implement its authority under Section 652, in coordination with the implementation of Section 656

Radiation Source Protection and Security Task Force (651(d))

- Established an interagency task force to evaluate and make recommendations on protection and security of radiation sources
- Comprised of representatives of NRC, DHS, DOD, DOE, DOT, DOI, DOS, DNI, CIA, FEMA, FBI, EPA, STP, HHS/FDA. The Committee is chaired by NRC
- A number of sub-committees have been formed to address specific issues. States are represented
- Federal Register notice issued on January 11, 2006, seeking public comment on task force issues (71 FR 1776)

Radiation Source Protection and Security Task Force

- Topics on which the task force is seeking comment:
 - The list of sources requiring security based on potential attractiveness and extent of threat to health and safety;
 - The national system for recovery of lost or stolen radiation sources;
 - Safe and secure storage of radiation sources when not in use;
 - The national source tracking system for radiation sources;
 - A national system for proper disposal of radiation sources;
 - Import and export controls;

Radiation Source Protection and Security Task Force

- Topics on which the task force is seeking comment (cont'd):
 - Procedures for improving security and control for use and storage of radiation sources;
 - Procedures for improving the security of transportation of sources;
 - Background checks for individuals with access to sources; and
 - Alternative technologies that could perform all or some of the functions that use radiation sources.

Overview of the Agreement State Program (Post-Agreement)

2006
Presentation to Commonwealth of Virginia
Sheri Minnick
Regional State Agreements Officer
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OUTLINE

- Exchanges of Information
- Technical Assistance
- Integrated Materials Performance
Evaluation Program (IMPEP)

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EXCHANGES OF INFORMATION

- Agreement States submit event reports to
NRC
- 24 hour significant reportable events
report to NRC Operations Center (301)
813-5100
- 30-60 day reportable events submitted to
Nuclear Materials Event Database
(NMED)
- Abnormal Occurrence Report

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EXCHANGES OF INFORMATION

- State provides copies of completed Sealed Source and Device Evaluation to NRC
- NRC provides copies of "E" Licenses to State for processing of possession license
- Review of Draft and Final Regulations through STP

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EXCHANGES OF INFORMATION

- Annual Organization of Agreement States, Inc. (OAS) All Agreement States Meeting
- Monthly Teleconference with OAS
- Other Workshops/Meetings
- Letters and Requests for Information

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TECHNICAL ASSISTANCE

- Management Directive 5.7 "Technical Assistance to Agreement States"
- <http://www.hsrdoeml.gov/nrc/special/md05-007.pdf>

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Confirmatory Licensing and Inspection Assistance

- Handled by correspondence or telephone at no cost
- Casework (minor)
- Licensing policy
- Inspection practice
- Interpretations

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Direct Licensing or Inspection Assistance

- Handled on fee reimbursable basis
- Inspection
- License application evaluation
- Special evaluations and studies

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM (IMPEP)

- NRC to periodically review Agreement State Programs under Section 274j of the Atomic Energy Act

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM (IMPEP)

- Common process for review of Agreement State and NRC Regional material programs.
- Jointly developed by NRC and States.
- Focus on performance outcome, not how performance is achieved.
- Performance Findings and Root Causes.
- Ratings for each indicator and overall performance.

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM (IMPEP)

- Recommendations & Good Practices.
- Routine on-site reviews normally conducted every four years; May be decreased from four years based on program performance.
- Reviews scaled to the size of the Agreement State Program or Region.
- Agreement State participation (review teams and MRB).

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Common Performance Indicators

- Technical Staffing and Training
- Status of Materials Inspection Program
- Technical Quality of Inspections
- Technical Quality of Licensing Actions
- Technical Quality of Incidents and Allegations Activities

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Technical Staffing and Training

STP Procedure SA-103

- A well-conceived and balanced staffing strategy has been implemented
- Qualification criteria for hiring new technical staff are established and are being followed
- Any vacancies filled in a timely manner
- There is a balance in staffing between the licensing and inspection programs
- Management is committed to training and staff qualification
- License reviewers and inspectors are adequately qualified and trained to perform their duties

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Status of Materials Inspection Program

STP Procedure SA-101

- Highest hazard licensees are inspected at the correct interval.
- Routine inspections for highest hazard licensees, scheduled at 1, 2, or 3 year intervals, completed within 25% window.
- One year for inspections of new licensees.
- Inspection frequencies are at least as strict as those set in NRC guidance.
- 20% reciprocity licensees are inspected at regular intervals as set in NRC guidance

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Technical Quality of Inspections

STP Procedure SA-102

- Inspections of licensed activities are focused on health and safety issues; address previously identified open items and/or past violations
- Procedures are in place and used to help identify root causes and poor licensee performance
- Inspection findings lead to appropriate and prompt regulatory action
- Supervisors conduct annual accompaniments of each inspector

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Technical Quality of Licensing Actions

STP Procedure SA-104

- License reviews are thorough, complete, consistent, and of acceptable technical quality
- Verify that essential elements of license applications have been submitted and meet current regulatory guidance
- Health and safety issues are properly addressed

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Technical Quality of Incidents and Allegations Activities

STP Procedure SA-105

- Actions taken are appropriate, well coordinated, timely, and health and safety issues are addressed
- Adequate procedures are in place
- Corrective actions and follow-up measures are appropriate, include root cause analysis, and receive an independent review
- Proper notification and reporting of incidents

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Non-Common Performance Indicators

- Compatibility Requirements
- Sealed Source and Device (SS&D) Evaluation Program
- Low-Level Radioactive Waste Disposal Program
- Uranium Recovery Program

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COMPATIBILITY REQUIREMENTS

STP Procedure SA-107

- Agreement States only.
- Ensure that collective national effort to regulate materials under the Atomic Energy Act is coherent and without:
 - Conflicts, gaps or duplication
- Ensure certain areas (standards, definitions, and "transboundary elements) are identical.

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Sealed Source and Device Evaluation Program

- Adequate technical evaluations of SS&Ds
- Three sub-elements:
 - Technical Quality of the Product Evaluation Program
 - Technical Staffing and Training
 - Evaluation of Defects and Incidents Regarding SS&Ds

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INDEPENDENT REVIEW TEAMS

- 3-8 Team members per review
- NRC staff serve as team leaders
- NRC/Agreement State staff – team members
- Organization of Agreement States coordinates State management and staff participation
- Role of NRC Management

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MANAGEMENT REVIEW BOARD (MRB)

- Independent board which makes final determination of adequacy and compatibility based on IMPEP team's report and information presented by Region or State.
- MFB Members
 - Deputy Executive Director for Materials, Research and State Programs
 - Director, Office of Nuclear Material Safety and Safeguards
 - Director, Office of State and Tribal Programs
 - General Counsel
 - Agreement State Program Manager Liaison
- Program Director or Regional Administrator for Program being reviewed always attends/participates in meeting.

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MRB MEETING

- Open to the Public
- Team presents Status of Program and Findings based on objective assessment against IMPEP criteria
- Team recommends rating for each Performance Indicator reviewed
 - Satisfactory
 - Satisfactory but Needs Improvement
 - Unsatisfactory

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MRB MEETING

- Overall program findings
 - Agreement State Findings
 - Adequate; Adequate, but needs improvement; or Inadequate
 - Compatible or Not compatible
 - Region – Adequacy Finding only
- Time period for next review
- Good Practices
 - Review Teams identify innovative and effective practices that might be used to enhance aspects of other programs
 - First Time Encountered During IMPEP Only
 - Approved by MRB during MRB meeting
- Lessons learned, precedents, IMPEP experience

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PERIODIC MEETINGS BETWEEN IMPEP REVIEWS

- Periodic one-day NRC/Agreement State meeting in years between IMPEP review
 - Sharing of information between the NRC and the States
 - Early discussion and identification of Program strengths and weaknesses
 - Briefing of MRB on the meeting's results
 - MRB may direct corrective measures to address weaknesses affecting performance (e.g., staffing shortage, inspection backlogs)

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PROCEDURES FOR AGREEMENT STATE PROGRAM IMPROVEMENT

- Letter accompanying final IMPEP report issued to State management (normally, no additional action is needed).
- Alternatives to address State program areas needing improvement:
 - Heightened Oversight and Monitoring (SA-122)
 - Probation (SA-113)
 - Emergency Suspension (SA-112)
 - Suspension of an Agreement (SA-114)
 - Termination of an Agreement (SA-115).

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MONITORING

- MFIB will consider for a State where:
 - Weaknesses could result in less than satisfactory finding in one or more of performance indicators.
- Monitoring is:
 - Informal process to maintain increased communications with a State;
 - Considered based on IMPEP review, follow-up IMPEP review or periodic meeting.

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HEIGHTENED OVERSIGHT

- MRB will consider if:
 - One or more of performance indicators found unsatisfactory.
- Includes:
 - Agreement State Program Improvement Plan;
 - Periodic progress reports (usually bimonthly);
 - Periodic NRC/Agreement State conference calls (usually bimonthly); and
 - Follow-up IMPEP review (usually conducted in 1 year).

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PROBATION

- MRB will consider if:
 - Finding for Program is adequate but needs improvement and/or not compatible;
 - One or more performance indicators found unsatisfactory; and
 - Without Probation, necessary improvements may not occur, such as
 - State has been on heightened oversight and not corrected previously identified deficiencies.

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EMERGENCY SUSPENSION

- Section 274j gives NRC authority to temporarily suspend all or part of an Agreement, without a hearing when,
 - Emergency situation exists requiring immediate actions to protect public health and safety; and
 - State has failed to contain or eliminate cause of danger in reasonable time.
- NRC exercises authority only during the emergency.

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TERMINATION

- Termination recommended if:
 - No longer have assurance State can adequately protect public health and safety or
 - Continuing incompatibility results in significant national disruption.
- Opportunity for a hearing on the proposed termination will be provided.

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