

U.S. Nuclear Regulatory Commission/Agreement State Working Group  
National Materials Program and IMPEP

CHARTER

PURPOSE

The National Materials Program and IMPEP Working Group (NMPWG) has been established as a Management Directive 5.3 working group. The NMPWG will formulate innovative ideas and determine: (1) whether adjustment is necessary to the scope, and the roles and responsibilities of the Agreement States and the NRC under the National Materials Program (NMP); (2) whether there are opportunities to streamline the process for the preparation for and documentation of the results of IMPEP reviews of Agreement State and NRC programs, and (3) if adjustments are recommended, the general areas of focus that should be pursued in a longer term evaluation. The working group's evaluations and recommendations will be documented in a memorandum to the Director, Division of Materials Safety, Security, State, and Tribal Programs (MSST) and the Chair of the Organization of Agreement States (OAS).

BACKGROUND

In response to the U.S. Nuclear Regulatory Commission (NRC) Office of Inspector General (OIG) report on *Audit of NRC's Oversight of the National Materials Program* OIG-18-A-11 (Agencywide Documents Access and Management System Accession No. ML18094A280), the Division of Material Safety, Security, State, and Tribal Programs (MSST) has prepared a draft version of State Agreement (SA) Procedure SA-10, *Oversight of the National Materials Program*. The objectives of SA-10 are to: optimize the resources of the NRC and the Agreement States programs within the National Materials Program (NMP), account for individual agency needs, promote consensus on regulatory priorities and approaches, promote consistent exchange of information, and recognize and share successes within the NMP. The NRC issued the guidance document for Agreement State and Regional Office review and comment on January 17, 2019. It is anticipated that SA-10 will be finalized in May 2019.

As an extension of this effort, consistent with the NRC's focus on transforming our regulatory approaches, MSST is forming a short-term working group to formulate innovative ideas and to determine: (1) whether adjustment is necessary to the scope, and the roles and responsibilities of the Agreement States and the NRC under the NMP and (2) whether there are opportunities to streamline the process for the preparation for and documentation of the results of IMPEP reviews of Agreement State and NRC programs, and (3) if adjustments are recommended, the general areas of focus that should be pursued in a longer term evaluation. Evaluation of the scope of the NMP and the process for IMPEP preparation and documentation are necessary at this time given: (1) the expected increase in the number of Agreement States in the near future; (2) the need to ensure the NRC is fulfilling its role in IMPEP in the most efficient manner given the changes in the organizational structure and size of the NRC's Agreement State oversight program over the last ten years; and (3) the expected continued interest from internal and external stakeholders regarding the appropriate scope of the NRC's Agreement State oversight program given changes in the NRC's external environment. It is expected that these reviews will consider previous program reevaluations of the NMP and the IMPEP program, building off of previous initiatives that have been successful. It is expected that the NMPWG will make recommendations on general areas of focus or change, if any. More detailed evaluation of

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these ideas and implementation plans for any recommendations will be determined as part of a longer term and larger working group that will be established in the third quarter of fiscal year 2019.

**WORKING GROUP MEMBERSHIP**

The working group will operate as an NRC/Agreement State working group as described in Management Directive 5.3, "Agreement State Participation in Working Groups." The working group will be co-chaired by an NRC staff member and an Agreement State representative from the OAS. There will be no steering committee for this working group.

<b>Organization</b>	<b>Working Group Members</b>
Division of Office of Nuclear Material Safety and Safeguards (NMSS)	Duncan White, Co-Chair Paul Michalak, Member
Agreement States	Julia Schmitt, Nebraska, OAS Co-Chair Cheryl Rogers, Washington, Member Kristen Schwab, Washington, Member
Regional Offices	Monica Ford, Region I, Member John Miller, Region I, Member Darren Piccirillo, Region III, Member Randy Erickson, Region IV Member

Other NMSS, Regional, and Agreement State staff may serve as resources to the Working Group at the request of the Co-Chairs and with the support of their management. Administrative support for the working group will be provided by MSST.

**ACTIVITIES AND SCHEDULE**

The working group is responsible for formulating innovative ideas and determine: (1) whether adjustments are necessary to the scope, and the roles and responsibilities of the Agreement States and the NRC under the NMP and (2) whether there are opportunities to streamline the process for the preparation for and documentation of the results of IMPEP reviews of Agreement State and NRC programs. The working group would meet once a week for no more than 6 weeks to develop innovative ideas for the two topics under Activity 1 and 2.

The table below describes the activities to be conducted:

<b>Activity</b>	<b>Completion Date</b>
<b>Activity 1:</b> Formulation of innovative ideas for the National Materials Program <ul style="list-style-type: none"> <li>• Current state of NMP activities, working groups</li> <li>• Impact of SA-10 on NMP activities</li> <li>• Adjustments to scope of NMP implemented by NRC and Agreement States.</li> </ul>	April 2019

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Activity	Completion Date
<ul style="list-style-type: none"> <li>• Adjustments to the roles and responsibilities of NRC and Agreement States</li> </ul>	
<p><b>Activity 2:</b> Formulate innovative ideas for the documentation and processing of Integrated Materials Performance Evaluation Program Reports</p> <ul style="list-style-type: none"> <li>• Current process for IMPEP reports</li> <li>• Current level of documentation to support findings in IMPEP reports</li> <li>• Adjustments to the process for approving timeliness of IMPEP reports</li> <li>• Adjustments to the level of detail required to document findings in an IMPEP report.</li> <li>• Adjustments to Management Review Board process/structure</li> </ul>	April 2019
<p><b>Activity 3:</b> Documentation of Findings</p> <ul style="list-style-type: none"> <li>• Preparation of report that includes:               <ul style="list-style-type: none"> <li>○ Recommended enhancements to the scope and roles/responsibilities of the NMP.</li> <li>○ Recommended enhancements to the documentation, decision making and processing of IMPEP evaluations.</li> <li>○ Roadmap for a later working group to focus on areas in NMP requiring further evaluation.</li> </ul> </li> </ul>	May 2019

The working group will brief the MSST Director and OAS Chair upon completion of Activities 1 and 2 in mid-April 2019. The OAS Co-Chair of the working group will be responsible for keeping the OAS Board informed of the working group activities, products and recommendations.

As part of Activity 3, the working group will document their findings as an enclosure in a memorandum to the MSST Director and OAS Chair within 30 days of the April briefing.

**LEVEL OF EFFORT EXPECTED OF PARTICIPANTS**

To support the schedule and activities listed above, the following level of effort is expected from the working group participants:

1. Attendance at weekly meetings for six weeks (2 hours per meeting);
2. Development of report by Co-chairs (4 – 8 hours);
3. Review of report by working group members (1 hour);
4. Briefings with NRC managers and OAS Board on the working group activities (1 hour per briefing).

Working group members should charge time associated with working group activities identified in this charter to Charge Accounting Code: A34018, Nuclear Materials Users State, Tribal & Federal Programs – Agreement States.

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MEETINGS

Meetings are pre-decisional and will be closed to the public.

The working group may also invite individual(s) to a meeting to participate as a resource to assist the working group with a particular issue. At least one of the named Co-Chairs must be present during any working group meetings.

Available technology will be used to facilitate interaction with the working group members, (e.g., conference calls, GoToMeeting and electronic mail). Face-to-face meetings, if necessary, will generally be held in the Washington, D.C., area unless alternate locations are agreed upon by working group members. If travel is necessary, travel and per diem expenses for Agreement State members of the working group will be covered by MSST. Regions are responsible for the travel expenses of their staff.

APPROVED

  
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Andrea Kock, U.S. Nuclear Regulatory Commission

4/2/19  
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Date

  
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Jennifer Opila, Chair, Organization of Agreement States

4/29/19  
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Date