



Office of Nuclear Materials Safety and Safeguards Procedure Approval

Joint Oversight of the National Materials Program **SA-10**

Issue Date: May 23, 2019

Review Date: May 31, 2024

Andrea Kock
Director, NMSS/MSST

/RA/
Date: May 21, 2019

Paul Michalak
Branch Chief, NMSS/MSST/SALB

/RA/
Date: May 20, 2019

Duncan White
Procedure Contact

/RA/
Date: May 14, 2019

Jennifer Opila
Organization of Agreement States, Chair

/RA/
Date: May 23, 2019

ML19123A085

NOTE

Any changes to the procedure will be the responsibility of the NMSS Procedure Contact. Copies of NMSS procedures are available through the NRC website at <https://scp.nrc.gov>

I. PURPOSE**A. Introduction**

Over the last 25 years, there has been a broad acceptance in all levels of the NRC of the importance of the partnership with the Agreement States. From 1999 to 2005, a considerable amount of the NRC and Agreement State work went into establishing the framework for the National Materials Program (NMP).¹ In early 2000, the National Materials Program Working Group (NMPWG) was established to address the impacts of the increasing number of Agreement States and provide options for an NMP. In June 2001, the NMPWG final report was transmitted to the Commission in SECY-01-0112 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML011590426). Implementation of the recommendations from the NMPWG resulted in changes in legislation² and agency processes, or expansion of existing programs. Additional NMP activities were also implemented based on the lessons learned from the NMPWG experience. This included the establishment in 2009 of the joint setting of priorities and improved integration of the work from various materials related working groups.³ Despite the implementation of a number of NMP activities, no mechanism was established to communicate the NMP definition, coordinate or measure success of NMP activities.

In April 2018, the NRC's Office of Inspector General (OIG) completed the "Audit of NRC's Oversight of the National Materials Program" OIG-18-A-11. The objective of the OIG audit was to determine if the NMP is an effective and efficient framework for carrying out NRC and Agreement State radiation safety regulatory programs. Since the success of the NMP is based on the partnership between the NRC and the Agreement States, the OIG concluded that there is an inconsistent understanding as a result of the NMP framework not being well documented or communicated to its stakeholders. The audit also concluded that it lacked a champion. The OIG noted that designating an individual with expert knowledge in the NMP to serve as its champion could strengthen partnership and improve program understanding and consistency.

The OIG made two recommendations to improve the effectiveness of NRC's oversight of the NMP through improving documentation and communication of the Program framework.

- Formalize the National Materials Program framework in a document to include a definition, vision, mission, goals and objectives, membership, members' roles and responsibilities, and activities.
- Designate an NRC individual with expert knowledge to serve as the National Materials Program champion to help with consistent communication. The NRC should also encourage the Agreement States to create a co-champion to serve alongside the NRC champion.

¹ See <https://scp.nrc.gov/materials.html> for list of work products, meetings, presentations and publications related to the National Materials Program activities from 1999 to 2005.

² Energy Policy Act of 2005

³ Staff Requirements – Meeting with Organization of Agreement States (OAS) and Conference of Radiation Control Program Directors (CRCPD), August 14, 2008 (<https://www.nrc.gov/reading-rm/doc-collections/commission/srm/meet/2008/m20080814.pdf>)

The NRC staff agreed with the recommendations and took action to address the recommendations. The development of this procedure with the Organization of Agreement States (OAS) Board and input from the Agreement States is an important step to formalize the NMP framework into a single document.

B. Fundamentals of the National Materials Program: Definition, Mission, Goal and Vision

1. Definition: The broad collective effort within which both the NRC and the Agreement States function in carrying out their respective regulatory programs for radioactive material.
2. Mission: The mission of the NMP is to create a genuine partnership between the NRC and Agreement States that will ensure protection of public health, safety, security, and the environment from the hazards associated with radioactive material.
3. Goal: The goal of the NMP is the protection of public health, safety, security, and the environment associated with the hazards of radioactive material while effectively using regulatory resources.
4. Vision: Although the term NMP has only been in common usage since the late 1990s, it was not until 2017 that the term NMP was first incorporated into an NRC policy document. The Agreement State Program Policy Statement states:

“The vision of the National Materials Program (NMP) is to provide a coherent national system for the regulation of agreement material with the goal of protecting public health, safety, security and the environment through compatible regulatory programs. Through the NMP, the NRC and Agreement States function as regulatory partners.”

II. OBJECTIVES

The following objectives will continue to guide the efforts to achieve the goals of the NMP. These objectives reflect the attributes identified by the NMPWG in SECY-01-0112 and address the need for flexibility, open communications, partnership, and predictability in the implementation of the NMP by the NRC and the Agreement States.

A. Optimize the resources of the NRC and the Agreement States programs:

1. Implementation of regulatory priorities through resource sharing by materials regulatory programs.
2. For the NMP to be successful, all materials regulatory programs should participate to the extent possible. Participation means a commitment of resources, such as staff time and/or financial support.
3. Prevent duplication of effort among regulatory programs.

B. Account for individual agency needs and abilities:

1. The NRC and Agreement States have developed expertise in specific regulatory and technical areas that should be shared throughout the NMP.
 2. Despite the need for consistency and cooperation, there will be situations in which the NRC and Agreement States have unique legal, jurisdictional, or managerial obligations that must be met. These specific obligations must not be impeded by the NMP.
- C. Promote consensus on regulatory priorities and approaches:
1. Regulatory priorities should be established and periodically reviewed through a collaborative process involving both the NRC and Agreement States in which general agreement is reached. This includes input that could be considered in the NRC rulemaking process.
 2. Regulatory priorities should be jointly established and periodically reviewed consistent with regulatory goals (e.g., rulemaking, guidance development, etc.). The schedule or plan for achieving those priorities and the best use of resources to accomplish those priorities should be coordinated.
- D. Promote consistent exchange of information:
1. Maintain the State Communication Portal for the collection of information to ensure its availability to the NMP.
 2. Maintain open lines of communications at all levels throughout the NMP.
- E. Recognize and share successes:
- The NRC and Agreement States have individual regulatory successes as well as successful efforts that are cooperative. It is important to recognize those regulatory successes that can be used to enhance program elements and practices throughout the NMP.

III. ROLES AND RESPONSIBILITIES

- A. Director, Office of Nuclear Materials Safety and Safeguards/Division of Materials Safety, Security, State, and Tribal Programs (NMSS/MSST)
1. Ensures the implementation of the NMP jointly with the Agreement States to enhance the NRC-Agreement State partnership.
 2. Ensures the implementation of the NMP for the protection of public health, security, and the environment from the hazards associated with radioactive materials.
 3. Together with the Agreement States, sets expectations and overall strategy for the oversight of the NMP.
 4. Appoints the NRC Champion.

5. Meets periodically with the NRC Champion and the Chief, State Agreements and Liaison Programs Branch (SALB), to discuss the status of NMP activities, and Agreement State/OAS issues and concerns on NMP matters.
- B. NRC Champion, MSST. The NRC Champion should have expert knowledge of the NMP and is a subject matter expert on NRC and Agreement State issues.
1. Serves as the NRC's primary point-of-contact for NMP activities.
 2. Ensures the coordination of all NMP issues with Agreement State Champion, NRC staff, the Agreement States, and the OAS Board.
 3. Together with the Agreement State Champion, ensures the monitoring of NMP activities, evaluation and development of NMP policy, and development of criteria and methodology to assess the uniformity and adequacy of the implementation of the NMP.
 4. Ensures the identification of additional areas of NRC/Agreement States cooperation and specific products or processes that would benefit the evolution of the NMP.
 5. Ensures the identification of additional actions to help to strengthen the understanding of, and consistency within, the NMP.
 6. Ensures that the MSST Director, SALB, and other NRC staff are routinely informed of NMP activities; and any Agreement State/OAS issues and concerns on NMP matters.
 7. Encourages NRC and Agreement State participation in NMP activities.
 8. Ensures the facilitation of communication between NRC and the Agreement States on NMP issues.
 9. Ensures that jointly developed periodic reports are provided to NRC and Agreement States on NMP activities, issues, and performance.
 10. Works with the Agreement State Champion, MSST Director, and OAS Board to establish annual NMP goals, priorities, and quality measures.
- C. State Agreements and Liaison Programs Branch (SALB)
1. Supports the NRC Champion in the oversight of the NMP.
 2. Provides input to the NRC Champion on NMP activities.
 3. Performs routine communication and coordination with OAS and Agreement States regarding NMP activities.
- D. NRC Regional Offices, Division of Nuclear Materials Safety

1. Implements the NMP program to ensure the protection of public health, security, and the environment from the hazards associated with radioactive materials.
 2. Provides input to SALB, MSST, and the NRC Champion on NMP activities.
- E. OAS Executive Board
1. Encourages Agreement State participation in NMP activities.
 2. Works with the NRC to establish annual NMP goals and priorities, and related quality measures.
 3. Appoints the Agreement State NMP Champion.
- F. Agreement State Champion. The Agreement State Champion should have expert knowledge of the NMP and be a subject matter expert on Agreement State issues.
1. Serves as the Agreement States' primary point of contact for NMP activities.
 2. Ensures the coordination of all NMP issues with NRC staff, the Agreement States, and the OAS Board.
 3. Together with the NRC Champion, ensures the monitoring of NMP activities, evaluation and development of NMP policy, and development of criteria and methodology to assess the uniformity and adequacy of the implementation of the NMP.
 4. Ensures the identification of additional areas of NRC/Agreement States cooperation and specific products or specific processes that would benefit the evolution of the NMP.
 5. Ensures the identification of additional actions to help to strengthen the understanding of, and consistency within, the NMP.
 6. Ensures that the OAS Board and the Agreement States are routinely informed of NMP activities, and the NRC issues and concerns on NMP matters.
 7. Encourages NRC and Agreement State participation in NMP activities to enhance the NRC-Agreement State partnership.
 8. Ensures the facilitation of communication between NRC and the Agreement States on NMP issues.
 9. Ensures that jointly developed periodic reports are provided to NRC and Agreement States on NMP activities, issues, and performance.
 10. Works with the NRC Champion, MSST Director, and OAS Board to establish annual NMP goals, priorities, and quality measures.

G. Agreement States

1. Implements the NMP program to ensure the protection of public health, safety, security, and the environment from the hazards associated with radioactive materials.
2. To the extent practicable, encourages their respective staff to participate in NMP activities.
3. Provides input to the OAS Board on the establishment of the annual NMP goals and priorities.
4. Provides input to OAS Board on Agreement State NMP activities, issues, and performance.

IV. GUIDANCE

A. Establishment of Annual Goals and Priorities

The NRC and the OAS Board will collaborate on an annual basis to set NMP goals and priorities.

1. The NMP Champions will facilitate the collaborative development of the annual NMP goals and priorities.
2. The annual NMP goals and priorities should be consistent with the mission and objectives of the NMP.
3. The NRC and the OAS Board will determine the process and timing for the establishment and communication of the annual NMP goals and priorities.
4. In conjunction with the development of the annual NMP goals and priorities, the NRC and the OAS Board will review and revise, as needed, the NMP activities that are tracked and monitored, and the quality measures used to measure NMP performance.

B. Handling of NMP Issues

Any issue regarding the implementation of an NMP activity from the OAS Board, an Agreement State, the NRC staff, or other affected stakeholder should be brought to the attention of the Agreement State and NRC Champions. The NRC and Agreement State Champions will ensure that the following actions are taken:

1. Acknowledge receipt of the issue with the individual(s) who raised the matter for consideration.

2. With the Agreement State Champion, discuss the issue with the SALB Branch Chief, other NRC staff as needed, and the OAS Board within a reasonable period of time (five business days) to resolve the matter.
3. Provide feedback to the individual(s) on the resolution or planned course of action.

C. Activities in the NMP

The NMP Champions will ensure the monitoring, tracking, and as necessary, facilitation of NMP activities to ensure that they are meeting the annual goals and priorities. The following activities are examples that may be used to inform overall NMP effectiveness.

1. IMPEP - although IMPEP is designed to assess the adequacy and compatibility of individual regulatory programs, for the purposes of the NMP, overall collective performance can be used to inform overall NMP effectiveness.
2. Evaluation of the effectiveness and/or timeliness of NMP rulemaking activities.
3. Evaluation of the effectiveness of NRC/Agreement State Working Groups.
4. Self-Assessments or Audits of any element of the Agreement State Program.
5. Feedback on communications within the NMP.
6. Evaluation of NMP activities to ensure duplication of effort is minimized.

Additional activities may be identified that reflect the NMP framework that serve to meet the annual NMP goals and priorities.

D. Assessment of NMP Performance

The NRC and the OAS Board will establish quality measures and a program assessment process⁴ to measure NMP performance.

The following are examples of quality measures that may be used to measure NMP performance:

1. Level of success in meeting strategic safety and security goals – based on the NRC's annual report to Congress.
2. Trends and findings identified from IMPEP reviews
3. Completion of training to maintain an adequate number of materials inspectors and license reviewers

⁴ See NMSS Procedure SA-123 "Conducting Self-Assessments of the Integrated Materials Performance Evaluation Program (IMPEP)" (<https://scp.nrc.gov/procedures/sa123.pdf>) or similar assessment procedure.

4. Amount of the NRC and Agreement State staff time needed for the development of regulatory products
5. Timeliness of communication of information important to the NMP.
6. Identify the development of duplicate or overlapping regulatory products by individual agencies.
7. Event trends.

Additional quality measures may be identified that reflect the NMP framework that serve to meet the NMP goals and priorities.

E. Documentation of NMP Activities

The NMP Champions will ensure that written records of the NMP oversight program will be maintained in accordance with NRC policy and procedures. All documentation will be placed on the State Communication Portal to ensure transparency and openness to the NMP community. The following are examples of the documentation that will be maintained of NMP activities and results of quality measures.

1. Status of NRC/Agreement State activities contributing to the NMP.
2. Work products identified as NMP regulatory priority items.
3. NMP quality measures.
4. Results of program assessments
5. NMP goals and priorities.

Additional elements may be identified that reflect the NMP framework that serve to meet the NMP goals and priorities.

F. Communications on the Status of the NMP

1. Routine Communications

- a. The NMP Champions will provide a status on NMP activities at the monthly NRC/OAS/Conference of Radiation Control Program Directors conference call.
 - b. The NMP Champions will ensure that a NMP webpage is maintained on the State Communication Portal.
2. The NMP Champions should provide a report on the NMP to the NRC and Agreement States on an annual basis. The report can be either written or given as a presentation and made available on the State Communication Portal. The report should address, at

a minimum, the following areas:

- a. The NMP activities that are monitored and tracked.
- b. NMP quality measures.
- c. NMP annual goals and priorities.

V. REFERENCES

- A. "Agreement State Policy Statement", dated October 6, 2017, 82 FR 46840 and October 18, 2017, 82 FR 48535
- B. U.S. Nuclear Regulatory Commission Documents
 1. SECY-01-0112 "National Materials Program: Transmittal of the Final Working Group Report Presenting Options for a National Materials Program" June 22, 2001 (ADAMS Accession No. ML011590426)
 2. Staff Requirements – Meeting with Organization of Agreement States (OAS) and Conference of Radiation Control Program Directors (CRCPD), August 14, 2008 (ADAMS Accession No. ML082390098)
- C. Management Directives (MD) available at <https://scp.nrc.gov>
- D. NMSS SA Procedures available at <https://scp.nrc.gov>.
- E. NRC/Agreement State Working Groups available at <https://scp.nrc.gov>.
- F. National Materials Program available at <https://scp.nrc.gov/materials.html>.
 1. List of work products, meetings, presentations, and publications related to National Materials Program activities from 1999 to 2005.
- G. "Audit of NRC's Oversight of the National Materials Program" OIG-18-A-11 dated April 4, 2018 (ADAMS Accession No. ML18094A280)