# CURRENT STATUS AND ACTIVITIES
# OF THE
# NATIONAL MATERIAL PROGRAM
# WORKING GROUP

**Presented to NRC Headquarters Staff**
**November 2, 2000**

## *Overview of Agreement State Expansion*

**1959:** **AEA amended with Section 274**

**1962:** **First Agreement State (Kentucky)**

**1971:** **Twenty-Third Agreement State (Maryland)**
**50% of Material Licensees in Agreement States**

**2000:** **Thirty-Second Agreement State (Oklahoma)**
**75% of Material Licensees in Agreement States**
**(16,454 Agreement State Licensees, 5033 NRC Licensees)**

**2003:** **Thirty-Five Agreement States (?)**
**>80% of Material Licensees in Agreement States**

## *Why a National Materials Program now?*

- **Most material licenses under jurisdiction of Agreement States**
- **Shrinking NRC fees base o Smaller NRC staff**
- **Increased use and recognition of Agreement State expertise**
- **NRC and States need to optimize their use of remaining resources**
- **Common Performance Indicators**

## *Who are the Regulatory Stakeholders?*

- **NRC Staff at Program and Regional Offices**
- **Agreement and Non-Agreement State Staffs**
- **Conference of Radiation Control Program Directors Inc. (CRCPD)**
- **Organization of Agreement States (OAS)**

## *Direction Given to Working Group*

- **SECY-99-250 states "No clear definition has been established to define what is meant by a National Materials Program."**

- **Six key issues in SECY-99-250:**
  1. **Mission statement**
  2. **Delineation of roles for NRC, Agreement States, CRCPD and OAS**
  3. **Scope of activities covered by NMP and need for statutory changes**
  4. **Formal program coordination mechanisms**
  5. **Performance indicators and assessment process**
  6. **Budgeting of resources**

- **Focus on functional, not organizational change**

- **Not limited to AEA material**

- **Steering Committee added**

# *National Materials Program Working Group Charter*

The Nuclear Regulatory Commission (NRC) has formed a working group to provide the Commission with options for maintaining an infrastructure of supporting regulations, guidance and other program elements needed for the nationwide materials program considering the anticipated increase in the number of Agreement States. The working group is composed of representatives of State governments and NRC. The working group will produce a report for the Commission's consideration.

**The Mission**:

The mission is to develop options for the Commission's consideration for creating a national materials program that will implement the following philosophy:

*To create a true partnership of the NRC and the States that will ensure protection of public health, safety, and the environment while:*

*optimizing resources of federal, state, professional and industrial organizations;*

*accounting for individual agency needs and abilities;*

*promoting consensus on regulatory priorities;*

*promoting consistent exchange of information; and*

*harmonizing regulatory approaches while recognizing state and federal needs for flexibility.*

## *National Materials Program Working Group Charter (continued)*

To accomplish the mission the working group will consider the following issues:

1. the continuing trend for States to assume authority for the regulation of radioactive materials;

2. the potential impact of this trend on maintaining the infrastructure of the existing State and Federal regulatory programs in the current fiscal environment and the increased fee burden on a decreasing number of NRC licensees to support generic activities;

3. the roles and legal responsibilities of NRC, the Agreement States, the Organization of Agreement States (OAS), the Conference of Radiation Control Program Directors, Inc. (CRCPD), and other organizations;

4. the need for statutory changes in Federal and State programs for a national materials program;

5. the required elements and scope of activities in a materials regulatory program such as licensing, inspection, enforcement, training, event reporting, emergency response and program support activities including developing licensing and inspection guidance, developing program policy and guidance, developing standard review plans, providing laboratory support, and rulemaking activities;

6. the assessment process and performance indicators that could be used to measure the performance of a national materials program considering the current Integrated Materials Performance Evaluation Program (IMPEP) process;

7. mechanisms for program coordination and program evolution;

8. the resource needs required for a national materials program and options for meeting those resource needs at both State and Federal levels; and

9. accommodation of Federal and State strategic performance goals and outcomes under a national materials program.

## *Development of the Product*

**With no clear definition of a National Materials Program and no vision of its structure or attributes, the Working Group adopted the following process for developing options:**

- **Bottom-Up Rather Than Top-Down Approach**
- **Essential Elements of Program Identified**
  **CRCPD and IMPEP Program Elements**
- **Identify Options For How Each Element Could Be Implemented**
- **Evaluate Screening Process Options Against Established Criteria**
- **Identify Attributes**
- **Consider Structures Available to Implement Options**
- **Obtain Stakeholder Input**
- **Recommend Changes to Commission**

## *Overall Screening Process*

- **Developing Options for Program Elements:**
- **Identify Existing Methods for Accomplishing Goal (Option 1)**
- **Identify Alternative Methods (Options 2+) for Accomplishing Goal**
- **Eliminate Any Options That Don't Ensure Protection of Health & Safety and Environment - Consistent with NRC Strategic Goals**
- **Screen Options**
- **Identify Common Attributes of Preferred Options**

## *Detailed Screening Process*

**Initial Evaluation Criteria**

- **Does It Optimize Resources?**
- **Does It Account For Individual Agency Needs/Abilities?**
- **Does It Promote Consensus On Regulatory Priorities?**
- **Does It Promote Consistent Exchange of Information?**
- **Does It Harmonize Regulatory Approaches?**
- **Does It Recognize Need For State and Federal Program Flexibility?**

**Each Option Is Evaluated Against Criteria and Weighted As Being Better Or Worse Than Existing Methods**

## *Materials Licensing Guidance*

Options

1. No change from current. NRC develops licensing guidance for byproduct, source and special nuclear material licenses and requests input from Agreement States (AS), and AS also develop guidance for activities that NRC does not regulate and shares guidance with other States (CRCPD coordinates with States on some licensing guidance development).

2. NRC/AS jointly develop an agenda and priorities for developing licensing guidance and establish joint working groups to develop guidance.

3. NRC/AS jointly develop an agenda and priorities for developing licensing guidance and provide direction to an independent entity (CRCPD, ICRP, NCRP, HPS, professional organizations, etc.) that would develop the guidance documents.

4. No coordination between NRC and AS; NRC and individual AS develop guidance based on determined needs, including developing no guidance.

5. NRC/AS accept concensus standards for licensing guidance without further evaluation.

[1]

| | 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|---|
| 1- 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2- + | + | + | + | + | 0 | |
| 3- + | + | + | + | + | 0 | |
| 4- - | 0 | - | - | - | 0 | |
| 5- + | + | 0 | + | 0 | 0 | |

Recommendations: NRC/AS jointly develop an agenda and priorities for developing licensing guidance. NRC/AS either use working groups to develop guidance or direct other organizations/entities to develop guidance when appropriate.

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[1]Columns represent evaluation criteria as follows: 1) optimizing Federal, State, professional and industry resources; 2) accounting for individual program needs and abilities; 3) promoting consensus on regulatory priorities; 4) promoting consistent exchange of information; 5) promoting harmonization of regulatory approaches; and 6) recognizing State and Federal needs for flexibility. Rows represent each option identified above. “0" means the option was rated equivalent to the existing method or option; “+” means the option was rated as an improvement for the specific criteria; and “-“ means the option was rated as less desirable than the existing method or option.

## *National Materials Program*
## *Structural Concepts*

- **Identify Functional Responsibilities**

- **Identify Interorganizational Relationships**
  - **Consultative (current)**
  - **Advisory**
  - **Consensus (Alliance)**
  - **Autonomy**

- **Identify Preferred Structure**

- **Identify Functions of Preferred Structure**

## *Definition of the Alliance*

**The Alliance is a cooperative process between the States and NRC[x] that identifies radiation safety regulatory priorities and the means to address those priorities.**

**[x] (although the process has been piloted between the NRC and Agreement States, there is reason to believe that it should include involvement of other federal agencies on radiation issues)**

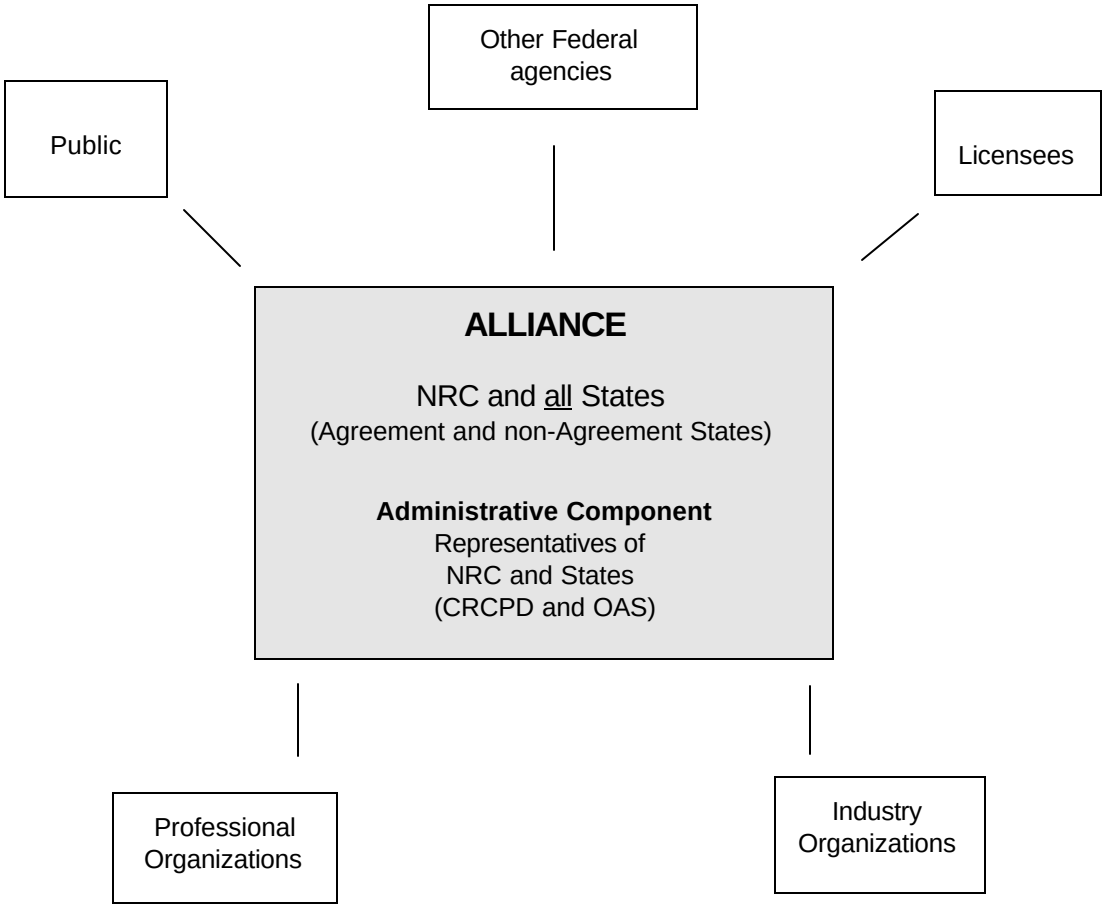
## *Alliance Concept*

- **Pros and Cons**

- **Functional Responsibilities**
  - **facilitation**
  - **direction**
  - **oversight**

- **Structure and Operation**
  - **consensus on regulatory priorities**
  - **identify and update Centers of Expertise**
  - **identify alternative resources for specific tasks**
  - **recognize current successes**
  - **define and make assignments**
  - **core of committed volunteers**
  - **evaluate progress on previous assignments**

- **Administrative Component**
  - **clearinghouse**
  - **track and report progress of assignments to Alliance**
  - **planning and facilitation of Alliance meetings**


Other Federal agencies
Public
Licensees
ALLIANCE
NRC and all States
(Agreement and non-Agreement States)
Administrative Component
Representatives of
NRC and States
(CRCPD and OAS)
Professional Organizations
Industry Organizations

## *Possible Evaluation Criteria for Screening Options within the Alliance Concept*

- **Is Alliance Structure Consistent With IMPEP/CRCPD Program Goals?**
- **What Are The Cost Implications For Options?**
- **What Are The Potential Impacts On Licensees?**
- **Are Statute Changes Required?**
- **Are Changes In Regulations Required?**
- **Are MOUs or Equivalent Required Between Regulatory Agencies?**

## *Product Development Milestones*

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|---|---|
| **March - September 2000** | **Develop Program Elements and Options** |
| **September - December 2000** | **Draft Recommendations for National Materials Program** |
| **December 2000 - January 2001** | **Issue Draft Report for Stakeholder Comment (State, NRC, Licensees, Industry, Members of Public)** |
| **February 2001** | **Close Comment Period** |
| **March - April 2001** | **Resolve Comments and Review Final Product With Steering Committee** |
| **May 2001** | **Final Product Due to Commission** |

## *Meetings Schedule*

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|---|---|
| **March 6-8, 2000, NRC HQ** | **Working Group** |
| **April 10-12, 2000, NRC RIV** | **Working Group** |
| **May 15-17, 2000, CRCPD** | **Poster Session and State Interface** |
| **June 5-7, 2000, Denver, CO** | **Working Group** |
| **June 14, 2000, NRC HQ** | **Steering Committee Briefing** |
| **August 21, 2000** | **Steering Committee Briefing** |
| **August 22-24, 2000, NRC HQ** | **Working Group** |
| **August 24, 2000** | **Technical Assistants Briefing** |
| **September 11-13, 2000, NRC RIII** | **Working Group** |
| **October 2-5, 2000, OAS** | **Table-top Exercise with States and NRC, Working Group Meeting following OAS** |
| **December 5-7, 2000, Austin, TX** | **Working Group**<br>**Steering Committee Briefing** |
| **March 2001, Atlanta, GA** | **Working Group** |
| **April 2001** | **Working Group - Steering Committee** |

## *Stakeholder Outreach*

- **Communication Plan**

- **Stakeholder Briefings**
  **Poster Session at CRCPD annual meeting (May 2000)**
  **NRC Standards Developing Organization (July 2000)**
  **NRC Regions and Headquarters (July - November 2000)**
  **South Texas Chapter HPS (November 11, 2000)**
  **NERHC (November 14-17, 2000)**

- **Tabletop Exercise at OAS annual meeting (October 2000)**

- **Focus Groups with Industry/Professional Organizations and Public**

- **Web Site (http://www.hsrd.ornl.gov/nrc/materials.html)**

- **Send comments to any Working Group member**

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## *Feedback Questions*

- **How do you feel about NRC concurring with States on regulatory priorities?**
- **Should the National Materials Program be a regulatory function?**
- **How would you identify Centers of Expertise?**
- **Does NRC need a "lead" function?**
- **Are there any other options or models for a National Materials Program that the Working Group overlooked?**
- **As we continue to work through this project, how can we best exchange information with you, our internal stakeholders?**

## *Working Group Members*

**Co-Chairs**

**Kathy Allen (OAS - IL)**
**Jim Myers (NRC - OSTP)**

**Members**

**Carol Abbott (NRC - OCFO)**
**Chip Cameron (NRC - OGC)**
**Cindy Cardwell (CRCPD - Texas)**
**Joe DeCicco (NRC - NMSS)**
**Elizabeth Drinnon (CRCPD - Georgia)**
**Tom Hill (OAS - Georgia)**
**Linda Howell (NRC - Region IV)**
**Jake Jacobi (OAS - Colorado)**
**Bob Walker (CRCPD - Massachusetts)**
**Duncan White (NRC - Region I)**

**Advisor**

**Fred Combs (NRC - OSTP)**

## *Steering Group Members*

**Ed Bailey (OAS - California)**
**Doug Collins (NRC - Region II)**
**Don Cool (NRC - NMSS)**
**Joe Gray (NRC - OGC)**
**Bob Hallisey (CRCPD - Massachusetts)**
**Bill Kane (NRC - NMSS)**
**Paul Lohaus (NRC - OSTP)**
**Carl Paperiello, Chair (NRC - DEDO)**
**Cindy Pederson (NRC - Region III)**