

# National Materials Program Pilot Projects Implementation Plan

August 2003

## NATIONAL MATERIALS PROGRAM PILOT PROJECTS Implementation Plan

The Nuclear Regulatory Commission (NRC), the Organization of Agreement States (OAS), and the Conference of Radiation Control Program Directors (CRCPD) are working together on five National Materials Program (NMP) pilot projects using a blend of the “Current Program” and “Alliance” Options to test how well NRC and Agreement States can collaborate in the identification of work products and establish priorities for products needed in the materials program, and demonstrate the parties’ ability and willingness to participate and accept products.

### Background

The “National Materials Program” is a term developed to define the broad collective framework within which both the NRC and the Agreement States function in carrying out their respective radioactive materials regulatory programs. Such a framework also includes the OAS and the CRCPD. The NMP defines the day-to-day activities carried out by a radioactive materials regulatory program, such as licensing and inspection activities. It also defines responsibilities shared by federal and state programs to help maintain an adequate national base of rules and guidance needed for effective program operation.

In November 1999, NRC Commissioners (Commission) approved the staff plan (SECY-99-250) to form a working group to address the impacts of the increased number of Agreement States and to provide advice to the NRC on the NMP.

The NMP Working Group, which included six representatives from States, six NRC representatives, and an NRC advisor, completed its Final Report in May 2001. After evaluating comments from stakeholders, considering the advantages and disadvantages for each of the structural options, and the potential resource implications for each option, the working group provided its final report and recommended that the Commission adopt the Alliance Option (SECY-01-0112). The Alliance Option is a structure in which the Agreement States collaborate and participate with the NRC and assume and carry out a greater responsibility for developing rules and guidance needed for an effective consensus process for the NMP.

Subsequently, the NRC staff, and OAS and CRCPD Boards collaborated in the development of five pilot projects which were provided to the Commission in SECY-02-0074, dated May 3, 2002. The five pilot projects were intended to provide additional information to help understand the feasibility and viability of the Alliance Option recommended by the NMP Working Group. An Addendum to SECY-02-0074 was issued on June 18, 2002 (SECY-02-0107) to request Commission approval of the staff’s and OAS and CRDPD Boards’ recommendation for using a blended approach of the “Current Program” and “Alliance” options to carry out the pilot project. The Commission approved implementation of the blended approach on August 20, 2002.

The five pilot projects are:

1. Develop a process that could be utilized by NRC and the Agreement States in the establishment of priorities for the development of materials policy, rulemakings, and guidance products.
2. Assumption by Agreement States/CRCPD of lead responsibility for the oversight of a national radiographer certification program, which includes the review and approval of state government and independent organizations' initial applications to be recognized as certifying entities, review of subsequent program changes, and the responsibility for follow-up evaluations of program activities such as test administration and program maintenance.
3. Participation of Agreement States and NRC in a joint process to evaluate the collective set of Agreement State and NRC licensee events for possible generic implications and possible additional regulatory action as part of a nationwide operating experience evaluation program.
4. Assumption by an Agreement State of responsibility for development of licensing and inspection guidance for a new use of material, or a new modality, not previously reviewed and approved.
5. Implementation of specific Phase II recommendations, including ongoing work of the existing working group to draft and pilot test revisions to Inspection Manual Chapter 2800.

In analyzing the success of NRC/State cooperative efforts, the Commission also recommended that interactions between NRC and the States addressing additional security measures for materials licensees be studied and lessons learned applied to the NMP (SECY Suspense 1999900114, August 20, 2002.) This effort is being lead by the NRC Office of State and Tribal Programs (STP) and is not part of the NMP pilot projects.

#### Initial Process For Development of the Implementation Plan

Two participants in the Senior Executive Service Candidate Development Program are working in succession over a seven month period with STP staff, and the OAS and CRCPD Boards to help guide the pilot projects through a range of activities, including finalization of the pilot project Charters, development of an implementation plan, and monitoring and management to ensure that timely progress on each of the pilot projects is made.

Pilot project Chairs were confirmed in November 2002. They are:

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|----------------------------|--|
| Pilot Project 1 Co-Chair – | Shawn Smith, Physicist, NRC/STP  |
| Co-Chair –                 | Ruth McBurney, Director, Division of Licensing, Registration and Standards,<br>Bureau of Radiation Control, Texas Department of Health |
| Pilot Project 2 Chair –    | Jan Endahl, Manager, Industrial Radiographer Certification, Bureau of Radiation Control, Texas Department of Health                    |

Pilot Project 3 Co-Chair – Michael Markley, Senior Project Engineer, NRC/Office of Nuclear Material Safety and Safeguards (NMSS)  
Co-Chair – Marcia Howard, Administrator, Nuclear Materials Safety Program, Ohio

Pilot Project 4 Chair – Kathy Allen, Immediate Past Chair, OAS  
Nuclear Safety Administrator, Division of Nuclear Safety, Illinois  
Emergency Management Agency

Pilot Project 5 Chair – Thomas Young, Health Physicist, NRC/NMSS

NRC/STP staff met with the pilot project Chairs and State staff to begin planning for organizing the pilot project activities into a comprehensive project starting with finalizing the Charters and resulting in analyses of the success of the pilot projects, recommendations and plans for the future of the NMP, and a final report to the Commission. On November 25-26, 2002, NRC/STP staff and Marcia Howard, Administrator, Nuclear Materials Safety Program, Ohio, met to draft an outline and schedule for an implementation plan. Using this draft, NRC/STP staff met in person or held a teleconference with each pilot project Chair to refine the first draft of the implementation plan, and arranged a teleconference on December 12, 2002, to finalize the basic plan and several major milestones. Refinement continued through the use of e-mail.

To help ensure balanced working groups, a letter to the OAS and CRCPD Chairs, and a memorandum to NRC Offices (Directors of NMSS, Office of General Council (OGC), Office of the Chief Financial Officer (OCFO); and Regional Office Administrators) was issued on January 29, 2003, by the Director, NRC/STP, to provide the final basic pilot project Charters, Implementation Plan, and to request working group members, where needs existed.

#### Development of Work Product Plans for Each Pilot Project

One key milestone is the development and approval by NRC, OAS and CRCPD of a work product plan for each pilot project. The pilot project Chair has responsibility to prepare a work product plan based on the basic pilot project Charter and input/participation by working group members. The work product plans, which are due to be completed and submitted with the Basic Charters to NRC/STP, and OAS and CRCPD Chairs for concurrence by March 28, 2003, will guide implementation of each pilot project.

#### Monthly Meeting Progress Reports

To help manage individual pilot projects and this overall National Materials Program project, the pilot project Chairs will participate in progress meetings, normally by conference call. Since March 19, 2003, pilot project Chairs and NRC/STP staff have participated in a monthly progress meeting by conference call. NRC/STP staff will make the arrangements and additional teleconference calls will be held on the third Wednesday morning of the month, continuing as necessary. The meetings are to be held monthly, with the long term schedule to be developed to meeting the needs of the Chairs, and as necessary for sharing of information.

#### Travel

NRC/STP will fund travel and per diem to pilot projects working group meetings for State employees who are members of the working groups. Pilot project Chairs will first notify the Director, NRC/STP, of meeting dates and State participants, and after acknowledgment, contact the NRC/STP Management Analyst ([bgu@nrc.gov](mailto:bgu@nrc.gov), 301-415-2348) to make specific travel arrangements.

#### Time and Labor Data For Working Group Participation

For use in reporting and analyses of the pilot projects, time and labor data will be collected for each working group participant. Each Chair will periodically (monthly suggested) collect information, in terms of hours worked, from each State participant. For NRC working group participants, the following time and labor codes have been established:

J00177 National Materials Program - Working Group (for work on the overall project, e.g., implementation plans, work on Commission paper, monthly progress reporting teleconferences)

J00183 Establishment of Priorities (Pilot No. 1)

J00184 National Radiographer Certification (Pilot No. 2)

J00185 Operating Experience Evaluation (Pilot No. 3)

J00186 State Guidance Development (Pilot No. 4)

J00187 Revised Materials Inspection Program (Pilot No. 5)

Each Chair will inform their NRC working group members of the need to record their time spent on the pilot projects and of the appropriate time and labor codes to be used. Time spent on work which supports the pilot project but which would be accomplished by the individual as a part of his/her normal work should not be recorded using the above codes, but rather should be recorded using the normally used codes. State staff time will be recorded separately.

#### Communications Plan/Stakeholder Involvement

The CRCPD and OAS Boards, and NRC, OAS and CRCPD, and individual State staffs have worked together to develop the following steps to ensure an appropriate level of communications and involvement of stakeholders:

1. OAS Meeting

The Director, NRC/STP, made a presentation on the NMP and the pending pilot projects at the annual OAS meeting, on October 1, 2002. OAS members were surveyed for their interest in participating in the pilot projects.

2. Advisory Committee on Medical Use of Isotopes (ACMUI) Meeting

The Director, NRC/STP, made a presentation on the NMP and the pending pilot projects at the ACMUI meeting, on October 28, 2002. ACMUI provided comments/input after the meeting.

3. NRC Web Site

The NRC's NMP web site will be revitalized and used to post materials and documents for use by the pilot project Chairs, meeting notices, and to solicit comments on the resultant reports from a broad range of stakeholders.

4. Working Group Meetings

Working group meetings will be open to the public in accordance with NRC Management Directive 5.3, "NRC/Agreement State Working Groups." In some cases, meetings may be closed in part or whole, when the working group is discussing predecisional information.

5. *Federal Register* Notice

The NRC will use the *Federal Register* to post, for interested parties, a notice that will inform interested parties about the pilot projects and opportunities to provide input, and that notices for pilot project working group meetings will be posted on the NRC's NMP web site.

6. Special Interest Session at Annual CRCPD Meeting

The pilot project Chairs and NRC/STP will participate in a special interest session at the annual CRCPD meeting in May 2003 to discuss the pilot projects. Participation in the May 2004 meeting is also anticipated. The Chairs will present status reports on their pilot project work, take questions and comments, and use the opportunity to get stakeholder feedback.

7. Briefings at Organization of Agreement States

Another opportunity for providing information to stakeholders is the annual meeting of the Organization of Agreement States, which occurs each October. The format is to be determined, but may be a presentation to update status and bring any appropriate issues to the stakeholders, during a general session. In combination with the CRCPD briefings in May, these presentations will ensure that stakeholders receive a face-to-face briefing every six months while the pilot projects are being carried out.

8. .RAD\_RAP

Another means of obtaining stakeholder involvement in the pilot projects is through the use of the RAD\_RAP, an electronic forum for sharing information among state regulators administered by OAS. This system, which has a membership limited to State and Federal regulators, will be used to post messages about items appearing on the NRC NMP web site, or by individual Chairs to post pilot project products for input.

9. Informational Updates During Monthly OAS/NRC Teleconferences

NRC/STP staff, and pilot project Chairs, as available, will participate in the monthly OAS/NRC teleconferences, to provide a brief update of progress for the benefit of State officials and NRC managers.

10. Other Opportunities For Stakeholder Input

NRC staff and the pilot project Chairs will also seek other opportunities for input by stakeholders, including licensee representatives, ACMUI and ACNW.

Milestones and Schedule

The following key milestones and schedule were developed by NRC and State staff, including the pilot project Chairs (See Attachment A for a detailed description of each milestone and schedule, and each Charter):

January 15, 2003	Finalize Basic Charters
January 23, 2003	Finalize Implementation Plan
February 28, 2003	Submit Commission Notation Vote Paper to Commission
March 19, 2003	Hold first monthly progress meeting by conference call
May 4-7, 2003	Brief at CRCPD meeting
October 14-17, 2003	Brief at OAS meeting
February 2, 2004	Complete draft pilot project reports
March 31, 2004	Submit Progress Report to the Commission
April 15, 2004	Complete final pilot project reports/products for submission for approval of NRC/STP, NRC Offices, OAS and CRCPD
May, 2004	Brief at CRCPD meeting
August 31, 2004	Integrate comments and complete the Commission report to begin review and concurrence process
November 12, 2004	Submit final report to Commission

#### Future Updates to the Implementation Plan

This Implementation Plan will be updated and distributed to pilot project Chairs, as necessary to address additional administrative issues and changed conditions. Any changes will be discussed with the pilot project Chairs in person, by teleconference, or by e-mail prior to incorporating such changes.