



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
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ALL AGREEMENT STATES CONNECTICUT, INDIANA, WEST VIRGINIA

CLARIFICATION OF U.S. NUCLEAR REGULATORY COMMISSION's (NRC) GUIDANCE  
REQUIRING TIMELY COMMUNICATION OF INSPECTION FINDINGS FOR AGREEMENT  
STATE RADIATION CONTROL PROGRAM (RCP) COMPATIBILITY (STC-25-008)

**Purpose:** To clarify NRC guidance requiring the timely communication of inspection findings to licensees for RCP Compatibility.

**Background:** The National Materials Program (NMP) is a dynamic entity whose success relies upon a partnership between NRC and RCPs to coregulate radioactive material usage. While there are diverse perspectives on how to best implement the NMP, there are essential hallmarks of an RCP that need to be implemented to ensure that each RCP remains adequate and compatible. Paramount amongst the program elements is the timely communication of inspection findings to licensees to promote health, safety and security as well as to encourage proactive corrective action by licensees.

A recent Integrated Materials Performance Evaluation Program (IMPEP) review identified that an RCP diverged from NRC's expectation of timely communication of inspection findings because it adhered to an existing statewide procedure instead of NRC guidance. The existing statewide procedure applied to all program areas within the state agency and augmented the RCP's time frame to communicate inspection findings beyond NRC's established timeline. While the statewide procedure was discussed during previous IMPEP reviews, it was only during the most recent IMPEP that the RCP was unable to fully meet NRC's expectation of timely communication. To promote consistency across the NMP, clarification of NRC's established guidance for the timely communication of inspection findings is needed.

NRC and RCP performance are assessed for adequacy and each RCP's compatibility is evaluated to promote orderly and consistent regulation across the NMP under the guidance and framework established under Management Directive 5.6 "Integrated Materials Performance Evaluation Program (IMPEP)" (NRC's Agencywide Documents Access and Management System (ADAMS) Accession Number [ML19213A024](#)). Of the five common performance indicators reviewed during each IMPEP, it is the Status of the Materials Inspection Program (SMIP) indicator that necessitates the review of inspection documentation to ensure timely communication of inspection findings to licensees in accordance with State Agreement (SA) Procedure SA-101 "Reviewing the Common Performance Indicator, Status of the Materials Inspection Program" ([ML20220A475](#)). SA-101 specifies that inspection records be reviewed to verify findings are communicated within 30 days of conducting the exit meeting with the licensee, 45 days of completing a team inspection or within a time period specified in the compatible Agreement State Procedure. This expectation is based upon the supporting guidance provided in Section 4.05 of NRC Inspection Manual Chapter (IMC) 0610 "Nuclear

Material Safety and Safeguards Inspection Reports” ([ML041460088](#)), which established the 30 calendar day expectation for individual inspections and 45 calendar days for team inspections.

When an RCP is reviewed during IMPEP, the timely communication of inspection findings to a licensee may impact an RCP’s compatibility. SA-200 “Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements” ([ML20183A325](#)) includes a program elements table specifying that inspection procedures are Compatibility Category C. This implies that the element is important for an RCP to implement to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis. A program element may be more restrictive than the NRC provided that the essential objective is met, and the state requirements do not jeopardize the regulation of agreement material on a national basis. However, it cannot be less stringent to maintain compatibility.

**Discussion:** Consistent, timely communication of inspection findings within the NRC’s established timeframes remains a key program element essential to RCP performance and compatibility. The IMPEP process continues to evaluate RCP performance including program elements and associated program procedures to ensure adequacy and compatibility. Thank you for your continued support of the NMP and IMPEP process.

If you have any questions regarding correspondence, please contact me at 301-415-3521 or the individual named below:

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Sincerely,

ture:  Signed by Giantelli, Adelaide  
on 03/31/25

Adelaide S. Giantelli, Branch Chief  
State Agreement and Liaison Programs  
Division of Materials Safety, Security, State,  
and Tribal Programs  
Office of Nuclear Material Safety  
and Safeguard

STC-25-008 CLARIFICATION OF NRC GUIDANCE REQUIRING TIMELY COMMUNICATION OF  
INSPECTION FINDINGS FOR AGREEMENT STATE COMPATIBILITY DATE March 31, 2025

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