



Office of Nuclear Material Safety and Safeguards Procedure Approval

Periodic Meetings Between Integrated Materials Performance Evaluation Program Reviews, State Agreements (SA) Procedure SA-116

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ML21243A517

NOTE

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

I. INTRODUCTION

This procedure describes the general objectives and process to be followed when scheduling, staffing, conducting, and documenting a periodic meeting with an Agreement State or U.S. Nuclear Regulatory Commission (NRC) radiation control program (Program).

II. OBJECTIVES

- A. To define the purpose of the periodic meeting.
- B. To designate the frequency for periodic meetings.
- C. To establish a process for scheduling, planning, and conducting a periodic meeting.
- D. To define the format for documentation, timing for issuance of the results of a periodic meeting, and how periodic meeting results will be communicated to the Management Review Board (MRB), when necessary.
- E. To establish criteria for briefings between the Office of Nuclear Material Safety and Safeguards (NMSS) and regional management and staff for Agreement State Programs.
- F. To specify the appropriate actions to take when performance issues are identified and to provide guidance on the issuance of letters of support¹.

III. BACKGROUND

Periodic meetings serve as informal forums to exchange information. These meetings are not evaluations but are open, interactive discussions of a Program's performance. Periodic meetings help the Agreement States and the NRC remain knowledgeable of the others' respective radiation control programs in between Integrated Materials Performance Evaluation Program (IMPEP) reviews and to plan for future IMPEP reviews. In addition, they provide an opportunity for prompt identification of program challenges or changes (e.g., staffing shortage, inspection and/or licensing backlogs) that could potentially affect performance and implementation of corrective measures. Periodic meetings should discuss event evaluations, operating experience, allegations, all MRB directed actions, and other relevant topics of interest.

¹ A letter of support is a formal correspondence requesting support and action on a specific State performance or need. The letter may be sent to an Agreement State, legislature official, up to, and including the governor.

IV. ROLES AND RESPONSIBILITIES**A. IMPEP Project Manager**

1. Informs the Division of Materials, Safety, Security, State and Tribal Programs (MSST), regional management in the Division of Nuclear Materials Safety (DRSS) or the Division of Radiological Safety and Security (DNMS), and the Regional State Agreements Officers (RSAOs) of the proposed periodic meeting fiscal year schedule.
2. Tracks the scheduling and completion of periodic meetings, and the issuance of periodic meeting summaries.
3. Coordinates with the RSAOs to develop a recommendation for MSST or regional management regarding the need for a briefing. The recommendation should include a discussion of potential performance issues, execution of MRB direction, recent or significant events that have occurred in Agreement State regulatory jurisdiction, and any other unique or special circumstances.
4. Notifies the RSAO if there is management interest in attending a periodic meeting.
5. Coordinates and schedules the presentation of the results of periodic meetings to the MRB.
6. Coordinates with the RSAO to develop letters of support when requested by the Agreement State or MRB.

B. State Agreement and Liaison Program (SLPB) Branch Chief

1. Assigns an independent project manager who is outside the NRC materials program to lead, conduct, and document the NRC periodic meeting in conjunction with the IMPEP Program Manager.
2. Schedules the NRC periodic meeting at the appropriate frequency defined in Section V.A.
3. Ensures that appropriate NRC attendees are available for the periodic meeting.
4. Develops the periodic meeting agenda in coordination with the NRC management, NMSS staff, and regional DNMS/DRSS staff who will be representing the Agency. A sample meeting agenda can be found on state communications portal public Web site (<https://scp.nrc.gov/>) or NRC's Agencywide Document Access Management System (ADAMS) ML21243A519.

5. Prepares to discuss all applicable IMPEP performance indicators, including all open recommendations from the most recent IMPEP review. If a previous periodic meeting was held, reviews the agencies progress on addressing the recommendations as of the date of the meeting.
6. Conducts the exit meeting with the NMSS Office Director and Regional Administrators.
7. Provides a draft periodic meeting summary to the NMSS Office Director, Regional Administrators, MSST Director, and DNMS Directors for a factual review.
8. Follows up, resolves, or provides a path forward for actions items that are described in the periodic meeting summary.
9. Leads the presentation of the results of the NRC periodic meeting to the MRB, as appropriate.
10. Signs and issues the final periodic meeting summary for the NRC radiation control program.

C. Regional State Agreement Officer (RSAO)

1. Leads, conducts, and documents periodic meetings with the Agreement State.
 - a. Schedules periodic meetings with Agreement States in their Region at the appropriate frequency defined in Section V.A.
 - b. Informs the IMPEP Project Manager and appropriate regional management of the meeting date.
 - c. Briefs the NMSS and regional (DNMS/DRSS) management to discuss the potential performance concerns documented during the previous IMPEP review and any additional MRB direction, recent or significant safety or security events and any other unique or special circumstances.
 - d. Develops the periodic meeting agenda in coordination with the Agreement State's Radiation Control Program Director (RCPD).
 - e. Prepares to discuss all applicable IMPEP performance indicators, including all open recommendations from the most recent IMPEP review. If a previous periodic meeting was held, review the Program's progress on addressing the recommendations as of the date of the meeting.
 - f. Conducts the exit meeting with Senior State officials, at the request of the RCPD.

- g. Provides a draft periodic meeting summary to the RCPD and other NRC participants for a factual review.
- h. Provides the periodic meeting summary to the Regional management representative for review and concurrence and the SLPB Branch Chief for review.
- i. Follows up on actions items that are described in the periodic meeting summary.
- j. Leads the presentation of the results of the Agreement State periodic meeting to the MRB, if required.
- k. Writes a letter of support. A letter of support is issued by either NMSS or the Chairman of the Commission depending on the addressee. A letter addressed to the Governor is always signed by the Chairman.
- l. Signs or concurs upon and issues the final periodic meeting summary to the Agreement State radiation control program.

D. MSST Director or Designee

- 1. Attends and participates in periodic meetings with Agreement States.
- 2. Participates in briefings with the RSAO, IMPEP Project Manager, NMSS Director and, regional management (DRSS or DNMS).
- 3. Informs and briefs NMSS management on any issues pertaining to periodic meetings.
- 4. Supports the conduct of the NRC periodic meeting.
- 5. Approves the periodic meeting schedule and agenda.
- 6. Attends the exit meeting with the NMSS Office Director and Regional Administrators.
- 7. Reviews the draft periodic meeting summary.
- 8. Reviews and concurs on the final periodic meeting summary.

E. NMSS Director or Designee

- 1. Participates in briefings with the MSST Director, RSAO, IMPEP Project Manager, and DRSS or DNMS Director, as necessary.
- 2. Participates as a board member in MRB meetings.

F. MRB

1. The MRB provides a senior-level management review of the results of periodic meetings on an as needed basis.
2. The MRB follows the guidance in SA-106, *The Management Review Board (MRB)*.

V. GUIDANCE**A. Frequency of Periodic Meetings for Agreement State and NRC radiation control programs:**

1. The first periodic meeting with a new Agreement State should take place approximately 9 months after the signing of the Agreement unless an alternative timeframe is decided upon by the NRC and Agreement State management.
2. For Programs on a 4-year IMPEP review cycle, a periodic meeting should take place approximately 2 years after the IMPEP review. For Programs on a 5-year IMPEP review cycle, a periodic meeting should take place approximately 2.5 years after the IMPEP review.
3. If additional periodic meetings are directed by the MRB Chair, requested by the NRC, or the Agreement State, the meeting frequency may be adjusted on a case-by-case basis. Some of the factors that could affect the frequency of periodic meetings include performance issues, events, and specific action that have not been completed by the Program that were outside of its control.

B. Scheduling of periodic meetings with Agreement States and meeting participants:

1. A date for the meeting should be established at least 6 weeks in advance of the meeting, if possible.
2. The RSAO should send a scheduling letter, a minimum of 30 days before the meeting. The scheduling letter should confirm the date of the meeting, include a draft periodic meeting agenda, and a request for any additional specific meeting discussion topics. A template for a periodic meeting agenda and letter can be found state communications portal public Web site (<https://scp.nrc.gov/>) or NRC's ADAMS ML21243A519.
3. Periodic meetings will be conducted in-person unless a virtual setting is approved by regional management in coordination with MSST.

C. Scheduling of periodic meetings with the NRC and meeting participants:

1. Once a periodic meeting date has been established, the MSST Director or designee should inform the NMSS Office Director and Regional Administrators via memorandum a minimum of 30 days before the meeting.

The memorandum should include the periodic meeting agenda as well as a request for any additional specific meeting discussion topics. A template for a periodic meeting agenda can be found on the state communications portal public Web site (<https://scp.nrc.gov/>) or NRC's ADAMS ML21243A519.

2. Periodic meetings with the NRC should include a representative from NMSS and the DRSS or DNMS Directors, and staff attendance will be determined by their appropriate management.

D. Briefing

1. Prior to a periodic meeting being held, a decision will be made by the SLPB Branch Chief, RSAO, and IMPEP Project Manager on whether or not a briefing is necessary to NMSS or regional management.
2. A briefing will be held when the MRB has directed staff to perform a specific task during the periodic meeting. Briefings will also be held if the program is on enhanced oversight or to discuss potential performance issues, or if a State was involved in a significant event.
3. Briefings can also discuss unique or special circumstances. These events are normally beyond the programs control and usually have some media attention. Some examples include:
 - a. Acts of God such as hurricanes, tornados, earthquakes, wildfires, or floods which interrupt normal regulatory functions,
 - b. Acts of terrorism involving radioactive materials (i.e. a dirty bomb),
 - c. The loss or theft of radioactive materials or,
 - d. Accidents which result in the spread of radioactive contamination, significant financial loss, or loss of life and property.
4. The results of the periodic meeting will be presented to the MRB according to Section I below.

E. Preparation for Periodic Meetings

1. Prior to the periodic meeting, the lead for the periodic meeting should:
 - a. Review the last IMPEP report and MRB meeting minutes to ensure that the periodic meeting addresses all required items.
 - b. Download the Nuclear Material Event Database (NMED) report to identify all incidents that have been reported since the last IMPEP review for the Program. All incidents received by the Program after the last IMPEP review and prior to the Periodic should be discussed at a high level. Special attention should be given to events that have not been

completed, closed, have an outstanding request for additional information from Idaho National Laboratory, or were not reported in the correct manner or timeframe.

- c. Allegations that have been forwarded to the Program from the NRC since the last IMPEP review and those that have been received directly by the Program should be discussed.
- d. Identify overdue regulation amendments or regulation amendments with outstanding comments, as designated on the State Regulation Status sheet. Identify other program elements, (e.g., pre-licensing guidance checklist, medical guidance) that have been issued since the last IMPEP review and require adoption. A list of regulation and non-regulation program elements requiring implementation can be found at: <https://scp.nrc.gov/regtoolbox.html>. The lead should discuss the status of any overdue regulations, including those noted as overdue in the last IMPEP report, the Program's status in the promulgation of regulations and any related outstanding comments identified during the NRC's compatibility review of the State's regulations; and the implementation of other program elements.

F. Scope of the Periodic Meetings

- 1. The purpose of periodic meetings is to ensure that the NRC and the Agreement States remain knowledgeable of their respective programs and to plan for future IMPEP reviews. The meetings provide an informal, open, forum for discussions about the program's status and performance. Periodic meeting should address the Program's actions since the last IMPEP review, including any specific actions as directed by the MRB.
- 2. The periodic meeting agenda should be used as the scope of the periodic meeting. All IMPEP performance indicators and any open recommendations should be discussed as part of the periodic meeting.
- 3. If the MRB directs a specific action to occur at the next periodic meeting and that action cannot be accomplished the RSAO should discuss with the IMPEP Project Manager whether or not the meeting should be delayed in order to allow for completion action.

G. Evaluation of Casework During Periodic Meetings

Periodic meetings are not formal evaluations of Program performance. Any formal casework evaluations that assess or potentially change overall Program performance for an indicator (e.g., reviews specific types of licensing actions or inspections as directed by the MRB) should be not be performed during a Periodic meeting. Instead, such casework evaluations should be scheduled in accordance with State Agreement (SA) Procedure, SA-100, *Implementation of the Integrated Materials Performance Evaluation Program (IMPEP)* and

Management Directive 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*, ML19213A024 as a follow-up IMPEP review.

H. Documentation of Periodic Meetings and Timing for Issuance

1. A draft periodic meeting summary should be developed by the RSAO within 30 days of the meeting and shared with: 1) IMPEP Project Management, 2) NRC management in attendance at the periodic meeting, 3) the appropriate regional management, and 4) the Agreement State RCPD for factual review and comment.
2. Action items resulting from feedback received during the periodic meeting should be described along with a plan to address the issue.
3. The periodic meeting summary should include the status of each performance indicator and all open recommendations from the previous IMPEP review. A sample of a periodic meeting summary can be found at the state communications portal public Web site (<https://scp.nrc.gov/>) or NRC's ADAMS ML21243A519.
4. The RSAO should resolve any comments, prepare the final periodic meeting summary, and issue the summary within 60 days from the date of the periodic meeting.
5. If an MRB meeting is required, the RSAO will issue a proposed final periodic meeting summary within 60 days from the date of the periodic meeting to all participants to ensure adequate preparation for the meeting. The MRB should be scheduled within 90-105 days of the periodic meeting. The final periodic meeting summary should be issued within 30 days from the date of the MRB.
6. The periodic meeting summary should be issued with a cover letter. A sample cover letter can be found in on the state communications portal public Web site (<https://scp.nrc.gov/>) or NRC's Agencywide Document Access Management System (ADAMS) ML21243A519.

I. Presentation of the Results of the Periodic Meetings to the MRB

1. The MRB will be convened to discuss the results of a periodic meeting if:
 - a. The Program is on monitoring, heightened oversight, or probation.
 - b. The Program or NRC staff attending the periodic meeting identified a performance issue that could result in a less than satisfactory performance for one or more indicators as compared to the rating criteria established in MD 5.6.
 - c. The Program specifically requests an MRB meeting to discuss the periodic meeting or

- d. At the direction of the MRB Chair as an outcome of the previous IMPEP review.
 2. Agreement State and NRC representatives of radiation control programs that are being discussed will be invited to participate in the MRB meeting, via telephone, video conference or other electronic communication applications (e.g., Microsoft Teams)
- J. Performance Issues Identified during a Periodic Meeting
1. If there are performance situations that have the potential to immediately affect public health and safety², the meeting lead should immediately inform NMSS management, and the IMPEP Project Manager of the findings and propose a course of action. NMSS management should notify the Chair of the MRB of the performance issues identified and the proposed course of action. The Chair of the MRB may request that the MRB convene to discuss the performance issues and recommend the proposed course of action.
 2. If performance issues are identified during a periodic meeting, the issues should be documented in the periodic meeting summary and presented to the MRB as part of the discussion of the results of the periodic meeting.
 3. If performance issues in an Agreement State are identified through day-to-day interactions, the RSAO will document the program's issues in writing to present to the MRB. In addition, the RSAO should inform NMSS management, and the IMPEP Project Manager of the findings and propose a course of action. The written documentation should provide a complete description of the program performance issues and any other supporting information to allow the MRB Chair to determine an appropriate course of action.
 4. The MRB Chairman, in consultation with MRB members and cognizant staff, will direct the appropriate course of action.
- K. Letters of Support
1. Upon request of the Agreement State Program or the suggestion of the MRB, NMSS, or RSAO, the NRC can issue a letter of support for the Program. The letter of support can be addressed to the program director, senior department management, cabinet level officials, legislative committees or the governor. The letter of support can be issued when there are areas of declining program performance or when there is a potential for problems to arise caused by lengthy staffing vacancies, inadequate funding, or overdue

² These would be situations where the Agreement State has failed to take actions to correct the situation upon identification in a prompt manner. These do not include single or isolated events. Another example would be a situation where the State creates a significant regulatory gap in the National Materials Program that causes immediate or imminent health and safety or compatibility consequences in other jurisdictions.

regulations in which adoption is being held up by factors outside the Program's control. The intent of the letter is to raise awareness to higher level state government officials of the provisions agreed to in the State's 274b. Agreement with the NRC and the specific items needed to support that agreement.

2. The RSAO will draft the letter and provide it to the IMPEP Project Manager who will route the letter through concurrence and final issuance. The letter of support will be signed by the appropriate level of NRC management commensurate to the addressee. Letters directed to the governor will be signed by the chairman.

VI. REFERENCES

IMPEP Toolbox available at <https://scp.nrc.gov/impeptools.html>

Management Directives (MD) available at <https://scp.nrc.gov>.

NMSS SA Procedures available at <https://scp.nrc.gov>.

VII. AGENCYWIDE DOCUMENT ACCESS MANAGEMENT SYSTEM (ADAMS) REFERENCE DOCUMENTS

For knowledge management purposes, all previous revisions of this procedure, as well as associated correspondence with stakeholders that have been entered into ADAMS are listed below.

No.	Date	Document Title/Description	Accession Number
1	10/9/03	STP-03-077, Opportunity to Comment on Draft Revisions to STP Procedure SA-116	ML032820578
2	2/6/04	STP Procedure SA-116	ML040620604
3	2/6/04	Summary of Comments on SA-116	ML040620654
4	7/28/05	STP-05-061, Draft Revision of STP Procedures to Incorporate Letters of Support Guidance	ML052100400
5	10/5/05	STP Procedure SA-116	ML061310327
6	10/5/05	Summary of Comments on SA-116	ML061310346
7	9/12/07	FSME-07-086, Opportunity to Comment on Draft Revision to FSME Procedure SA-116	ML072470343
8	6/3/09	FSME SA-116	ML090350474
9	3/28/17	Opportunity to Comment on Draft Revision to NMSS SA-116 (STC-17-033)	ML16034A454

10	4/5/18	Opportunity to Comment on Limiting the Number of Special MRBs (STC-18-024)	ML18059A312
11	10/25/19	Resolution of Comments	ML19298A091
12	11/16/20	Opportunity to comment on SA-116 (STC-20-077)	ML20318A065
13	8/6/21	Sample Documents Related to SA-116	ML21243A519
13	8/6/21	Comment Resolution Document	ML21243A513
14	10/29/21	NMSS SA-116 Periodic Meetings between IMPEP Reviews	ML21243A517