



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 15, 2016

MEMORANDUM TO:

Glenn M. Tracy
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, Compliance, Administration,
and Human Capital Programs
Office of the Executive Director for Operations

Adam S. Gendelman, Attorney
Reactor and Materials Rulemaking Division
Office of the General Counsel

Joel T. Munday, Acting Deputy Director
Office of Nuclear Material Safety
and Safeguards

Jack B. Giessner, Director
Division of Nuclear Material Safety and Safeguards
NRC Region III

FROM:

Lisa C. Dimmick, Senior Health Physicist */RA/*
Agreement State Programs Branch
Division of Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards

SUBJECT:

MINUTES: FEBRUARY 22, 2016, SPECIAL MANAGEMENT
REVIEW BOARD MEETING

Enclosed are the minutes of the Special Management Review Board (MRB) meeting held on February 22, 2016, to discuss the periodic meetings held with the Pennsylvania, Massachusetts, and Nevada Agreement State Programs. If you have comments or questions, please contact me at (301) 415-0694.

Enclosure:
Meeting Minutes

cc: Santiago Rodriquez, NM
Organization of Agreement States
Liaison to the MRB

MRB Members

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DATE	04/15/16

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MINUTES: SPECIAL MANAGEMENT REVIEW BOARD MEETING OF
FEBRUARY 22, 2016

The attendees were as follows:

In person at U.S. Nuclear Regulatory Commission Headquarters in Rockville, Maryland:

Glenn Tracy, MRB Chair, OEDO
Adam Gendelman, MRB Member, OGC
Joel Munday, MRB Member, NMSS

Dan Collins, NMSS
Lisa Dimmick, NMSS
Paul Michalak, NMSS

By videoconference:

Jack Giessner, MRB Member, Region III
Mark Shaffer, Region IV
Randy Erickson, Region IV
Jackie Cook, Region IV

Donna Janda, Region I
Jim Trapp, Region I
Binesh Tharakan, Region IV
Jim Lynch, Region III

By telephone:

Santiago Rodriguez, MRB Member, NM
Dave Allard, PA
Joe Melnic, PA
John Chipppo, PA
Terry Derstine, PA
Karen Beckley, NV
Robert Gallagher, Region I

Lizette Roldan-Otero, NMSS
Duncan White, NMSS
Jack Priest, MA
Joshua Daehler, MA
Marvin Lewis
Adrian Howe, NV

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:04 p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public; one member of the public participated in this meeting. Ms. Dimmick then transferred the lead to Mr. Glenn Tracy, Chair of the MRB. Introductions of the attendees were conducted.
2. **Periodic Meeting Discussions:**

Periodic Meeting with the Pennsylvania Agreement State Program

Ms. Donna Janda led the discussion of the results of the periodic meeting held with the Pennsylvania Department of Environmental Protection (Department) (Agencywide Documents Access and Management System (ADAMS) Accession Number: ML15225A588). The meeting was held in Harrisburg on June 2, 2015. Ms. Janda noted that the last Integrated Materials Performance Evaluation Program (IMPEP) review of the Pennsylvania Agreement State Program (Program) was conducted in January 2014. Pennsylvania's performance was found satisfactory for all indicators. In addition, Pennsylvania was found adequate to protect public health and safety and compatible with the U.S. Nuclear Regulatory Commission's (NRC) program. Based on a discussion regarding potential impacts of budget constraints on staffing during the April 2014 MRB meeting, the MRB directed that a periodic meeting be performed in one year with special emphasis on reviewing Pennsylvania's staffing and hiring status.

Ms. Janda summarized Pennsylvania's status since the 2014 IMPEP review. She noted the strengths of the Program being experienced, well-trained staff. Senior management

from the Department are supportive of the Program. Fees can carry over to the next fiscal year. Also the Program can adopt regulation amendments by reference. She noted some of the challenges facing the Program are the imminent retirements of experienced staff and salary freezes for managers. At the time of the periodic meeting, the Program had 665 licensees. There were five staff level vacancies, no overdue inspections, no backlog of licensing actions, no rules overdue for adoption, and response to incidents and allegations has been appropriate. The Program is addressing the open recommendation on incident investigation and reporting. Pennsylvania reported that it is conducting reactive inspections for all incidents reportable to NRC within 24 hours, and monthly meetings are held to review open incidents. To ensure root causes are determined and events are reported, Pennsylvania's internal tracking spreadsheet was updated to include this information. The MRB discussed Pennsylvania's succession planning and knowledge transfer activities. The MRB discussed NRC training and Project AIM.

Ms. Janda stated that the staff recommends that the next IMPEP review of the Pennsylvania Agreement State Program be conducted as scheduled in January 2019 with a periodic meeting in June 2017. The MRB agreed with the staff's recommendation.

Periodic Meeting with the Massachusetts Agreement State Program

Ms. Janda led the discussion of the results of the periodic meeting held with the Massachusetts Department of Public Health (DPH) (ADAMS Accession Number: ML16042A390). The meeting was held in Boston on July 30, 2015. Ms. Janda noted that the last IMPEP review of the Massachusetts Agreement State Program (Program) was conducted in July 2014. The Commonwealth's performance was found satisfactory for four indicators, and satisfactory, but needs improvement, for three performance indicators: Technical Quality of Inspections, Technical Quality of Licensing Actions, and Technical Quality of Incident and Allegation Activities. The review team made one recommendation to strengthen the Commonwealth's incident response program. The MRB found the Program adequate to protect public health and safety, but needs improvement, and compatible with the NRC's program. The MRB directed NRC staff to initiate a period of monitoring and requested that calls between the Massachusetts DPH staff and the NRC staff be conducted on a quarterly basis. The MRB also directed that a periodic meeting be conducted in July 2015.

Ms. Janda summarized the status of the Program since the 2014 IMPEP review. She noted the strengths of the Program being experienced, well-trained staff, and good interactions between staff and management. She noted some of the challenges facing the Program: hiring freeze and retirements of experienced staff, including a qualified Sealed Source & Device reviewer. At the time of the periodic meeting, the Program had 433 licensees. There were three staff level vacancies. The Program was current on inspections. The licensing actions are prioritized and the quality issues identified in the 2014 IMPEP review have been addressed. There were no regulation amendments overdue for adoption, and response to incidents and allegations has been appropriate. Massachusetts has addressed the open recommendation concerning its incident response program.

As a follow-up to inspection weaknesses observed in 2014 IMPEP review, the NRC staff accompanied a Massachusetts inspector on July 29, 2015. The NRC staff determined

the inspection was adequate to assess radiological health, safety, and security of the licensed facility. The MRB discussed staffing and NRC's training.

Ms. Janda stated that the staff recommends that the next IMPEP review of the Massachusetts Agreement State Program be conducted as scheduled in July 2018, continue with monitoring, and conduct a periodic meeting in January 2017. The MRB agreed with the staff's recommendation.

Periodic Meeting with the Nevada Agreement State Program

Mr. Binesh Tharakan led the discussion of the results of the Periodic meeting held with the Nevada Radiation Control Program (ADAMS Accession Number: ML15218A630). The meeting was held in Carson City on July 9, 2015. Mr. Tharakan noted that the last IMPEP review of the Nevada Agreement State Program (Program) was conducted in July 2013. Nevada's performance was found satisfactory for all indicators. In addition, Nevada was found adequate to protect public health and safety and compatible with the NRC's program.

Mr. Tharakan summarized the status of the Program since the 2013 IMPEP review. He noted the strengths of the Program being inspection timeliness, leadership, staff diversity, and support from supervisors. He noted some of the challenges facing the Program include support for the program by Nevada senior management and staff turnover. At the time of the periodic meeting, the Program had 252 licensees and two staff level vacancies. The Program was current on inspections, and no backlog of licensing actions. There were two regulation amendments overdue for adoption, and response to incidents and allegations has been appropriate. The Program is addressing the two open recommendation from the 2013 IMPEP review: One concerning the development/implementation of a licensing and inspection database, and one concerning adoption of rule changes within the required timeframe. The MRB discussed NRC training.

Mr. Tharakan stated that the staff recommends that the next IMPEP review of the Nevada Agreement State Program be conducted as scheduled in July 2017. The MRB agreed with the staff's recommendation.

3. **Comments from members of the public.** Marvin Lewis expressed his concerns over shipments of High Enriched Uranyl Nitrate (HEUNL) being transported via rail and truck from Chalk River Laboratories in Canada to the U.S. and the danger this poses should there be a catastrophic accident. He further expressed concern for the first responders and that the first responder pool in New Jersey and Pennsylvania and is dependent on volunteers. The MRB requested the NRC to provide Mr. Lewis with contact information who might better respond to his comments.
4. **Process Changes/Comments.** None applicable to these reviews.
5. **Precedents/Lessons Learned.** None applicable to these reviews.
6. **Adjournment.** The meeting was adjourned at 2:15 p.m. (ET).