

MINUTES: SPECIAL MANAGEMENT REVIEW BOARD MEETING OF  
AUGUST 1, 2017

The attendees were as follows:

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

Fred Brown, MRB Chair, OEDO  
Mary Spencer, MRB Member, OGC  
Marc Dapas, MRB Member, NMSS

Lance Rakovan, NMSS  
Paul Michalak, NMSS

By videoconference:

Scott Morris, MRB Member, Region IV  
James Lynch, Region III  
James Trapp, Region III

Monica Ford, Region I  
Donna Janda, Region I  
Joe Nick, Region I

By telephone:

Cindy Becker, FL, MRB Member, OAS  
Jack Priest, MA  
Paul Schmidt, WI

Lizette Roldan-Otero, NMSS  
Steve Harrison, VA

1. **Convention.** Mr. Lance Rakovan convened the meeting at approximately 1:00 p.m. (ET). He noted that this Management Review Board (MRB) meeting was open to the public. Introductions of the attendees were conducted.

2. **Periodic Meeting Discussions:**

**Periodic Meeting with the Massachusetts Agreement State Program**

Ms. Donna Janda led the discussion of the results of the periodic meeting held with the Massachusetts Department of Health (the Department) (ADAMS Accession Number: ML17103A092). The meeting was held in Charlestown on March 8, 2017. Ms. Janda noted that the last Integrated Materials Performance Evaluation Program (IMPEP) review of the Massachusetts Agreement State Program was conducted on July 28 - August 1, 2014. The team found the Commonwealth's performance 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 Commonwealth 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 and NRC staff be conducted on a quarterly basis. In addition, the MRB directed that a periodic meeting be held approximately 1 year after the date of the IMPEP review. That meeting was held on July 30, 2015. At the Special MRB held to discuss the 2015 Periodic Meeting, the MRB noted the Program's significant progress in addressing the issues identified during the 2014 IMPEP review. The MRB directed that an additional periodic meeting be held tentatively in January 2017.

The Commonwealth has approximately 430 licensees. There are currently no vacancies in the Department. No Priority 1, 2, 3, or initial inspections were conducted overdue since the 2014 IMPEP review and there were no overdue inspections at the time of the periodic meeting. Based on issues identified during the 2014 IMPEP inspection accompaniments, the Department temporarily increased the number of supervisory accompaniments on materials inspections. The Department is in the process of extending licenses from the current term of 5 years to a new term of 10 years. The Department is making progress with the recommendation from the previous IMPEP involving incident response.

Ms. Janda stated that the staff recommended that the next IMPEP review of the Massachusetts Agreement State Program be conducted as scheduled in July 2018. The MRB agreed with the staff's recommendation.

### **Periodic Meeting with the Virginia Agreement State Program**

Ms. Monica Ford led the discussion of the results of the periodic meeting held with the Virginia Department of Health (ADAMS Accession Number: ML17171A318). The meeting was held in Richmond on April 25, 2017. Ms. Ford noted that during the November 2014 IMPEP review, the MRB found the Commonwealth's performance satisfactory for all indicators reviewed. The MRB found the State adequate to protect public health and safety and compatible with the NRC's program. The MRB determined the next IMPEP review should be held in 5 years since all performance indicators were found satisfactory (on two consecutive IMPEP reviews) and that a periodic meeting should be held midway through the IMPEP review cycle.

The Virginia program has approximately 400 licensees. At the time of the periodic meeting there was one vacancy in the Program. Since the 2014 IMPEP review, the Program completed all Priority 1, 2, and 3 inspections one time and only one initial inspection overdue. The Program missed one supervisory accompaniment in calendar year 2015 and completed all supervisory accompaniments for calendar year 2016. The Program is one hundred percent funded by fees; general funds were eliminated in fiscal year 2015. This totaled an approximate \$400,000 decrease in funds for the Office of Radiological Health of which approximately \$200,000 of the shortfall applies to the Radioactive Materials Program. The Program's spending account contains a surplus that is being used to cover the missing funds until a permanent solution is put into place. The process to increase fees will take two to three years to complete.

Ms. Ford noted that staff recommended that the next IMPEP review be conducted as currently scheduled in 2019. The MRB agreed.

### **Periodic Meeting with the Wisconsin Agreement State Program**

Mr. James Lynch led the discussion of the results of the periodic meeting held with the Wisconsin Department of Health Services (ADAMS Accession Number: ML17039A487). The meeting was held in Madison on February 1, 2017. Mr. Lynch noted that during the last IMPEP review in 2014, all performance indicators were found to be satisfactory and no recommendations were made. The Wisconsin program was found to be adequate to

protect public health and safety and compatible with NRC's program. The State's earlier IMPEP reviews, in 2005 and 2009, yielded similar results.

The Wisconsin program has approximately 292 licensees. The program has had significant turnover in the past few years. At the time of the periodic meeting, the sole vacancy was approved for hiring. No inspections were overdue at the time of the periodic meeting, however, a few inspections, including initial inspections, were conducted late during the review period. In these cases, the State made informed decisions based on priorities. Some new licensees were inspected late as the program was inspecting within 12 months of material receipt rather than after license issuance. This prioritization has been corrected. No significant licensing backlogs were noted. Changes to the rulemaking process in Wisconsin have resulted in a backlog of compatibility required regulations.

Mr. Lynch noted that staff recommended that the next IMPEP review be conducted as currently scheduled in 2019. The MRB agreed.

3. **Comments from members of the public.** None
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 2:30 a.m. (ET).