

MINUTES: SPECIAL MANAGEMENT REVIEW BOARD MEETING OF
OCTOBER 17, 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
Scott Moore, MRB Member, NMSS

Lance Rakovan, NMSS
Paul Michalak, NMSS
Dale Patrick, ND

By videoconference:

Jack Giessner, MRB Member, Region III
Binesh Tharakan, Region IV
James Trapp, Region III

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

By telephone:

Judith Schuerman, FL, MRB Member, OAS
Terry O'Clair, ND
David Allard, PA

Lizette Roldan-Otero, NMSS
Jay Hyland, ME
Catherine Perham, ME

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 North Dakota Agreement State Program

Mr. Binesh Tharakan led the discussion of the results of the periodic meeting held with the North Dakota Department of Health (ADAMS Accession Number: ML17243A146). The North Dakota Agreement State Program is administered by the Radiation Control Program (the Program), located within the Division of Air Quality of the North Dakota Department of Health. The meeting was held in Bismarck on July 19, 2017. Mr. Tharakan noted that the previous Integrated Materials Performance Evaluation Program (IMPEP) review was conducted the week of June 22 – 25, 2015. The Program was found to be satisfactory for all performance indicators reviewed and there were no recommendations were made. The North Dakota program was found adequate to protect public health and safety and compatible with the NRC's program. The MRB agreed with the team that the next full IMPEP review should take place in 4 years and a periodic meeting should take place in approximately 2 years.

The North Dakota program has approximately 90 licensees. The State will be reorganizing the Health Department and creating a new cabinet level Department of Environmental Quality prior to July 1, 2018. The Division of Air Quality, in addition to Water Quality, Land Waste Management, and Municipal Facilities, will be moving to the new department. Program management indicated that moving to the new department would be advantageous to the Program because it would allow for increased autonomy and control over its functions and budget of the Program. Since the 2015 IMPEP review,

one of the newly hired staff members left the program. At the time of the periodic meeting, the Program was about to begin interviewing candidates to fill the vacancy. At the MRB meeting, Program management noted that a new staff member had started in September.

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

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 (the Department) (ADAMS Accession Number: ML17251B138). The meeting was held in Harrisburg on June 8, 2017. Ms. Janda noted that the last Integrated Materials Performance Evaluation Program (IMPEP) review of the Pennsylvania Agreement State Program was conducted on January 13 - 17, 2014. The State's performance was found satisfactory for all indicators. One recommendation from the 2009 IMPEP review, regarding the strengthening of Pennsylvania's incident response program, was kept open. On April 3, 2014, the MRB found the Commonwealth adequate to protect public health and safety and compatible with the NRC's program and determined that the next IMPEP review should take place in approximately five years. Based on a discussion of concerns regarding potential impacts of budget constraints on staffing in the Agreement State Program, the MRB directed that a periodic meeting be performed in June 2015, with special emphasis on reviewing the Commonwealth of Pennsylvania's staffing and hiring status. That meeting was held on June 2, 2015. At the Special MRB held to discuss that periodic meeting, the MRB directed that an additional periodic meeting be held tentatively in April 2017 and the next full IMPEP review be held in January 2019.

The Department has approximately 630 licensees. The Department is effectively managing its licensing and inspection activities and responds to incidents and allegations as appropriate. There were nine vacancies at the time of this periodic meeting, including one in the radioactive materials licensing area, five in the radioactive materials inspection area, and one in the compliance area. The Department has made progress involving the 2009 review team recommendation that the Commonwealth strengthen its incident response program to ensure that incidents are appropriately investigated and are promptly reported to NRC. The Department has made revisions to their internal event tracking spreadsheet to include the Nuclear Materials Event Database Item Number, the licensee's corrective actions, and root cause documentation for each reported event. Monthly meetings are held to review open incidents and allegations.

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

Periodic Meeting with the Maine Agreement State Program

Ms. Monica Ford led the discussion of the results of the periodic meeting held with the Maine Division of Environmental Health (the Division) (ADAMS Accession Number:

ML17275B334). The meeting was held in Augusta on July 18, 2017. Ms. Ford noted that the last IMPEP review was held June 16-19, 2015. The MRB determined that Maine's performance for all indicators reviewed was satisfactory. Additionally, the MRB found the State adequate to protect public health and safety and compatible with the NRC's program. Based on the results of the IMPEP review the MRB determined that the next full IMPEP review should take place in four years and that a periodic meeting should be held in approximately two years.

The Maine program has approximately 103 licensees. There were no vacancies in the Division at the time of the periodic meeting. Since the 2015 IMPEP review, the Division has completed no Priority 1, 2, 3, and initial inspections overdue. At the time of the periodic meeting there was no backlog of licensing actions in the Division. The longest action had been with the Division for approximately six months. At the time of the periodic meeting, there were five NRC amendments overdue for adoption. The Division has drafted rule changes to address the recommendation from the previous review. These rule changes will also address the five NRC amendments that are overdue for adoption. The Division hopes to be able to submit final regulations to the NRC for review by the end of October 2017.

Ms. Ford noted that staff recommended that the next IMPEP review be conducted as currently scheduled in June 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).