

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF KANSAS
SEPTEMBER 18, 2018

The attendees were as follows:

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

Dan Dorman, MRB Chair, DEDM	Kimberly Steves, KS
Scott Moore, MRB Member, NMSS	David Lawrenz, KS
Andrea Silvia, MRB Member, OGC	Sabrina Atack, NMSS
Michelle Beardsley, Team Leader, NMSS	Paul Michalak, NMSS
Kathy Modes, Team Member, NMSS	Lance Rakovan, NMSS
James Cassata, Team Member, Region I	Duncan White, NMSS
Darren Piccirillo, Team Member, Region III	Jennifer Scro, OGC
Binesh Tharakan, Team Member, Region IV	Maxine Segarnick, OGC

By Skype:

Christine Lipa, MRB Member, Region III	John Miller, Region I
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By telephone:

Debra Shults, MRB Member, TN, OAS	Kendra Baldrige, KS
David Tuberville, AL	James Uhlemeyer, KS
Jennifer Opila, CO	Aaron Short, KS
Angela Leek, IA	James Harris, KS
Jeff Dauzat, LA	Jeff Herschell, KS
BJ Smith, MS	John Jones, KS
Bryan Miller, NE	Joe O'Hara, NMSS
Robert Dansereau, NY	Lizette Roldan-Otero, NMSS
Stephen James, OH	Randy Erickson, Region IV
Mike Snee, OH	Linda Howell, Region IV
Ron Parsons, TN	

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. Kansas IMPEP Review. Ms. Michelle Beardsley, Team Leader, led the presentation of the Kansas Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. She summarized the review and the team's findings for the six indicators reviewed. The on-site review was conducted by a team composed of technical staff members from the NRC and the State of Arizona during the period of June 25-29, 2018. A draft report was issued to Kansas for factual comment on August 1, 2018. Kansas responded to the team's findings by e-mail dated August 28, 2018. Ms. Beardsley reported that the team found Kansas's performance satisfactory for two common performance indicators: Technical Staffing and Training and Status of Materials Inspection Program; satisfactory, but needs improvement, for

two indicators: Technical Quality of Licensing Actions and Compatibility Requirements; and unsatisfactory for two indicators: Technical Quality of Inspections and Technical Quality of Incident and Allegation Activities. Ms. Beardsley noted that the team would be briefing the indicators in a slightly different order due to a number of factors.

3. Performance Indicators.

- a) Ms. Kathy Modes reviewed and presented the common performance indicator, **Technical Staffing and Training**. Her presentation corresponded to Section 3.1 of the proposed final IMPEP report. The MRB, the team, and State representatives discussed the balance between licensing and inspection staff, the reasons for management turnover, staff retention, and salary issues. State representatives noted that they are taking steps to address the deficiencies noted in the report regardless of whether the team made recommendations or not.

The team found Kansas' performance with respect to this indicator to be "satisfactory" and the MRB agreed.

- b) Mr. Binesh Tharakan reviewed and presented the common performance indicator, **Status of Materials Inspection Program**. His presentation corresponded to Section 3.2 of the proposed final IMPEP report. The MRB, team members, and State representatives discussed the State's new policy to "front load" reciprocity inspections in order for the State to meet the performance criteria for conducting 20% of candidate reciprocity inspections each year. The MRB directed the team to supplement the language in the report to include additional information on the team's confidence that the State will be able to meet the performance criteria for conducting reciprocity inspections moving forward.

The team found Kansas' performance with respect to this indicator to be "satisfactory" and the MRB agreed.

- c) Mr. Tharakan reviewed and presented the common performance indicator, **Technical Quality of Incident and Allegation Activities**. His presentation corresponded to Section 3.5 of the proposed final IMPEP report. The MRB, team members, and State representatives discussed the incidents outlined in detail in the report, the program's procedures, and when the program follows up with an on-site follow-up. State representatives noted a misunderstanding with what "CI" stood for in their database, and that they will increase coordination with NRC Region IV on all events. Mr. Tharakan noted that the program did not always follow its procedures, and that the team's rating hinged upon the risk significance of the events reviewed. The MRB directed that the final report contain additional information on Kansas' response to the August 25th event.

The team found Kansas' performance with respect to this indicator to be "unsatisfactory" and the MRB agreed.

- d.) Mr. James Cassata reviewed and presented the common performance indicator, **Technical Quality of Inspections**. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. The MRB, team members, and State representatives discussed the root cause analysis and corrective actions taken involving the overexposure to the declared pregnant woman noted in the report. Attendees discussed whether the team “double dinged” Kansas by recommending that two indicators be found “unsatisfactory” and both indicators reviewing the same incidents and subsequent inspections. These incidents mostly occurred at the beginning of the review period. State representatives discussed how staff is taking a critical look at the inspection database and is revising processes. The MRB questioned the team as to how it could be recommending a rating of “unsatisfactory” for this indicator when no deficiencies were noted with Program inspectors during inspector accompaniments. State representatives noted that, in some cases, documentation and turnover was poor, and detailed how processes and procedures have been revised.

The team found Kansas’ performance with respect to this indicator to be “unsatisfactory.” The MRB voted on the indicator rating. Two MRB members supported the team’s “unsatisfactory” rating while two MRB members, as well as the OAS Liaison, voted to rate Kansas “satisfactory, but needs improvement.” Thus, the MRB found Kansas’ performance with respect to this indicator to be “satisfactory, but needs improvement.”

- e.) Ms. Beardsley reviewed and presented the non-common performance indicator, **Compatibility Requirements**. Her presentation corresponded to Section 4.1 of the proposed final IMPEP report. The MRB, team members, and State representatives discussed the new State bill, its significance, and the possibility of it slowing down the regulation adoption process. Attendees also discussed using license conditions/legally binding requirements, submitting regulations and license conditions to NRC for review, and the length of time for regulation adoption.

The team found Kansas’ performance with respect to this indicator to be “satisfactory, but needs improvement” and the MRB agreed.

- f.) Mr. Brian Goretzki reviewed and presented the common performance indicator, **Technical Quality of Licensing Actions**. His presentation corresponded to Section 3.4 of the proposed final IMPEP report. The MRB, team members, and State representatives discussed financial assurance for State universities, whether the recommendation from the previous review should be closed, and the progress made by the State under this indicator. The MRB directed that the report be revised to indicate that only one license reviewer was not verifying the authorized user, authorized medical physicist or radiation safety officer qualifications of the preceptor for licenses that were issued by another Agreement State or by the NRC.

The team found Kansas’ performance with respect to this indicator to be

“satisfactory, but needs improvement” and the MRB agreed. The MRB also agreed that the recommendation from the previous review involving this indicator be closed.

4. MRB Consultation/Comments on Issuance of Report. The team recommended, and the MRB agreed, that the Kansas Agreement State Program: (1) be found adequate to protect public health and safety, but needs improvement, and compatible with the NRC's program; and (2) enter a period of Heightened Oversight. The MRB and team discussed the timing of the next periodic meeting and IMPEP review. The team recommended, and the MRB agreed, the next IMPEP review take place in approximately 2 years and that a periodic meeting be held in approximately 1 year. The final report may be found in the ADAMS using the Accession Number ML18267A223.

Ms. Steves and Mr. Lawrenz reiterated the State's dedication to improve their program. Ms. Jennifer Opila, CO, and Mr. BJ Smith, MS, stated their desire to support the Kansas Agreement State Program.

5. Precedents/Lessons Learned. None applicable to this review.
6. Comments from Members of the Public. None
7. Adjournment. The meeting was adjourned at approximately 3:43 p.m. (ET)