



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

July 5, 2016

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

Joan W. Olmstead, Attorney General Counsel for
Reactor and Materials Rulemaking
Office of the General Counsel

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal, and
Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Darrell J. Roberts, Deputy Regional Administrator
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: APRIL 12, 2016, NEBRASKA
MANAGEMENT REVIEW BOARD MEETING

Enclosed are the minutes of the Management Review Board (MRB) meeting held on April 12, 2016, for the Nebraska Agreement State program. If you have comments or questions, please contact me at (301) 415-0694.

Enclosure:
Nebraska MRB Meeting Minutes

cc: Karen Beckley, NV
Organization of Agreement States
Liaison to the MRB

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF NEBRASKA
APRIL 12, 2016

The attendees were as follows:

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

Joel Munday, MRB Chair, NMSS
Joan Olmstead, MRB Member, OGC
Pam Henderson, MRB Member, NMSS
Jim Lynch, Team Member Region III
Julia Schmitt, NE

Lisa Dimmick, NMSS
Karen Meyer, NMSS
Duncan White, NMSS
David Spackman, NMSS

By videoconference:

Darrell Roberts, MRB Member, Region III
Robin Elliott, Team Member, Region I
Randy Erickson, Team Member, Region IV

Mark Shaffer, Region IV
Christine Lipa, Region I

By telephone:

Karen Beckley, MRB Member, NV, OAS

Brian Goretzki, Team Member, AZ

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:00 p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public. Ms. Dimmick then transferred the lead to Mr. Joel Munday, Chair of the MRB. Introductions of the attendees were conducted.
2. **Nebraska IMPEP Review.** Mr. Jim Lynch, Team Leader, led the presentation of the Nebraska Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. He summarized the review and the team's findings for the six indicators reviewed. The on-site review was conducted by a review team composed of technical staff members from the NRC and the State of Arizona during the period of January 11–15, 2016. A draft report was issued to Nebraska for factual comment on February 4, 2016. Nebraska responded to the review team's findings by letter dated March 4, 2016. Mr. Lynch reported that the team found the Nebraska Agreement State Program (the Program) satisfactory for five of six performance indicators reviewed, and one indicator, Compatibility Requirements, satisfactory but needs improvement.

Common Performance Indicators. Mr. Lynch reviewed and presented the common performance indicator, *Technical Staffing and Training*. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. The Program is composed of 3.8 full-time equivalents (FTE), which includes management and staff. Over the review period, one staff left the Program and the position was replaced within 1 month by a staff member from the x-ray program. The Program has a training and qualification manual compatible with the NRC's Inspection Manual Chapter (IMC) 1248, "Formal Qualifications Program for Federal and State Material and Environmental Management Programs."

The review team found Nebraska's performance with respect to this indicator to be "satisfactory." The MRB agreed that Nebraska's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. Brian Goretzki 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 review team found that the Program performed 156

Priority 1, 2, 3, and initial inspections during the review period, of which none were conducted overdue.

The review team found Nebraska's performance with respect to this indicator to be "satisfactory." The MRB agreed that Nebraska's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. Goretzki 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 team reviewed 27 inspection reports conducted during the review period, for all three of the Program's materials inspectors and covered a sampling of the higher priority inspections. The review team accompanied two inspectors prior to the onsite review. The inspections were adequate to assess radiological health, safety and security.

The review team found Nebraska's performance with respect to this indicator to be "satisfactory." The MRB agreed that Nebraska's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Robin Elliott reviewed and presented the common performance indicator, *Technical Quality of Licensing Actions*. Her presentation corresponded to Section 3.4 of the proposed final IMPEP report. The team reviewed 23 licensing actions from the review period, for current and former license reviewers and covered a sampling of the license types. Licensing actions properly addressed health, safety, and security issues.

The review team found Nebraska's performance with respect to this indicator to be "satisfactory." The MRB agreed that Nebraska's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. Randy Erickson reviewed and presented the findings regarding 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 review team evaluated 14 of 25 incidents reported to the Program. Each event reviewed was found to have been properly evaluated to determine the level of response required and the investigations were well coordinated and timely. Follow-up actions were performed when needed. The review team also reviewed the casework the only allegation received by Nebraska. The team found the Program to be responsive, taking prompt and appropriate action. Documentation was thorough and complete. The allegation were closed timely, and the concerned individual's identity was properly protected.

The review team found Nebraska's performance with respect to this indicator to be "satisfactory". The MRB agreed that Nebraska's performance met the criteria for a "satisfactory" rating for this indicator.

3. **Non-Common Performance Indicators.** Mr. Erickson reviewed and presented the non-common performance indicator, *Compatibility Requirements*. His presentation corresponded to Section 4.1 of the proposed final IMPEP report.

During the review period, 12 amendments were issued by the NRC. Of the 12 amendments, Nebraska adopted 2 of the amendments timely, 5 amendments were adopted late, and 5 amendments are currently late. The delays in the Nebraska's regulation development process resulted in the failure to timely adopt approximately 83 percent of all amendments required to be adopted over the review period. The review team recommended that the State evaluate its regulation development program and implement appropriate measures to ensure that rules or generic legally binding requirements are adopted in a timely manner to meet compatibility requirements. The MRB discussed the changes in Nebraska's rule making process, and actions the Program has taken since the onsite review to address the overdue regulations. The Nebraska Department of Health and Human Services (Department) has given the pending regulations, which are overdue, high priority. The pending regulations have been approved for public hearing, and will be prioritized upon completion of the hearing. In addition, the Department formed a quality improvement team to work on streamlining the regulation development and review process. The MRB considered Nebraska's response to the draft report and commitments made between the Program and the Department's legal services and determined the Program met the intent of the team's recommendation. Therefore, the MRB determined that a formal recommendation in this regard was no longer needed and requested that the recommendation be removed from this report.

The review team found Nebraska's performance with respect to this indicator to be "satisfactory, but needs improvement". The MRB agreed that Nebraska's performance met the criteria for a "satisfactory, but needs improvement" rating for this indicator.

4. **MRB Consultation/Comments on Issuance of Report.** The review team recommended, and the MRB agreed, that the Nebraska Agreement State Program be found adequate to protect public health and safety and compatible with the NRC's program. The review team recommended, and the MRB agreed, the next IMPEP review take place in approximately four years with a periodic meeting mid-cycle. The final report may be found in the NRC's Agencywide Documents Access and Management System using the Accession Number ML16105A230.
6. **Precedents/Lessons Learned.** None applicable to this review
7. **Adjournment.** The meeting was adjourned at approximately 2:15 p.m. (ET)