

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF NEW MEXICO
SEPTEMBER 28, 2017

The attendees were as follows:

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

Fred Brown, MRB Chair, OEDO
Scott Moore, MRB Member, NMSS
Tison Campbell, MRB Member, OGC
Brian Goretzki, MRB Member, AZ
James Lynch, Team Leader, Region III
Santiago Rodriguez, NM

Paul Michalak, NMSS
Kevin Williams, NMSS
Lance Rakovan, NMSS

By videoconference:

Randy Erickson, Team Member, Region IV

Linda Howell, Region IV

By telephone:

Sherrie Flaherty, MN
Mark Andrews, Team Member, TN
Lizette Roldan-Otero, NMSS

Joe O'Hara, NMSS
Kathy Modes, NMSS
James Hesch, NM

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. New Mexico IMPEP Review. Mr. James Lynch, Team Leader, led the presentation of the New Mexico 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 review was conducted during the period of June 26 – 30, 2017, by a team comprised of technical staff members from the NRC and the States of Tennessee and Minnesota. A draft of this report was issued to New Mexico on July 28, 2017, for factual comment. The State responded to the findings and conclusions of the review by letter dated August 25, 2017. Mr. Lynch reported that the team found New Mexico's performance to be satisfactory for five out of six performance indicators. The indicator Compatibility Requirements was found to be satisfactory, but needs improvement, primarily due to the State's late adoption of most required regulations during the review period.
3. Common Performance Indicators.
 - a) Mr. Randy Erickson reviewed and presented the common performance indicator, **Technical Staffing and Training**. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. Mr. Erickson noted that because the Bureau experienced staff turnover throughout the review period and still had four vacancies, including a supervisor position, at the time of the 2017 review, the team believes the recommendation from the 2013 review should remain open. That recommendation was "The team recommends that the Bureau management

continue to aggressively pursue the filling of the current vacancies in order to ensure the program's continued adequacy and compatibility." The MRB, the team, and Mr. Santiago Rodriguez discussed the staffing issues the Program has faced. Mr. Rodriguez noted that the hiring freeze that was in effect earlier this year is no longer in effect, and that the Program is making progress in filling the open supervisor and senior inspector positions. Mr. Erickson noted that the team's review focused on performance and the team concluded that staffing shortages had negatively affected several areas of the program, as illustrated in the review of several performance indicators. The MRB debated whether to keep the recommendation open as suggested by the team. Ultimately, the MRB directed the recommendation be closed, and a new, re-focused recommendation be made that better reflected current circumstances.

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

- b) Mr. Mark Andrews 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 Mr. Rodriguez discussed challenges involving conducting reciprocity inspections and overdue inspections, and issuing inspection findings. The MRB directed that the report be revised to reflect that all inspections overdue at the time of the review had been completed.

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

- c) Mr. Andrews 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, the team, and Mr. Rodriguez discussed the documentation issues the team noted during the review and whether there was a connection to performance. The MRB directed that the report be revised to clarify that although documentation was an issue, performance was not.

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

- d) Ms. Sherrie Flaherty 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 found New Mexico's performance with respect to this indicator to be "satisfactory" and the MRB agreed.

- e) Mr. Lynch 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 team found New Mexico's performance with respect to this indicator to be "satisfactory" and the MRB agreed.

4. 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. The team found New Mexico's performance with respect to this indicator to be "satisfactory, but needs improvement." The MRB, the team, and Mr. Rodriguez discussed the State's regulation adoption process, including the role of the Radiation Technical Advisory Council (RTAC), as well as the significance of the NRC's comments on New Mexico regulations. Mr. Rodriguez requested that the rating for this indicator be changed to "satisfactory" based on precedent from other IMPEP reviews. Mr. Rodriguez noted that the State has made extensive use of license conditions to enforce against NRC regulations even when New Mexico regulations were not compatible. The team noted that this was not discussed during the on-site review and thus was not considered as part of the team's findings. The team leader stated that New Mexico had failed to share details about these license conditions in the response to the draft IMPEP report or at any other time during the IMPEP process. The MRB directed the staff to explore a letter to the State addressing their regulation adoption process.

The MRB voted to determine the rating of this indicator. By a three-to-two vote, the MRB agreed with the rating of "satisfactory, but needs improvement" for this indicator. However, the MRB directed that staff reevaluate the compatibility of the New Mexico program at the time of the periodic meeting and, if appropriate, propose a change for the indicator rating of Compatibility Requirements to "satisfactory."

5. MRB Consultation/Comments on Issuance of Report. The team recommended, and the MRB agreed, that the New Mexico Agreement State Program be found adequate to protect public health and safety and compatible with the NRC's program. The team recommended, and the MRB agreed, the next IMPEP review take place in approximately 4 years. The MRB directed that a periodic meeting be held in approximately 2 years and that the Compatibility Requirements indicator status be reevaluated at that time. The final report may be found in the ADAMS using the Accession Number ML17276A100.
6. Precedents/Lessons Learned. None applicable to this review.
7. Adjournment. The meeting was adjourned at approximately 3:20 p.m. (ET)