

MINUTES: SPECIAL MANAGEMENT REVIEW BOARD MEETING OF OCTOBER 30, 2018

The attendees were as follows:

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

Daniel Dorman, MRB Chair, OEDO
Andrea Silvia, MRB Member, OGC
Marc Dapas, MRB Member, NMSS
Daniel Collins, NMSS

Paul Michalak, NMSS
Duncan White, NMSS
Robert Johnson, NMSS

By telephone:

Jared Thompson, MRB Member, OAS
Scott Morris, MRB Member, Region IV
Kathy Modes, NMSS
Lizette Roldan-Otero, NMSS
Joseph O'Hara, NMSS
Lance Rakovan, NMSS
Monica Ford, Region I
James Trapp, Region I

Mary Bennett, Rhode Island
Bill Dundulis, Rhode Island
Charma Waring, Rhode Island
Stephen James, Ohio
Jeff Dausat, Louisiana
Lee Cox, North Carolina
Douglas Shearer, Member of the Public

1. **Convention:** Mr. Duncan White convened the meeting at approximately 1:02 p.m. (ET). He noted that this Special Management Review Board (MRB) meeting was open to the public. Introductions of the attendees were conducted.

2. **Periodic Meeting Discussions:**

Periodic Meeting with the Rhode Island Agreement State Program

Ms. Monica Ford led the discussion of the results of the periodic meeting held with the Rhode Island Department of Health (ADAMS Accession Number: ML18291A582). The periodic meeting was held in Providence, Rhode Island, on September 17, 2018.

During the March 2016 Integrated Materials Performance Evaluation Program (IMPEP) review of the Rhode Island Agreement State Program (the Program), the review team found the State's performance satisfactory for the performance indicators Technical Quality of Inspections, Technical Quality of Licensing, Technical Quality of Incident and Allegation Activities, and Compatibility Requirements; satisfactory, but needs improvement, for the performance indicator Technical Staffing and Training; and unsatisfactory for the performance indicator Status of Materials Inspection Program. The review team left one recommendation open from the 2011 IMPEP review and made no new recommendations. The MRB found the Rhode Island Agreement State Program adequate to protect public health and safety, but needs improvement, and compatible with the NRC's program. Upon deliberation, the MRB issued two additional recommendations to the Program. The MRB directed that the Program continue to be monitored by the NRC, that calls between the Rhode Island Department of Health and NRC staff be conducted quarterly, and that a periodic meeting take place approximately 1 year from the 2016 IMPEP review and a second periodic meeting be held approximately 18 months after the first periodic meeting.

The first periodic meeting was held with the Program on March 9, 2017. Based on the results of the first periodic meeting, the MRB agreed to continue the Program's monitoring period, conduct a second periodic meeting, and continue the quarterly calls. The second periodic meeting was held on September 17, 2018.

Ms. Ford noted that the Program had taken several actions to address the recommendations from the 2011 and 2016 IMPEP reviews and discussed the status of the Program performance improvement recommendations.

Recommendation 1: That the program management take measures to ensure proper documentation of inspection tracking dates and ensure the Program's licensing and inspection files are complete.

Status: To address the first part of the recommendation, the Program Supervisor is actively tracking inspection dates through various means. To address the second part of the recommendation, after the 2016 IMPEP review, the administrative support staff went through all of the files and color coded them by inspection Priority and placed them in the correct order. The Program is training several temporary administrative support staff to support filing efforts and hopes to use the temporary staff going forward.

Recommendation 2: That the State take appropriate measures to conduct Priority 1, 2, and 3 inspections and initial inspections in accordance with the inspection priority in IMC 2800.

Status: All Priority 1, 2, and 3 inspections have been completed in accordance with the inspection priority listed in the NRC's IMC 2800. One new license application requiring an initial inspection was issued since the 2016 IMPEP review. At the time of the periodic meeting Rhode Island staff were still working on completing that initial inspection. Since the conclusion of the periodic meeting that inspection has been completed.

Recommendation 3: That program management develop and implement an action plan to reduce the licensing renewal backlog.

Status: The Program did not specifically develop and implement a specific action plan to address this recommendation. However, staff is actively working to complete all backlogged renewals. There are two remaining renewals to complete and the expectation is that both renewed licenses will be issued by the end of the calendar year. This is an improvement from the 2017 periodic meeting where a backlog of nine renewal actions existed. The Program is aware of the need to complete the renewals in a timely manner and will ensure timely completion of renewal actions received going forward.

Based on the information provided at the periodic meeting, Ms. Ford stated that NRC staff recommends that Rhode Island continue on Monitoring and the next IMPEP review be conducted as scheduled in March 2020. Additionally, the NRC staff recommends that quarterly calls continue to be held with the Rhode Island Agreement State Program as a part of the Monitoring process and specifically focus on efforts to: (1) get appropriate administrative support so that licensing and inspection files are completed, (2) reduce the backlog of renewal actions and ensure that renewal actions received are completed in a timely manner, and (3) address the recommendations made as a result of the 2016 IMPEP review.

The MRB discussed the basis to keep the Program on Monitoring. Ms. Ford stated that while the Program appears to be headed in the right direction, the NRC has not seen a period of sustained performance, as outlined in NMSS Office Procedure SA-116.

The Program has been on Monitoring since 2012 and still has some of the performance weaknesses outlined below:

- The Program only became fully staffed at the technical level in 2017 and half of the technical staff are still going through qualifications and problems still exist with filing positions. Based on the information provided, this recommendation has not yet been fully addressed.
- Since this was a periodic meeting no files were pulled to verify the Programs claim that all Priority 1, 2, 3 or initial inspections were completed on time since the 2016 IMPEP review.
- The Program has not fully addressed recommendation 3. At the time of the periodic meeting the Program had five renewals still pending and the Program indicated that they completed three of those actions before the MRB. However, it has taken them 2.5 years to work off the back log and they still have actions pending.

The MRB voted unanimously to keep the Program on Monitoring; however, it was the opinion of the Agreement State Liaison to the MRB that the Program be removed from Monitoring. All MRB members agreed that the next IMPEP review take place in March 2020.

3. Comments from members of the public:

Prior to the conclusion of the meeting several members of the public provided comments. Two individuals commented on the MRB's discussion on Monitoring. Another individual articulated previously expressed concerns about the Program's performance and provided examples where they felt performance was unsatisfactory. The MRB Chair thanked the members of the public for their comments and closed the meeting.

4. Process Changes/Comments: None applicable to these meetings.

5. Precedents/Lessons Learned: None applicable to these meetings.

6. Adjournment: The meeting was adjourned at 2:17 p.m. (ET).