

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF TEXAS
APRIL 24, 2018

The attendees were as follows:

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

Dan Dorman, MRB Chair, OEDO
Marc Dapas, MRB Member, NMSS
Mary Spencer, MRB Member, OGC
Monica Ford, Team Leader, Region I
Maurice Heath, Team Member, NMSS
Ron Linton, Team Member, NMSS
Joe O'Hara, Team Member, NMSS
Francis Cameron, Member of the Public

Kevin Williams, NMSS
Linda Howell, NMSS
Paul Michalak, NMSS
Lance Rakovan, NMSS
Charlotte Sullivan, TX
Charles Maguire, TX
Kelly Cook, TX

By videoconference:

Darrell Roberts, MRB Member, Region III
Tara Weidner, Team Member, Region I
Binesh Tharakan, Team Member, Region IV
Michelle Simmons, Team Member, Region IV

Randy Erickson, Region IV
James Trapp, Region I
Mark Shaffer, Region IV
Vivian Campbell, Region IV

By telephone:

Santiago Rodriguez, MRB Member, NM, OAS
David Stradinger, Team Member, ND
Philip Goble, Team Member, UT
Alisha Stallard, TX
Brad Broussard, TX
Hans Weger, TX
David Hastings, TX
Lee Line, TX
Fred Duffy, TX
Nicole Traphan, TX
Anastasia Ozain-Porterie, TX
Jason Kelly, Member of the Public

Kathy Modes, NMSS
Lizette Roldan-Otero, NMSS
Karen Bachtel, TX
Muhammadali Abbaszadeh, TX
Bobby Janecka, TX
Tony Gonzalez, TX
Gehan Flanders, TX
Vaishali Tendolkar, TX
Kan Tu, TX
Zhenwen Jia, TX
Ben Wishert, TX

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. Texas IMPEP Review. Ms. Monia Ford, Team Leader, led the presentation of the Texas Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. She summarized the review and the team's findings for the eight indicators reviewed. The on-site review was conducted by a team composed of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the States of Louisiana, North Dakota, and Utah during the period of January 29 – February 9, 2018. A draft report was issued to Texas for factual comment on March 13, 2018. Texas

responded to the team's findings by letters dated April 9 and 10, 2018. Ms. Ford reported that the team found Texas' performance was satisfactory for seven indicators and satisfactory, but needs improvement, for two indicators: Technical Quality of Licensing Actions; and Uranium Recovery Program.

3. Common Performance Indicators.

- a) Mr. Binesh Tharakan 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 MRB, the team, and Texas representatives discussed the high level of staff turnover and progress Texas has made in filling vacancies. The MRB directed that additional language be included in the report involving the team's determination that staff turnover did not have a significant impact on the inspection program.

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

- b) Mr. Joe O'Hara 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 team found Texas' performance with respect to this indicator to be "satisfactory" and the MRB agreed.

- c) Mr. Dave Stradinger 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 Texas representatives discussed the significance of compliance versus performance-based inspections and expectations during inspections, as well as the weakness noted in the report involving inspecting the Yttrium-90 microsphere portion of the licensees; programs. The MRB and the team discussed why this issue was discussed in this section and not in Section 3.1 of the proposed final report. The MRB directed a number of changes to the report, including providing additional a statement that the Y-90 weakness was a program-wide knowledge deficiency in one narrow issues, revising the statement that this deficiency does not necessarily reflect on the quality of the rest of the inspection program, and including a statement in Section 3.1 of the final report pertaining to this issue.

The team found Texas' performance with respect to this indicator to be "satisfactory" and the MRB agreed. The MRB also supported the recommendation made by the team.

- d) Ms. Michelle Simmons 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 MRB, the team, and Texas representatives discussed the revised list of license conditions,

including the leak test condition discussed in the proposed final report. The MRB and the team discussed whether the team considered “unsatisfactory” for this indicator. The MRB directed that the number of licensing actions reviewed by the team be corrected in the final report.

The team found Texas’ performance with respect to this indicator to be “satisfactory but needs improvement” and the MRB agreed. The MRB also supported the recommendation made by the team.

- e) Ms. Tara Weidner reviewed and presented the common performance indicator, **Technical Quality of Incident and Allegation Activities**. Her presentation corresponded to Section 3.5 of the proposed final IMPEP report.

The team found Texas’ performance with respect to this indicator to be “satisfactory” and the MRB agreed.

4. Non-Common Performance Indicators.

- a) Ms. Monica Ford 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, the team, and Texas representatives discussed the perpetual care account cap numbers discussed in the report, as well as the number of regulations Texas provided to the NRC for comment and adopted during the review period.

The team found Texas’ performance with respect to this indicator to be “satisfactory” and the MRB agreed.

- b) Mr. James Pate reviewed the non-common performance indicator, **Sealed Source and Device Evaluation Program**. His presentation corresponded to Section 4.2 of the proposed final IMPEP report. The MRB, the team, and Texas representatives briefly discussed staffing issues and the progress Texas has made filling the vacant position noted in the proposed final report.

The team found Texas’ performance with respect to this indicator to be “satisfactory” and the MRB agreed.

- c) Ms. Ford presented the non-common performance indicator, **Low-Level Radioactive Waste Disposal Program**. The indicator was reviewed by Binesh Tharakan, Maurice Heath, and Phil Goble. Her presentation corresponded to Section 4.3 of the proposed final IMPEP report. The MRB, the team, and Texas representatives discussed whether training was an issue with the performance of “inspector 2” as noted in the proposed final report, including the Texas Commission on Environmental Quality’s response to the draft IMPEP report involving the debriefing of inspector accompaniments. The MRB sought clarification as to whether inspection results were communicated to licensees and, if so, how. The MRB directed that this issue be clarified in the final IMPEP

report. The MRB and the team discussed whether a “satisfactory, but needs improvement” rating for this indicator would be appropriate. Ms. Ford noted that the team had considered that rating, but ultimately went “satisfactory” for numerous reasons. The MRB directed several changes to the final report, including providing additional context involving the frequency of inspections.

The MRB members voted on the rating for this indicator. Two MRB members, including the MRB Chairman, voted to support the team’s recommendation of a satisfactory rating for this indicator, as did the Organization of the Agreement States Liaison. Two MRB members voted to find this indicator “satisfactory, but needs improvement.” Thus, ultimately the MRB found Texas’ performance with respect to this indicator to be “satisfactory.” The MRB also supported the three recommendations by the team, as well as closing the recommendations from previous reviews involving this indicator.

- d) Ms. Ford presented the non-common performance indicator, ***Uranium Recovery Program***. The indicator was reviewed by Binesh Tharakan, Ron Linton, and Phil Goble. Her presentation corresponded to Section 4.4 of the proposed final IMPEP report. The MRB, the team, and Texas representatives discussed the similarities and differences between this indicator and the LLRW indicator.

The team found Texas’ performance with respect to this indicator to be “satisfactory, but needs improvement” and the MRB agreed. The MRB also supported the three recommendations by the team, as well as closing the recommendations from previous reviews involving this indicator.

5. MRB Consultation/Comments on Issuance of Report. The team recommended, and the MRB agreed, that the Texas 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. The final report may be found in the ADAMS using the Accession Number ML18120A324.
6. Precedents/Lessons Learned. None applicable to this review
7. Comments from Members of the Public. Two members of the public in attendance provided remarks.
8. Adjournment. The meeting was adjourned at approximately 5:15 p.m. (ET)