March 17, 2010

MEMORANDUM TO: Martin J. Virgilio
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Bradley W. Jones, Assistant General Counsel
for Rulemaking and Fuel Cycle
Office of the General Counsel

Cynthia A. Carpenter, Deputy Director
Office of Federal and State Materials
and Environmental Management Programs

Arthur T. Howell, Director
Division of Nuclear Materials Safety
Region IV

FROM: Aaron T. McCraw, IMPEP Project Manager ***/RA/***
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MINUTES: JANUARY 26, 2010 PENNSYLVANIA MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on January 26, 2010. If you have comments or questions, please contact me at (630) 829-9650.

Enclosure: Minutes of the Management
Review Board Meeting

cc w/encl: David Allard, Director
Pennsylvania Bureau
of Radiation Protection

Steve Collins, Illinois
Organization of Agreement
States Liaison to the MRB

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JANUARY 26, 2010

These minutes are presented in the same general order as the items that were discussed in the meeting. The attendees were as follows:

Marty Virgilio, MRB Chair, DEDMRT
Donna Janda, Team Member, Region I
Rachel Browder, Team Member, Region IV
Monica Orendi, FSME
Dave Allard, PA
Joseph Melnic, PA
Cynthia Carpenter, MRB Member, FSME
Solomon Sahle, Team Member, FSME
Duncan White, FSME
Robert Lewis, FSME
Ben Seiber, PA
Mike Franovich, OEDO

By Videoconference:

Art Howell, MRB Member, Region IV
Aaron McCraw, FSME
John Kinneman, Region I
Jim Lynch, Team Leader, Region III
Michelle Beardsley, FSME
Jim Kottan, Region I

By Teleconference:

Steve Collins, OAS Liaison, IL
Chuck McCracken, Team Member, OH

1. **Convention**. Ms. Michelle Beardsley convened the meeting at 1:09 p.m. She noted that this Management Review Board (MRB) meeting was open to the public; however, no members of the public participated in this meeting. She then transferred the lead to Mr. Marty Virgilio, Chair of the MRB. Introductions of the attendees were conducted.

2. **Pennsylvania IMPEP Review**. Mr. Jim Lynch, Team Leader, led the presentation of the Pennsylvania Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. He summarized the review and the team's findings. The on-site review was conducted by a review team comprised of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the State of Ohio during the period of November 16-20, 2009. A draft report was issued to the Commonwealth for factual comment on December 16, 2009. The Commonwealth responded to the review team's findings dated January 11, 2010.

   Common Performance Indicators. Ms. Donna Janda presented the findings regarding the common performance indicator, Technical Staffing and Training. Her presentation corresponded to Section 2.1 of the proposed final IMPEP report. The review team found Pennsylvania's performance with respect to this indicator to be "satisfactory" and made no recommendations. Ms. Cynthia Carpenter asked about the Commonwealth's hiring freeze. Mr. Dave Allard responded that the Bureau of Radiation Protection (the Bureau) has the funding for the vacant positions, but cannot hire do to the Commonwealth-wide hiring freeze. He was confident that the Bureau could handle a short-term hiring freeze, but was concerned if the hiring freeze continued for a longer period of time. Ms. Carpenter asked about the manager vacancy. Mr. Allard replied that the Commonwealth has someone acting in that position and has a strong candidate for when the position is

authorized to be filled. The MRB agreed that Pennsylvania's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Solomon Sahle presented the findings regarding the common performance indicator, Status of Materials Inspection Program. His presentation corresponded to Section 2.2 of the proposed final IMPEP report. The review team found Pennsylvania's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Pennsylvania's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Chuck McCracken presented the findings regarding the common performance indicator, Technical Quality of Inspections. His presentation corresponded to Section 2.3 of the proposed final IMPEP report. The review team found Pennsylvania's performance with respect to this indicator to be "satisfactory" and made no recommendations. Mr. Art Howell inquired about the review team's observations on the attendance at exit meetings from the inspector accompaniments. Mr. Lynch explained that the inspector's general attitude was that exiting with the radiation safety officer instead of the licensee's managers was adequate. Mr. Howell asked if the Commonwealth has established new expectations for inspectors. Mr. Allard responded that there is better guidance now. The MRB agreed that Pennsylvania's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Rachel Browder presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions. Her presentation corresponded to Section 2.4 of the proposed final IMPEP report. The review team found Pennsylvania's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Pennsylvania's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Lynch presented the findings regarding the common performance indicator, Technical Quality of Incident and Allegation Activities. His presentation corresponded to Section 2.5 of the proposed final IMPEP report. The review team found Pennsylvania's performance with respect to this indicator to be "satisfactory" and made one recommendation. The review team recommended that the Commonwealth strengthen its incident response program to ensure that incidents are appropriately investigated and are promptly reported to NRC, as appropriate. The MRB agreed that Pennsylvania's performance met the standard for a "satisfactory" rating for this indicator.

Non-Common Performance Indicators. Ms. Janda presented the findings regarding the non-common performance indicator, Compatibility Requirements. Her presentation corresponded to Section 3.1 of the proposed final IMPEP report. The review team found Pennsylvania's performance to be "satisfactory" and made no recommendations. The MRB agreed that Pennsylvania's performance met the standard for a "satisfactory" rating for this indicator.

MRB Consultation/Comments on Issuance of Report. Mr. Lynch concluded that the Pennsylvania Program was found "satisfactory" for all performance indicators reviewed. Overall, the review team recommended, and the MRB agreed, that the Pennsylvania

Agreement State Program was “adequate to protect public health and safety” and “compatible with NRC’s program.” Based on the results of the current IMPEP review, the next IMPEP review of the Pennsylvania Agreement State Program will take place in approximately 4 years.

3. **Precedents/Lessons Learned.** The MRB established no new precedents during this meeting.

4. **Adjournment.** The meeting was adjourned at approximately 2:05 p.m.