

June 16, 2010

MEMORANDUM TO: Michael F. Weber
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

Marc L. Dapas, Deputy Regional Administrator
Region I

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: MAY 19, 2010 TEXAS MANAGEMENT REVIEW
BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on May 19, 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: Richard Ratliff, Manager
Radioactive Materials Licensing Branch
Texas Department of State Health Services

Susan Jablonski, Director
Radioactive Materials Division
Texas Commission on Environmental Quality

Robert Gallagher, Massachusetts
Organization of Agreement
States Liaison to the MRB

Management Review Board Members

Distribution: DCD (SP01)

MSSA RF

MBeardsley, FSME/MSSA

JLynch, RIII

JKatanic, FSME/MSSA

RBrowder, RIV/RSOA

RidsFsmeDmssa

AHowell, RIV

ADias, FSME/MSSA

ML101670002

OFC	FSME/MSSA			
NAME	ATMcCraw: knm1			
DATE	06/16/10			

OFFICIAL RECORD COPY

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF MAY 19, 2010

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

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

Mike Weber, MRB Chair, DEDMRT
Brad Jones, MRB Member, OGC
Terry Reis, FSME
Jim Luehman, FSME
Stephen Poy, FSME
Kathy Brock, OEDO

Cindi Carpenter, MRB Member, FSME
John Saxton, Team Member, FSME
Duncan White, FSME
Karen Meyer, FSME
Antonio Dias, ACRS

By videoconference:

Marc Dapas, MRB Member, Region I
Rachel Browder, Team Member, Region IV
Richard Ratliff, TX
Alice Rogers, TX
Devane Clarke, TX
Bob Free, TX

Janine Katanic, Team Member, FSME
Earl Fordham, Team Member, WA
Cindy Cardwell, TX
Darice Bailey, TX
Gary Smith, TX
Ruben Cortez, TX

By telephone:

Bob Gallagher, OAS Liaison, MA
Chris Grossman, Team Member, FSME
George Johns, Team Member, MN
Aaron McCraw, FSME
Ann Jocelyn, Save the Ogallala

Jim Lynch, Team Leader, Region III
Sandi Kessinger, Team Member, IL
Susan Jablonski, TX
Michelle Beardsley, FSME

- 1. Convention.** Ms. Michelle Beardsley convened the meeting at 10:00 a.m. (EDT). She noted that this Management Review Board (MRB) meeting was open to the public. One member of the public, Ann Jocelyn of Save the Ogallala, participated in this MRB meeting. Ms. Beardsley then transferred the lead to Mr. Mike Weber, Chair of the MRB. Introductions of the attendees were conducted.
- 2. Texas IMPEP Review.** Mr. Jim Lynch, Team Leader, led the presentation of the Texas 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 composed of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the States of Illinois, Minnesota, and Washington during the period of February 22-26, 2010. A draft report was issued to the State for factual comment on March 25, 2010. Both of the State agencies that comprise the Texas Agreement State Program, the Department of State Health Services (the Department) and the Commission on Environmental Quality (the Commission), responded to the review team's findings dated April 14, 2010.

Common Performance Indicators. Mr. Lynch presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. The review team found Texas's performance with respect to this indicator to be "satisfactory" and made no recommendations. Mr. Brad Jones inquired about the status of the Department's requests for a waiver to Texas's hiring freeze. Ms. Alice Rogers responded that the exemptions were granted. Mr. Marc Dapas proposed, and the other MRB members concurred, that the final report should reflect the current status of the Department's requests for a waiver to the hiring freeze. The MRB agreed that Texas's performance met the standard for a "satisfactory" rating for this indicator.

Mr. George Johns presented the findings regarding 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 Texas's performance with respect to this indicator to be "satisfactory" and made no recommendations. Mr. Dapas inquired about the number of inspection findings that were dispatched to the respective licensees beyond the State's 30-day goal. Mr. Johns indicated that it was a personnel issue and that the Department took appropriate corrective action. Mr. Dapas proposed, and the other MRB members concurred, that additional text should be added to the final report to clarify that, despite the number of overdue inspection findings, Texas's performance with respect to inspection findings timeliness was acceptable. The MRB agreed that Texas's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Johns also presented the findings regarding the common performance indicator, Technical Quality of Inspections. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team found Texas's performance with respect to this indicator to be "satisfactory" and made no recommendations. Mr. Jones stated that, as written, the proposed final report implied that sensitive documents were released to the public. Mr. Johns clarified the intent of the text in the proposed final report. Mr. Jones proposed, and the other MRB members concurred, that the text in the report should be revised to reflect Mr. John's clarification. Mr. Dapas inquired about the performance of annual supervisory accompaniments of senior inspectors. Ms. Darice Bailey indicated that the Department will ensure that senior inspectors are also accompanied on an annual basis. The MRB agreed that Texas'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 3.4 of the proposed final IMPEP report. The review team found Texas's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Texas's performance met the standard for a "satisfactory" rating for this indicator.

Dr. Janine Katanic presented the findings regarding 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 review team found Texas's

performance with respect to this indicator to be “satisfactory” and made no recommendations. The MRB agreed that Texas’s performance met the standard for a “satisfactory” rating for this indicator.

Non-Common Performance Indicators. Dr. Katanic presented the findings regarding the non-common performance indicator, Compatibility Requirements. Her presentation corresponded to Section 4.1 of the proposed final IMPEP report. The review team found Texas’s performance to be “satisfactory” and made no recommendations. The MRB agreed that Texas’s performance met the standard for a “satisfactory” rating for this indicator.

Ms. Sandi Kessinger presented the findings regarding the non-common performance indicator, Sealed Source and Device (SS&D) Evaluation Program. Her presentation corresponded to Section 4.2 of the proposed final IMPEP report. The review team found Texas’s performance to be “satisfactory” and kept one recommendation from the 2005 Texas IMPEP Review open. The 2005 IMPEP review team recommended that the Department develop and implement an inspection program to verify that the quality assurance/quality control requirements in the SS&D Registry sheets are being implemented by the manufacturer. In its April 14, 2010 response to the draft IMPEP report, the Department contested that this recommendation should be withdrawn. The review team, the Department, and the MRB discussed the team’s findings, the recommendations, and the Department’s position at great lengths. Ultimately, the MRB concluded that the recommendation should remain open; however, Texas should be afforded an opportunity to present information to the review team that could be used to close the recommendation prior to the issuance of the final report. (After the MRB meeting, further discussions between the review team and the Department yielded sufficient information to close the recommendation.) The MRB agreed that Texas’s performance met the standard for a “satisfactory” rating for this indicator.

Messrs. Earl Fordham and Chris Grossman presented the findings regarding the non-common performance indicator, Low-level Radioactive Waste Disposal Program. Their presentation corresponded to Section 4.3 of the proposed final IMPEP report. The review team found Texas’s performance to be “satisfactory” and made no recommendations. The MRB agreed that Texas’s performance met the standard for a “satisfactory” rating for this indicator.

Mr. John Saxton presented the findings regarding the non-common performance indicator, Uranium Recovery Program. His presentation corresponded to Section 4.4 of the proposed final IMPEP report. The review team found Texas’s performance to be “satisfactory” and made no recommendations. Mr. Dapas proposed, and the other MRB members concurred, that the report should be modified to clarify that written inspection reports are generated for each uranium recovery inspection; however, licensees are not provided a copy unless specifically requested. The MRB agreed that Texas’s performance met the standard for a “satisfactory” rating for this indicator.

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

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 Texas Agreement State Program will take place in approximately 4 years.

Public Participation. Ms. Jocelyn asked how a member of the public should share information with NRC if that person has particular information regarding the licensing of the low-level waste site in Texas. Mr. Weber asked if the information has been shared with the Commission, Ms. Jocelyn responded affirmatively. Mr. Duncan White informed Ms. Jocelyn that any information regarding the performance of the Texas Agreement State Program would be entered into NRC’s allegation process.

3. **Precedents/Lessons Learned.** The MRB established no new precedents during this meeting.
4. **Adjournment.** The meeting was adjourned at approximately 12:15 p.m. (EDT).