

January 25, 2011

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 Reactor and Materials Rulemaking
Office of the General Counsel

Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

Cynthia D. Pederson, Deputy Regional Administrator
Region III

FROM: Karen N. Meyer, IMPEP Administrative Coordinator */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: TRANSCRIPT: January 12, 2011 VIRGINIA
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed is the transcript of the MRB meeting held on January 12, 2011. If you have comments or questions, please contact me at (301) 415-0113.

Enclosure: Cover Page and Transcript of the
Management Review Board Meeting

cc w/encl.: Maureen Dempsey, MD, FAAP
Chief Deputy for Public Health

Cynthia Sanders, GA
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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TRANSCRIPT: MANAGEMENT REVIEW BOARD MEETING OF January 12, 2011

The attendees were as follows:

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

Michael Weber, MRB Chair, DEDMRT
Bradley Jones, MRB Member, OGC
Robert Lewis, FSME
Lisa Dimmick, FSME
Kathleen Schneider, FSME

Charles Miller, MRB Member, FSME
Mike Welling, VA
Duncan White, FSME
Karen Meyer, FSME

By videoconference:

Cynthia Pederson, MRB Member, Region III
Ken Lambert, Team Member, Region III
John Kinneman, Region I

Jim Lynch, Team Leader, Region III
Monica Orendi, Team Member, Region I

By telephone:

Cynthia Sanders, MRB Member, GA

Mark Light, Team Member, OH

1. **Convention.** Ms. Michelle Beardsley convened the meeting at 10:00 a.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public; however, no members of the public participated in this meeting. Ms. Beardsley then transferred the lead to Mr. Michael Weber, Chair of the MRB. Introductions of the attendees were conducted.
2. **MRB Consultation/Comments on Issuance of Report.** A full transcript of the MRB meeting minutes is attached. The MRB found the Virginia Agreement State Program “adequate to protect public health and safety” and “compatible with NRC’s program.” The MRB also agreed with the one recommendation made by the review team:
 - 1) The review team recommends that the Commonwealth implement, use, and update the licensing and inspection qualification journals for each staff member. (Section 2.1)Based on the results of the current IMPEP review, the MRB agreed that the next IMPEP review of the Virginia Agreement State Program should 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 11:45 a.m. (ET).

FTS-NUCLEAR REGULATORY COMMISSION

**Moderator: Karen Meyer
January 12, 2011
9:00 am CT**

Coordinator: Recording of the FTS Nuclear Regulatory Commission conference call with Karen Meyer as the conference leader scheduled for Wednesday, January 12, 2011 at 9:00 am Central Time, call ID 9044023.

Excuse me, this is the conference coordinator. Today's call is being recorded. If anyone has any objections you may disconnect at this time. You may begin.

Woman: Thank you.

Man: Good morning everybody, welcome to the management review board for the integrated materials performance evaluation program review of the Virginia Agreement State Program. This is a public meeting. If there are any members of the public online, please identify themselves and their affiliation. Hearing none, I will turn this over to Michael Weber, the Chair of the MRB.

Michael Weber: Well good morning. I'd like to add my welcome to all the participants this morning. I know some of you have risked limb and life to get to your destinations. For those of you in Region 3 in Chicago, the rest of the country has your weather so thank you very much.

Woman: Yeah you complain.

Michael Weber: My name is Michael Weber and I'm NRC's Deputy Executive Director for materials, waste, research, state, tribal, and compliance programs. We're meeting today as the management review board to review the integrated materials performance evaluation program review of the Virginia Agreement State Program.

The IMPEP team conducted a thorough evaluation of Virginia's program in November of 2010 and I'd like to point out that this is the first IMPEP review that the commonwealth has received since becoming an agreement state on March 31, 2009.

The management review board will make an overall assessment of the team's review along with other information including the recent response from the commonwealth. And by the end of the meeting the board will determine the adequacy and compatibility of the Virginia Agreement State Program as well as appropriate follow-on activities.

At this point I'd like each of the members of the management review board to introduce themselves. I will chair the board, Brad?

Brad Jones: Brad Jones, OGC

Charlie Miller: Charlie Miller, Director of FSNA.

Michael Weber: Cindy?

Cindy Pederson: Cindy Pederson, Deputy Regional Administrator, Region 3.

Enclosure

Michael Weber: And Cynthia?

Cynthia Sanders: Cynthia Sanders, Georgia Department of Natural Resources, Rad Materials Program Management.

Michael Weber: And you are also serving as the organization's agreement states liaison. I'd like to welcome the representatives of the commonwealth of Virginia to our MRB. The Virginia program is administered by the Radioactive Materials Program in the Division of Radiological Health in the Virginia Department of Health. Mike Welling has joined us, Mike would you like to introduce yourself?

Mike Welling: Mike Welling, Director of the Radioactive Materials Program.

Michael Weber: Thank you and welcome to our MRB. And now for the IMPEP team which was led by Jim Lynch NRC's Region 3. Jim please introduce yourself and your team members or have them introduce themselves.

Jim Lynch: Can you hear us okay here?

Michael Weber: Loud and clear.

Jim Lynch: All right. I'm Jim Lynch, I chaired the team, I was the team leader for the Virginia IMPEP review. I'm the state agreements officer here in Region 3, snowy Chicago. Also on the team a fellow member of our group here in Region 3 Ken Lambert. Ken is a senior health physicist. Also Monica Orendi. Monica is the new state agreements officer in Region 1. And we also have Mark Light from the State of Ohio. (Mark) is a supervisor of the medical licensing and inspection group.

Michael Weber: And Jim I understood that Donna Janda also provided support by helping out with some inspector accompaniment.

Jim Lynch: Yeah, good point Mike, thank you. Donna graciously helped out with an accompaniment helping the team.

Michael Weber: Okay thanks Jim. Other participants, if we could have you introduce yourselves from here in (Rockville).

Rob Lewis: Rob Lewis from FSME.

Kathy Schneider: Kathy Schneider from FSME.

Lisa Dimmick: Lisa Dimmick from FSME.

Karen Meyer: Karen Meyer, FSME.

Michael Weber: And I know we have John Kinneman in our NRC Region 1 office, (John) do you want to introduce yourself?

John Kinneman: Yeah it's John Kinneman, I'm director of the division of nuclear material safety and Monica Orendi is here with me.

Michael Weber: And Michelle would you introduce yourself please?

Michelle Beardsley: Yes, Michelle Beardsley from FSME.

Michael Weber: Do we have anybody else on the phone or on the video line?

Mark Light: Mark Light.

Michael Weber: Oh Mark Light. Mark Light, I think Jim introduced yourself but if you wouldn't mind if you could introduce yourself as well.

Mark Light: Yes sir, Mark Light from the snowy state of Ohio. I am the medical licensing and inspection supervisor to the state.

Michael Weber: Okay thank you. Anyone else on the line? If not, Jim if you would proceed with the presentation of the IMPEP review for the commonwealth of Virginia.

Jim Lynch: Very good thank you. As Mike mentioned, this was the initial review of the Virginia program. They're relatively new in the agreement state and as you'll hear today the report is very good. It looks like the state of Virginia or the commonwealth of Virginia has gotten off to a good start.

What we'd like to do is step through each of the six performance indicators. As a reminder to everyone, the findings for the indicators that the team recommends to the management review board are satisfactory, satisfactory but needs improvement, or unsatisfactory. You'll hear today that all of our findings met the higher rating of satisfactory.

Now the first indicator is looking at technical staffing and training for the program and I'll turn this over to Monica Orendi. Monica will you take that one?

Monica Orendi: Thanks Jim. The team looked at the response to the IMPEP questionnaire relative to this indicator, interviewed program management and staff, and considered any possible backdrops in licensing or compliance actions. The Virginia agreement state program is composed of the program manager, four radiation safety specialists, and one program assistant. The review team estimated that the program expends approximately 4.65 FTE to administer the agreement state program. At the time of the review the program had one vacancy which was the program assistant position.

The programs have a documented training plan for technical staff. In the commonwealth of Virginia's application and common agreement state the commonwealth submitted and committed to using qualification journals for each staff member.

The review team found that while qualification journals were started when the commonwealth became an agreement state, their continued use for current staff and implementation for new staff has not been sustained. The review team recommends that the commonwealth implement, use, and update the licensing and inspection qualification journals for each staff member.

Based on the IMPEP evaluation criteria the review team recommends that Virginia's performance was an indicator of technical staffing and training we found satisfactory with one recommendation.

Michael Weber: Thanks Monica. Charlie, comments, questions?

Charlie Miller: Yeah, in the response to the draft report Virginia committed to try to complete the qualifications journal by the time of the MRB meeting. Has that happened?

Jim Lynch: Yes it has.

Charlie Miller: Okay that's all I had Mike.

Michael Weber: Okay thank you. Would you suggest the report note that?

Charlie Miller: Yeah I would. Yes I think that's worthwhile. It has been completed, we can get that into the file for them.

Michael Weber: All right, any other questions. Cindy Pederson?

Cindy Pederson: Yeah a question on the issue of the journal. Is it more of a documentation issue or was it that training wasn't conducted?

Michael Weber: Mike do you want to answer that or Monica?

Monica Orendi: It was more of a documentation issue.

Cindy Pederson: Okay so the staff was qualified, what we would consider qualified so it was just an issue of the training journals being caught up?

Monica Orendi: Yes.

Cindy Pederson: Thank you, I have no other questions.

Michael Weber: Okay thank you Cindy. How about Cynthia?

Cynthia Sanders: No comments.

Michael Weber: Charlie, do you support the team's findings?

Charlie Miller: I do.

Michael Weber: Brad?

Brad Jones: Yes.

Michael Weber: Cindy?

Cindy Pederson: Yes.

Michael Weber: And Cynthia?

Cynthia Sanders: Yes.

Michael Weber: Cynthia for convenience I'll refer to you as Cynthia and I'll refer to Cindy Pederson as Cindy.

Cynthia Sanders: Okay.

Michael Weber: That helps.

Cynthia Sanders: Okay.

Michael Weber: Because I understand you prefer to be called Cynthia.

Cynthia Sanders: Yes, yes.

Michael Weber: Okay. And so shall it be.

Cynthia Sanders: Okay.

Michael Weber: Okay let's go on to the next indicator. Jim?

Jim Lynch: The next indicator is the status of materials inspection program. This is a look at the numbers behind the inspection program and Ken Lambert will discuss it.

Ken Lambert: Good morning.

Michael Weber: Good morning.

Ken Lambert: We reviewed this portion of the program and determined that the inspection frequencies were compatible with section manual 2800 for all licensees and in fact I think they are a priority 5 small medical programs figure frequency rather than the 5 year frequency that we recommend.

Over 97% of all inspections formed by time during the first two years in a program and there was only two licensees that were overdue. All initial inspections were conducted within 12 months and the vast majority of inspection reports were issued within 30 days. There were some though that were outside of that range but they were generally a few days but I think the longest one we saw was 15 days outside of the 30 days.

The agencies performing inspections of those NRC are frequent states, licensees that are requesting reciprocity to come in and do work in the state commonwealth of Virginia.

And these inspections that were performed, I see that the criteria and the inspection 2800, in fact they did about 28% of the licensees that came into the states versus the recommendation and chapter of 20%. Therefore the review team recommends that the commonwealth of Virginia's performance be found satisfactory in this indicator.

Michael Weber: Thank you. Charlie, questions, comments?

Charlie Miller: Yes I had a couple. In listening to the discussion I'd like to get a clarification. You talked about the inspection reports only being a few days late. In the write-up it talks about inspection correspondence were - 28 out of 96 were greater than 30 days. Could I get a clarification on the difference between the two?

Michael Weber: Ken are you going to...

Charlie Miller: Yeah I'm looking at page 3.

Ken Lambert: Let me - page 3. Right, there was about - what do they say, about 28 more than 30 days.

Charlie Miller: Right but it said inspection correspondence, it didn't say inspection reports. Is there a - Mike is there a difference?

Ken Lambert: It should say inspection reports.

Mike Welling: What he's talking about is the letter that we actually send the licensee if we don't issue a 591, like we have the same form you do, the letter with the recommendation or violations. We put in there we'd like to submit them within 30 days of when the inspection was performed. Of the 96 we performed, 28 we actually - the letter was

sent out greater than 30 days from the inspection date that we're trying to get.

Charlie Miller: Was that a start-up issue?

Mike Welling: More of a correspondence back and forth between myself and my staff of the reports, getting the report completed and actually having the letter ready to go.

Charlie Miller: Okay. Is that something that you think will get more efficient or, I mean, is there reason for why?

Mike Welling: No a real reason or rhyme to it, it's just sometimes the workload, holidays, there's different - each one was kind of a unique difference. I do have two staff that work from home so there's a lot of emails back and forth versus actually being in the office face to face. It does cause a little bit of time delay in working out that issue.

Charlie Miller: It sounds like from what you're saying 30 days challenge for about 1/4 of them.

Mike Welling: It was the first year.

Charlie Miller: The first year, that's what I'm saying. Yeah but is that something that you see that could become more efficient?

Mike Welling: Yes.

Charlie Miller: Okay. The second question I had was just a curiosity question that I'd like to ask. We talked about let's see, onsite inspection, I'm at the bottom of page 3, reciprocity and you exceeded the criteria for 20%. We do think to do that and just out of curiosity, was there any reason why you felt compelled you had to do that? What I'm looking for is are you seeing things from reciprocity that a general agreement state program...

Woman: Charlie could you...

Charlie Miller: I'm sorry, are you having a hard time hearing me?

Woman: Charlie, yes I am. Could you get a little closer? Thank you.

Charlie Miller: The question - a lot of questioning that I'm asking are, you know, sometimes we'll see states exceed the 20% of criteria for reciprocity and one of the things we try to get our arms around on a national level are you seeing things that's causing you to feel that you need to go out more with regard to folks coming into the state to do reciprocity work.

You know, we try to share the information nationally if there's any alerts or if there's any concerns about companies doing types of things that we know at the national level as they move from state.

Mike Welling: Charlie the reason we did it was our first year and stuff and we were trying to get out and not only meet our customers, our client licensees, but anybody out there working in Virginia to transition from the NRC to Virginia. That was the real reason to get out there.

And secondly the majority of our reciprocity folks have priority 1s, the radiographers, service licensees and stuff, but we work with (unintelligible) and other things. So we're focusing even though it says 20% we're trying to get as many of those as we can.

And what we do is if we see a problem we will notify the state that they came for more of the NRC if they were to get a license but we did not find any major problems.

Charlie Miller: So your resources can support that?

Mike Welling: Yes.

Charlie Miller: Okay. Great, that's good.

John Kinneman: Charlie?

Charlie Miller: Yeah (John)?

John Kinneman: I apologize for breaking in. Could you both be a little bit more aware of the microphone?

Charlie Miller: Yeah I don't know how I can get much closer Mike. I guess we have a poor microphone today (John), you know, I'm sitting on top of it.

John Kinneman: Sometimes you're great and sometimes you're gone.

Charlie Miller: Yeah okay.

John Kinneman: I believe we're missing the conversation.

Charlie Miller: It must be the snow.

Mike Welling: I'll reiterate. What I told Charlie was - is due to the transition being the new agreement state, we strived to go out and do as many reciprocity as possible to introduce ourselves not only to the reciprocity licensee but our licensee themselves where they were working at certain facilities. And also to get my staff trained on certain inspections and to look for any issues that are out there during the reciprocity and then we would report those issues to the appropriate agreement state or NRC licensee that they came under.

John Kinneman: Thank you Mike, that was much better.

Charlie Miller: Okay that's all I had Mike, thank you. Thank you for those explanations.

Michael Weber: Brad, comments, questions?

Brad Jones: Nothing additional.

Michael Weber: All right, Cindy, comments or questions?

Cindy Pederson: No thank you.

Michael Weber: And Cynthia, comments or questions? Cynthia?

Cynthia Sanders: Oh sorry, I had it on mute.

Michael Weber: No problem.

Cynthia Sanders: I was talking away. No I would just like to also commend, you know, Mike and his group for being able to, you know, at least do that many reciprocity and exceed the 20%, you know, requirement. I think that's commendable that you did that.

Michael Weber: Okay and Cynthia do you support the team's finding?

Cynthia Sanders: Yes I support it.

Michael Weber: Okay Cindy?

Cindy Pederson: Yes I do.

Michael Weber: Brad?

Brad Jones: Yes.

Michael Weber: Charlie?

Charlie Miller: Yes I do.

Michael Weber: Okay so let's go on to the next indicator please.

Jim Lynch: The next indicator is the technical quality of inspections and Ken Lambert will discuss this one as well.

Ken Lambert: Yes the team reviewed a wide variety of inspection reports including academic, medical, radiography, (unintelligible) including requirements as well as NSPS the National Source Packing System. We found that the inspection results were well documented. Identified violations were appropriately cited and also well documented and supported in the instruction reports.

Virginia management is performing annual accompaniments of inspectors. And the review team accompanied three of the four inspectors and noted that inspectors performed state inspections were well trained and knowledgeable of the regulations. Therefore the review team recommends that Virginia's performance be found satisfactory in this area.

Michael Weber: Thank you Ken.

Ken Lambert: Any questions?

Michael Weber: Charlie, questions or comments?

Charlie Miller: I guess just one comment. I'd like to give them kudos on their inspection accompaniments. I think that's great. We don't see that all the time so great job there.

Michael Weber: Thanks, Brad?

Brad Jones: I'm just curious, are the inspectors finding this more difficult because of having two people located remotely? Because we do see problems with people that are all in the same office.

Mike Welling: Of the two, one yes because - (unintelligible) lives six hours away. That one does cause a little bit of trouble. It takes more time to work on a calendar. But the other one lives an hour away so that's not a problem.

Michael Weber: Did you catch Brad's question?

Woman: Yes.

Michael Weber: Okay.

Man: Actually in Region 1 I had great difficulty hearing you.

Michael Weber: Brad's question, given the remote location of some of the inspectors, did that pose a challenge to complete the inspector accompaniment.

Man: Thanks Mike.

Michael Weber: And I think Mike's response was yes, to one of them, yes.

Brad Jones: That's all I had.

Michael Weber: Okay thanks. Cindy Pederson?

Cindy Pederson: Just a couple of items. It looks like at the time of the IMPEP, one had not yet been accompanied. Has that person been accompanied?

Mike Welling: He is actually a brand new hire so he's actually not performing inspections yet. He has gone out with myself and the other inspector in our Richmond office but he is not qualified to do inspections on his own yet.

Cindy Pederson: Okay. The second item is maybe a little more - I'm sorry Ken did you want to add here?

Ken Lambert: Mike I think she's talking to wasn't there one qualified inspector, wasn't it (unintelligible) that you hadn't accompanied that did the inspection?

Mike Welling: Yeah (Charles), sorry. Yeah (Charles). I did his accompaniment in December.

Ken Lambert: Okay.

Cindy Pederson: Thanks for that clarification. The other question is a little more philosophical and maybe more for the MRB members than specifically for the commonwealth. And it's states making recommendations to licensees.

I see that in the text that Virginia does make recommendations to licensees and, I mean, the portion of the reports (unintelligible) and so forth. My question is more philosophical as to that's not something we actually even allow our inspectors to do and so I'm trying to understand how - as far as the IMPEP process what the position is or the thinking is regarding states making recommendations to licensees.

Man: Cindy if I could just intercede, I think we have seen this in other state reviews so other agreement state programs do provide recommendations to their licensees I understand. And so I think what the commonwealth practice is consistent with what we have found in other programs. (Kathy) or (Rob), do you want to add?

Kathy Schneider: This is Kathy Schneider. When we first actually reengineered the process that was an issue that we brought up in the '96-'97 timeframe. It's consistent with what the state allows.

Our policy is that we not give any recommendations to licensees but several states in their relationships with their licensees do allow them to do that so it's consistent with what they're allowed to do in their states. We don't comment one way or the other as long as there's nothing from a performance standpoint that will jump out. It's been an

accepted practice for years.

Cindy Pederson: Thanks (Kathy).

Man: And Mike I presume you do this in a way that you don't feel in any way that it compromises your independence as agreement state regulator.

Mike Welling: My recommendations are based on just a helpful hint, it's not based on being a consultant and explore them, just items we think could be done better to prevent them from becoming a violation.

Man: To that line that you have to avoid crossing in terms of losing your independence.

Mike Welling: Yes and that is expressed with the inspectors to (unintelligible) cross the line.

Cindy Pederson: Maybe for a clarification to make sure I have an appropriate understanding of it, what I think I heard is maybe a difference in terminology. We make observations about things we observe that aren't violations and then it allows the licensees to take action to address it before they become violations just as Mike stated. But what I'm a little less clear on, you actually made suggestions on what the corrective action should be or is that the line you've drawn?

Mike Welling: The line is that we don't tell them how to fix it, we will just tell them we see a possibility of it becoming an issue through a violation in the future.

Cindy Pederson: That sounds similar to what we would call an observation so I have a better understanding, thank you. Nothing further.

Michael Weber: Thanks, Cynthia?

Cynthia Sanders: I just wanted to commend on the recommendations. I believe in the past in the early 90s the way the State of Georgia handled it as a result of at least some of the IMPEP...

Cindy Pederson: We're having a difficult time hearing Cynthia.

Cynthia Sanders: Oh can you hear me now? Can you hear me a little better? Hello?

Michael Weber: We've got you Cynthia, keep going.

Cynthia Sanders: Okay yeah, I was just saying that what the State of Georgia does is that if something is not quite - we don't consider like, you know, a violation and, you know, to avoid getting into what we call recommendations and we wanted to address it in the inspection, we call it a non-citable violation. I think that was something that kind of came down from ERC doing IMPEP like back in the 90s.

So we wouldn't quite call it, you know, say we're recommending something but if we felt it was an issue that needs to be addressed then we would list it in the report as if it was what we're calling a non-citable violation and usually the licensee will address it.

Michael Weber: Okay. Did you have any other questions or comments on this indicator?

Cynthia Sanders: No other comments and questions.

Michael Weber: Okay.

Man: I thought I heard - did anyone join the line?

Man: I was probably speaking too loud so the phone (unintelligible).

Man: There was a beeping on the line.

Man: Yeah I heard that.

Michael Weber: Okay the only comment that I would make on this indicator is I see that as part of the review we did look at the adequacy of protecting sensitive and security related information and it seems like the state is doing a good job in fulfilling those functions. We have seen other challenges in other programs and in some of our previous discussions we have identified the need to work with the agreements to clarify what those expectations.

But I wanted to not let this pass without commending you for what you're doing because it appears that you're doing the right thing. So Charlie do you support these recommendations?

Charlie Miller: I do.

Michael Weber: Brad?

Brad Jones: Yeah but we should probably update the one comment to say that they have accompanied that inspector.

Michael Weber: Okay, Cindy?

Cindy Pederson: Yes I support it.

Michael Weber: Okay, Cynthia?

Cynthia Sanders: Yes I support it.

Michael Weber: Okay, let's go on to the next indicator please.

Jim Lynch: The next indicator is the technical quality of licensing actions and our team member from the state of Ohio Mark Light will talk about this one.

Mark Light: Thank you Jim, good morning everybody. Can you hear me okay?

Michael Weber: Coming through loud and clear. People on the video, can you hear Mike, Jim, (Mark)?

Mark Light: Yes?

Michael Weber: Go ahead.

Mark Light: Okay, great. I'm - my section was the technical quality of licensing actions. And as all the team members realize, the NRC transferred approximately 400 specific licenses to Virginia's jurisdiction in March of 2009.

At the time of review about 424 licenses were available for review. The majority of the license amendments completed by the program during the review period generally consisted of merging NRC licenses into Virginia licenses and reformatting all of the

NRC licenses in the program's license template.

I reviewed 27 specific license actions or the team did. The casework was also reviewed for timeliness, appropriate deficiency letters, cover letters, reference to appropriate regulations, and supporting documentation. The licenses also clearly were marked to document official use only security related information as appropriate.

Based on the casework evaluated the review team concluded that the licensing actions were high quality and consistent with new Reg 1556 guidance documents. The commonwealth's regulations in good health physics practices.

The program performs pre-licensing checks to all new applicants and the program's methods incorporate the essential elements of the NRC's revised pre-licensing guidance to verify the applicants will use requested radioactive materials as intended.

We also reviewed increased controls in -- excuse me -- fingerprinting orders which are incorporated in the commonwealth's regulation. And the program requires full implementation of the increased controls prior to the issuance of a new license or amendment that meets the established criteria.

In the review three new licenses were reviewed, five renewals, four decommissioning or termination actions, and 15 amendments which include a cross section of medical, diagnostic, and therapy, industrial radiography, research and development, temperate pharmacy, and manufacturers.

Based on the IMPEP criteria the review team recommends that Virginia's performance with respect to the indicator technical quality of licensing actions be found satisfactory.

- Michael Weber: It sounds like a very thorough (Mark), thanks for that summary. Charlie, questions or comments?
- Charlie Miller: Just a question. In performing the pre-licensing checks, does that include a site visit, looking at the location?
- Mike Welling: Not unless - if we can verify them as a known entity then no. Unless there are increased controls, they will fall under increased controls, then we do perform the site inspection to verify what's in place prior to the issuing of a license.
- Charlie Miller: Okay. How about if they're a non known entity? But you probably haven't encountered that.
- Mike Welling: Not yet. If they're a non known entity we can't verify it, then yes we would do a site inspection.
- Charlie Miller: All right thank you.
- Michael Weber: Brad, questions or comments?
- Brad Jones: No questions.
- Michael Weber: Cindy?
- Cindy Pederson: Nothing here thank you.

Michael Weber: Cynthia?

Cynthia Sanders: No comment.

Michael Weber: Okay Charlie do you support the recommendation?

Charlie Miller: Yes I do.

Michael Weber: Or the team's findings?

Charlie Miller: I do.

Michael Weber: Brad?

Brad Jones: Yes.

Michael Weber: Cindy?

Cindy Pederson: Yes.

Michael Weber: Cynthia?

Cynthia Sanders: Yes.

Michael Weber: Okay, let's proceed to the next indicator please.

Jim Lynch: The next indicator is the technical quality events of incident and allegation activities. Fortunately Virginia has not had a lot of incidents, not a lot of significant incidents in the first part of their program. As we looked, they had a total of 11 that had occurred.

Man: (Unintelligible). I was trying to move your mike closer.

Jim Lynch: But it will work, okay. We reviewed a total of 11 incident responses. The commonwealth took appropriate action on each of those in those situations. Where health and safety was potentially compromised, they did on site inspections. For those incidents that were less significant they did telephone follow-ups with the licensees.

The incidents were all reported appropriately to the NRC Operation Center if appropriate and also to (NANMET) and we had no issues in that area. The documentation saw the incidents were inconsistent. Some of the reports from licensees were missing from the files. Mike was planning to go back and see if they could recreate those incident files to be more complete. But they have taken actions now to make that documentation process better.

On the allegation side of this indicator only one allegation was reviewed. None of the - no allegations were sent to the commonwealth from NRC. One was sent internally in the commonwealth followed up appropriately including good closure with the ledger so no issues in that area. The team recommends to the NRC that a finding of satisfactory be identified for this indicator.

Michael Weber: Thanks Jim. Charlie, questions or comments?

Charlie Miller: Just one thing. I try to bring this up as much as I can in MRBs. And, you know, thank you. Current reporting of events, extremely accurate reporting is very important for us because with our agreement state partners it helps us to get a better national picture,

especially if we want to look towards are there any generic problems out there that we all need to focus on. So I appreciate timely reporting of things, thanks. That's all.

Michael Weber: Okay thanks. Brad?

Brad Jones: I'd just make one comment. On the next to last paragraph in this section, since there was one allegation, the word consistently probably doesn't make sense.

Man: (Unintelligible).

Brad Jones: It just...

Man: Was it consistency, is that what you were asking Brad?

Brad Jones: Yeah it says consistently but we're only dealing with one allegation. It just - it reads funny.

Man: Oh okay. Yeah, good point. We can modify that.

Brad Jones: It's minor, it struck me as odd.

Michael Weber: Okay thank you.

Brad Jones: That's it.

Michael Weber: Cindy?

Cindy Pederson: Nothing on this section, thanks.

Michael Weber: Cynthia?

Cynthia Sanders: No comment on this section.

Michael Weber: Then my question for you on this is getting back to the inconsistency of the documentation and the investigations on the event. It seems like you identified a concern and Mike agreed that attention would be given to documentation. Did you consider whether recommendation was appropriate? Because I know we've given recommendations in this area in other reviews of IMPEP programs.

Jim Lynch: Yeah we did consider recommendations. However, we were able to through conversations with staff members recreate the responses although the documentation was not in the files. We felt that we've got all the information that we needed and from a performance standpoint we felt that everything was taken care of, was just some missing reports. That's why we did that, go to a recommendation.

Michael Weber: Thank you, that helps. Charlie do you support the team's findings?

Charlie Miller: I do.

Michael Weber: Brad?

Brad Jones: Yes.

Michael Weber: Cindy?

Cindy Pederson: Yes.

Michael Weber: Cynthia?

Cynthia Sanders: Yes.

Michael Weber: Great. Let's proceed onward.

Jim Lynch: The last indicator is compatibility requirements. We'll go back to Monica for that.

Monica Orendi: Virginia became an agreement state on July 31, 2009. Since that time there has been no changes to legislation that affect the agreement state program. Virginia regulations are not subject to sunset laws.

The review team evaluated the program's response to the questionnaire, reviewed the status of regulations required to be adopted by the commonwealth to verify the adoption of regulations with data obtained from the state regulation status sheet that FSME maintains.

At the time of the review Virginia has no overdue regulations and has completed all outstanding regulation changes through the last NRC final rule making which was issued in 2009. Based on the IMPEP evaluation criteria the review team recommends that Virginia's performance with respect to the indicator compatibility requirements be found satisfactory.

Michael Weber: Okay thank you Monica. Charlie, questions or comments?

Charlie Miller: I have no questions.

Michael Weber: Brad?

Brad Jones: No questions.

Michael Weber: Cindy?

Cindy Pederson: Nothing thanks.

Michael Weber: And Cynthia?

Cynthia Sanders: No questions.

Michael Weber: Wow, that's great. That brings us to the summary Jim.

Jim Lynch: Yeah as you've heard, the review went very well. The findings for all six were satisfactory. One recommendation was made, that was for the qualification journals which Mike tells us now is - has been corrected and that will continue on in the future.

The team recommends that Virginia's agreement state program be found adequate to protect public health and safety and be found compatible with the NRC's program. And we recommend to you that the next review of this program be conducted in four years which is our standard timeframe.

Michael Weber: Okay thanks Jim. Charlie, questions or comments?

Charlie Miller: Yeah just a couple of comments. Again, Virginia has got off to a great start. That's really encouraging so thank you Mike for you and your staff. Secondly, as you can see, we hold the IMPEP process to be very dear to our hearts.

So as a new agreement state I encourage you to become a participant with the IMPEP process that's both, you know, your staff and yourself and we always need good team leaders and participants so I encourage that because it helps us give a good peer review to each other.

And I guess finally just thank you for coming in personally today. I think it's extremely important and it shows the dedication to the program especially in bad weather so thank you.

Michael Weber: Okay, Brad?

Brad Jones: Just congratulations on a great start.

Michael Weber: Cindy?

Cindy Pederson: Ditto, very nice to see a new program like this get off on the right foot and so strongly. Thank you.

Michael Weber: And Cynthia?

Cynthia Sanders: Yes I'd just like to say congratulations also to the state of Virginia on their first IMPEP.

Michael Weber: Okay, both congratulatory remarks as endorsement of the team's findings and not go around for a separate polling. So I would just add my congratulations very strong showing for the commonwealth and we look forward to many of the same in the future. Are there any additional comments from the IMPEP team?

Charlie Miller: Oh I did have one question. Futuristically looking, if Virginia ever gives authority for mining of uranium in Virginia, would you see the agreement getting modified? Do you see Virginia being interested in regulating that activity?

Mike Welling: Is this personal or professional?

Charlie Miller: Personally or professionally, whatever your view is.

Mike Welling: As a representative from the commonwealth, as a representative for the Virginia Radioactive Materials Program, we have no interest. We have no staffing available to handle such a workload.

I cannot speak for the commonwealth as far as governor's office or the Department of Health, what their issues or concerns are and whether they want to take it back or not. Unless they allow us to get quite a few new staff members and training involved we're going to recommend that we do not.

Charlie Miller: Okay. As things progress with that, if you get information keep (Duncan) informed so we don't misspeak.

Mike Welling: Yes sir.

Charlie Miller: Okay because it does get press from time to time.

Mike Welling: Every day, Virginia.

Michael Weber: Jim did you want to make a comment?

- Jim Lynch: Yeah just one final comment. I guess it's not unexpected that a guy from Wisconsin should go out and get a program going in a good fashion. But, you know, Virginia has done a very nice job in getting their program off the ground and, you know, hopefully they can continue that and hopefully the team made some comments that will be helpful to the program as well.
- Michael Weber: And I would note that the program is already supporting a broader array of agreements based by hosting the OAS annual meeting coming up in later this year, right, in August? Any additional comments from the commonwealth?
- Mike Welling: I'd just like to thank everybody for all their participation on the IMPEP and definitely took all their comments, recommendations to heart. It helps a new program especially my staff to hear comments from other people to help our program out. So we're taking it near to heart and we're putting it in place.
- Michael Weber: All right. Any members of the public join us? Okay and I understand (Mark) this was your third IMPEP review so I just wanted to say on behalf of the NRC we appreciate your contributions and those of the State of Ohio who I know routinely supports IMPEP reviews and the IMPEP process. That's what makes this whole process tick.
- I know we all have learned things by looking at other programs, not just to support the IMPEP but we shared good practices and ideas and pose questions to ourselves about how can we do a better job in protecting people and regulating radioactive materials. And I always find that to be a successful part of our process. Are there any process changes based on this IMPEP assessment that we should reflect on Jim?
- Jim Lynch: No I don't think so.
- Michael Weber: Okay, anybody else have any comments to close?
- John Kinneman: Mike this is John Kinneman. I'd just like to add my congratulations to Virginia and appreciate their cooperation during the whole process of becoming an agreement state and their continued cooperation with the region as we work through the events and issues of mutual interest that come up. So thanks a lot Mike and we look forward to continuing working with you.
- Michael Weber: Okay Charlie did you want to say?
- Charlie Miller: Yeah I just wanted to thank the team again for their dedication and professionalism in carrying out the review.
- Michael Weber: In addition to thanking the commonwealth and the team individually, Jim Lynch who led the team from Region 3; Monica who formerly was from FSME but now is in Region 1; Ken Lambert from NRC Region 3; Mark Light from the State of Ohio; and again (Donna Janda) for her support in helping out with some of the inspect accompaniment.
- I'd like to thank the MRB members including Cynthia Sanders who has joined us in snowy, icy Georgia this morning; Charlie; Brad; and Cindy Pederson. And (John) thank you for joining us also from Region 1. Go ahead.
- Cynthia Sanders: I just wanted to say one thing on the agenda. You actually have me from Ohio but you can correct that on the agenda. As the invitee, you have Cynthia Sanders from Ohio.

Michael Weber: Okay we'll do that, thank you. And unless there's additional salutations and compliments for the commonwealth, we are adjourned. Thank you.

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