

December 8, 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

Mark Satorius, Director
Office of Federal and State Materials
and Environmental Management Programs

Jennifer Uhle, Acting Deputy Regional Administrator
Region III

FROM: Lisa Dimmick, Health Physicist */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MINUTES: NOVEMBER 3, 2011, MARYLAND
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on November 3, 2011. If you have comments or questions, please contact me at (301) 415-0694.

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

cc w/encl.: Roland Fletcher, Manager
Radiological Health Program

Mike Stephens, State of Florida
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

Distribution: DCD (SP01)
MSSA RF
RidsFsmeDmssa
RidsFsmeOd
MSSA_Technical_Asst Resource
JBiggins, OGC
TRothschild, OGC
KBrock, OEDO
BMcDermott, FSME/MSSA
JLuehaman, FSME/MSSA
DWhite, FSME/MSSA
LDimmick, FSME/MSSA
MBerdsley, FSME/MSSA
CCarpenter, FSME
JWeil, OCA
MOrendi, RI/RSAO
DJanda, RI/RSAO
JKatanic, FSME
PLanzisera, RI
SSahle, FSME
JDaehler, MA

ML113550249

OFC	FSME/MSSA	
NAME	LDimmick via email	
DATE	12/ 8 /11	

OFFICIAL RECORD COPY

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF NOVEMBER 3, 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
Duncan White, FSME
Roland Fletcher, Maryland
Alan Jacobson, Maryland

Cynthia Carpenter, MRB Member, FSME
Lisa Dimmick, FSME
Solomon Sahle, Team Member, FSME
Ray Manley, Maryland
Barbara Park, Maryland

By videoconference:

Janine Kantanic, Team Leader, FSME
Penny Lanzisera, Team Member, Region I
Ray Lorsen, Region I
Michelle Beardsley, FSME

Jennifer Uhle, MRB Member, Region III
Donna Janda, Team Member, Region I
Jim Lynch, Region III

By telephone:

Mike Stephens, MRB Member, FL

Joshua Daehler, Team Member, MA

- 1. Convention.** Ms. Lisa Dimmick 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. Dimmick then transferred the lead to Mr. Michael Weber, Chair of the MRB. Introductions of the attendees were conducted.
- 2. Maryland IMPEP Review.** Ms. Janine Kantanic, Team Leader, led the presentation of the Maryland Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. She summarized the review and the team's findings for the five common performance indicators and the two non-common performance indicators. The team recommended a satisfactory finding for all but one indicator and made five recommendations. Overall, the team recommended the Maryland program is adequate to protect public health and safety and compatible with NRC. The on-site review was conducted by a review team composed of technical staff members from U.S. nuclear Regulatory Commission (NRC) and the Commonwealth of Massachusetts during the period of August 8 - 12, 2011. Prior to the onsite review, the team conducted four inspection accompaniments. At the time of the review, the Maryland program regulated 598 specific licenses. A draft report was issued to State for factual comment on September 7, 2011. The State responded to the review team's findings by letter dated October 12, 2011. The last IMPEP review for Maryland was conducted in August 2007. From the 2007 review, the State was found adequate and compatible and all performance indicators were found satisfactory and no recommendations were made.
- 3. Common Performance Indicators.** Ms. Donna Janda presented the findings regarding the common performance indicator, *Technical Staffing and Training*. Her presentation corresponded to Section 3.1 of the proposed final IMPEP report. The review team found

Maryland's performance with respect to this indicator to be satisfactory and made no recommendations. The MRB agreed that Maryland's performance met the standard for a satisfactory rating for this indicator. Ms. Janda summarized the Program's staffing as eight staff including three managers working full time and two technical staff working part time for the radioactive materials program. There was some turnover during the review period and there was one vacant position at the time of the review. The MRB inquired about turnover. The IMPEP team and Maryland representatives responded that vacancies drew prompt management attention, some salaries increases were made, and an inspector with a background in health physics and industry experience was hired. The program was able to balance licensing and inspection activities and new staff have been qualified.

Ms. Janine Katanic presented the findings regarding the common performance indicator, *Status of Materials Inspection Program*. Her presentation corresponded to Section 3.2 of the proposed final IMPEP report. The review team found Maryland's performance with respect to this indicator to be satisfactory and made no recommendations. The MRB agreed that Maryland's performance met the standard for a satisfactory rating for this indicator. The MRB engaged in discussion about overdue inspections and inspection frequencies and program codes as presented in the proposed report. The State reexamined and resubmitted data on overdue inspections just prior to the MRB. The MRB requested the report be updated to indicate that no inspections were performed overdue during the review period and that one initial inspection and not three was conducted overdue. In addition, the review team clarified for the MRB, a statement in the report that said some inspection priorities were less frequent than IMC 2800. The issue was related to typographical errors in Maryland's database. In a few cases, the inspection priorities were less frequent than those of IMC 2800; however, the review team determined that none of the typographical errors resulted in any inspections being overdue at the time of the review.

Ms. Janine Katanic presented the findings regarding the common performance indicator, *Technical Quality of Inspections*. Her presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team found Maryland's performance with respect to this indicator to be satisfactory and made one recommendation. The MRB agreed that Maryland's performance met the criteria for a satisfactory rating for this indicator. The evaluation of case work with a few exceptions demonstrates inspection reports are of high quality. The review team noted, in some instances, inspection documentation did not always address a review by the current inspector of items of non-compliance that were identified during previous inspections. The IMPEP team recommended that the State take measures to ensure that sufficient information pertaining to inspection review of items of non-compliance is adequately documented in inspection records. The MRB discussed this recommendation and questioned whether the issue was that followup on previous non-compliance issues was not conducted during inspections or that followup was not documented. The team responded that followup was sometimes not documented. The MRB discussed the scope of the recommendation and questioned the review team and State as to whether the lack of documentation was a programmatic issue or isolated. The State commented that the issue was not programmatic. The team commented that three case work files with the

deficiency out of 13 is relevant. The MRB kept the recommendation but requested a modification of the recommendation to give clarity. The recommendation was modified as follows: “The review team recommends that the State take measures to ensure that sufficient information pertaining to inspection review of items of non-compliance as well as the effectiveness of licensee corrective actions is adequately documented in inspection records.”

Ms. Penny Lanzisera 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 Maryland’s performance with respect to this indicator to be satisfactory, but needs improvement and made three recommendations. The MRB agreed that Maryland’s performance met the criteria for a satisfactory, but needs improvement rating for this indicator. However, the MRB requested modifications to one recommendation and removed one. Licensing actions were found to be generally complete, and with health, safety, and security issues properly addressed. For some casework files reviewed, all health and safety items as described in the NUREG-1556 “Consolidated Guidance About Materials Licenses” series of documents and the Program’s licensing guidance were not adequately addressed. The proposed final IMPEP report described some examples of safety issues not fully addressed. The MRB requested the recommendation addressing this issue to be clarified and include an expected action such as “the review team recommends that the State conduct a self-assessment to ensure that the Program’s review of licensing actions are adequately documented and that licensing actions are thorough and consistent with State regulations and appropriate licensing guidance.” The second recommendation was removed because the issue was isolated and the subject license was amended after the onsite review to authorize the manufacture/distribution of sealed sources or devices for medical use. During the MRB, Maryland noted that it had reviewed its other licenses and found that this was the only license that did not have the appropriate language authorizing distribution.

Ms. Donna Janda 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 Maryland’s performance with respect to this indicator to be satisfactory and made no recommendations. The MRB agreed that Maryland’s performance met the criteria for a satisfactory rating for this indicator.

4. **Non-Common Performance Indicators.** Mr. Solomon Sahle presented the findings regarding the non-common performance indicator, *Compatibility Requirements*. His presentation corresponded to Section 4.1 of the proposed final IMPEP report. The review team found Maryland’s performance with respect to this indicator to be satisfactory and made no recommendations. The MRB agreed that Maryland’s performance met the criteria for a satisfactory rating for this indicator. Maryland commented that the two final regulations that were pending at the time of the onsite review became effective on September 19, 2011. The MRB requested the report be updated to reflect the final status of these regulatory amendments.

Mr. Joshua Daehler presented the findings regarding 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 review team found Maryland's performance with respect to this indicator to be satisfactory and made one recommendation. The MRB agreed that Maryland's performance met the criteria for a satisfactory rating for this indicator. The MRB discussed the scope of the recommendation about the deactivation of obsolete sealed source and device registrations. To assure programmatic improvements and to prevent recurrence, the MRB requested the recommendation be modified as follows: "The review team recommends that, for the 25 obsolete SS&D registrations identified in Appendix G, the Program take actions to submit the status of those registrations for inclusion in the national Sealed Source and Device Registry, to include transfer of each registration to inactive status as recommended in Section 13.4 of NUREG 1556, Volume 3, Revision 1, "Applications for Sealed Source and Device Evaluation and Registration," and to take measures to ensure that future registrations that become obsolete are inactivated in a timely manner."

5. **MRB Consultation/Comments on Issuance of Report.** The MRB found the Maryland Agreement State Program adequate to protect public health and safety and compatible with NRC's program. Based on the results of the current IMPEP review, the MRB agreed that the next IMPEP review of the Maryland Agreement State Program take place in approximately 4 years.

The MRB commented on the strong performance by the Maryland program and commended Maryland for its commitment to public health and safety.

The MRB commented that the team report was very systematic and clear and correlated well with Management Directive 5.6.

6. **Precedents/Lessons Learned.** The MRB established no new precedents during this meeting.
7. **Adjournment.** The meeting was adjourned at approximately 1:00 p.m. (ET)