

April 25, 2012

MEMORANDUM TO: Michael F. Weber  
Deputy Executive Director for Materials, Waste,  
Research, State, Tribal, and Compliance Programs

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

Steven Reynolds, Director  
Division of Reactor Safety  
Region III

FROM: Michelle Beardsley, Health Physicist */RA K. Meyer for/*  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials  
and Environmental Management Programs

SUBJECT: MINUTES: APRIL 5, 2012  
SPECIAL MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the Special MRB meeting held on April 5, 2012 to discuss the periodic meetings held with the Pennsylvania, Mississippi and Texas Agreement State Programs. If you have comments or questions, please contact me at (610) 337-6942.

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

cc w/encl.: Robert Gallagher, Massachusetts  
Organization of Agreement States  
Liaison to the MRB

Management Review Board Members

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<b>NAME</b>	MBeardsley/knm1	
<b>DATE</b>	04/25/12	

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MINUTES: SPECIAL MANAGEMENT REVIEW BOARD MEETING OF April 5, 2012

The attendees were as follows:

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

Michael Weber, MRB Chair, DEDO  
Mark Satorius, MRB Member, FSME  
Duncan White, FSME

Bradley Jones, MRB Member, OGC  
Karen Meyer, FSME

By telephone:

Steven Reynolds, MRB Member, Region III  
Monica Orendi, Region I  
Rachel Browder, Region IV  
Janine Katanic, FSME  
David Allard, PA  
Susan Jablonski, TX

Robert Gallagher, MRB Member, MA  
Donna Janda, Region I  
Vivian Campbell, Region IV  
Michelle Beardsley, FSME  
Richard Ratliff, TX  
BJ Smith, MS

1. **Convention.** Ms. Beardsley convened the meeting at 1:08 p.m. She noted that this MRB meeting was open to the public; however, no members of the public participated in this meeting. She then transferred the lead to Mr. Michael Weber, Chair of the MRB. Introductions of the attendees were conducted.

2. **Periodic Meetings Discussions:**

**Periodic Meeting with the Pennsylvania Agreement State Program**

Ms. Donna Janda led the discussion of the results of the periodic meeting held with the Pennsylvania Bureau of Radiation Protection (ADAMS Accession Number: ML120380567). The meeting was held in Harrisburg on December 19, 2011. Ms. Janda stated that the last IMPEP review was conducted in November 2009. All performance indicators reviewed were found satisfactory. The review team made one recommendation for the Bureau to strengthen its incident response program to ensure that incidents are appropriately investigated and promptly reported to NRC. The MRB agreed that the Pennsylvania Agreement State Program be found adequate to protect public health and safety, and compatible with NRC's program.

During the periodic meeting, Ms. Janda stated that staff found the Pennsylvania Program had made progress on the one recommendation made during the previous IMPEP review in that they have assigned one staff member and a backup to ensure that incidents are appropriately reported in a timely fashion. The MRB asked for clarification in that the recommendation also stated that the Commonwealth should "appropriately investigate" all incidents. Ms. Janda clarified that since the IMPEP, the Program has appropriately investigated all incidents.

Ms. Janda noted that the strength of the Program lies with its experienced and competent staff and stable budget; however she noted that the Program's management positions have suffered salary freezes thereby hindering promotion potential for staff. There are currently two vacancies in the licensing program. The Program reported that they are maintaining the licensing program with no backlogs currently; however they are

concerned that in the year 2013 many of their licenses will be up for renewal and they hope to have hired and trained staff by that time. Ms. Janda further noted that the Program is current on all inspections with none overdue since the last IMPEP review. She stated that the Program incorporates their regulations by reference to NRC regulations.

The MRB asked the Program for further information regarding the statement in the report that they are experiencing issues with the availability of State vehicles for inspection performance. The Program explained that this problem is Agency wide and not just with their Program. They explained that they are forced to use their Emergency Response vehicle to perform inspections which is placing a strain on that vehicle, and is not a good practice.

The Program restated their concern as to an apparent trending issue with Y-90 thersphere underdosing events. Ms. Janda reported that this issue was sent to FSME medical staff previously and they are currently investigating.

Staff recommended, and the MRB agreed, that the next IMPEP review take place in 2014 as scheduled.

#### **Periodic Meeting with the Mississippi Agreement State Program**

Ms. Browder led the discussion of the results of the periodic meeting held with the Mississippi Department of Radiological Health (ADAMS Accession Number: ML11294A453). The meeting was held on September 20, 2011 in Jackson. Ms. Browder stated that the last IMPEP review was conducted in April 2009. The Program was found satisfactory for all performance indicators except Staffing and Training. The team made four new recommendations regarding procedure development and documentation, implementation of databases and implement process to document inspections involving violations; one recommendation was kept open from the 2005 IMPEP regarding staffing. The MRB agreed that the Mississippi program be found adequate to protect public health and safety, and compatible with NRC's program.

During the periodic meeting Ms. Browder stated that staff found the Mississippi Program had made significant progress on all recommendations especially with the staffing issue, where a new salary structure with significant salary increases and improved job classification structure had been recently approved. The MRB questioned whether these improvements in the salary structure have had enough time to show effectiveness. The Program stated that not enough time has elapsed as the improvements did not become effective until February 2012. The Program reported that they had lost one staff member since the Periodic Meeting.

Ms. Browder noted that Program staff work well together and management style is highly effective. She further noted that the Program is current on all inspections, licensing and regulation amendments.

An MRB member asked for clarification regarding the statement under the Materials Inspection Program (pg. 5 of the summary): "The security inspections are being

performed coincidentally on the same frequency as the health and safety inspections.” Ms. Browder clarified that it should read, “The security inspections are being performed concurrently on the same frequency as the health and safety inspections.”

The MRB questioned whether the new security policy issued by the Office of the Secretary of State posed any conflicts with NRC security policy. The State reported that there have been no apparent issues or conflicts.

Staff recommended, and the MRB agreed, that the next IMPEP review take place in 2013 as scheduled.

### **Periodic Meeting with the Texas Agreement State Program**

Ms. Browder led the discussion of the results of the periodic meetings held with the Texas Agreement State Program. She noted that the Texas Agreement State Program is administered by the Department of State Health Services (DSHS), which regulates approximately 1700 specific licenses authorizing byproduct, source, and certain special nuclear materials (radioactive materials), and the Texas Commission of Environmental Quality (TCEQ), which has regulatory responsibility for uranium recovery and the low-level radioactive waste (LLRW) program in the state. Ms. Browder stated that the last IMPEP review was conducted in February 2010. The Program was found satisfactory for all performance indicators reviewed. The MRB agreed that the Texas Agreement State Program be found adequate to protect public health and safety, and compatible with NRC's program.

#### *Texas Department of State Health Services:*

Ms. Browder stated that the periodic meeting was held with the Texas DSHS on February 23, 2012 in Austin (ADAMS Accession Number: ML12075A040). During the periodic meeting staff found that, despite numerous staff losses, the Department continues to effectively implement the program. They currently have nine vacancies across their licensing, inspection and SDDR sections, and are expecting additional losses due to staff attrition. These staffing vacancies have mostly impacted the licensing program where the Department is experiencing significant backlogs in license renewal actions. Otherwise, the Department is current on inspections and regulation amendments. Ms. Browder noted that Texas Agreement State staff actively participate in NRC working groups and IMPEP reviews, and also have representatives on several organizations, including Advisory Committee on the Medical Uses of Isotopes (ACMUI), Conference of Radiation Control Program Directors (CRCPD), and Organization of Agreement States (OAS.) The Program had several suggestions and comments on training which staff forwarded to the NRC Technical Training Center.

#### *Texas Commission of Environmental Quality:*

Ms. Browder stated that the periodic meeting with the Texas CEQ was held on February 22, 2012 in Austin (ADAMS Accession Number: ML12076A195). During the periodic meeting staff found that vacancies in the Uranium Recovery Program that occurred since the last IMPEP have been promptly filled; this can be attributed to the strong

support by the CEQ to the Uranium Recovery Program. The Low Level Radioactive Waste (LLRW) program has two vacancies which are in the process of being filled. Ms. Browder reported that there are no overdue inspection or regulation amendments.

The State reported that they were the first State to submit the latest regulation amendment implementing the GL rule to NRC for review (i.e. RATS 2012-1) for which the MRB commended them.

Staff recommended, and the MRB agreed, that the next IMPEP review take place in 2014 as scheduled.

**Comments.** Mr. Weber restated the MRB's decisions to maintain the next IMPEP reviews for the Pennsylvania and Texas Agreement State Programs as currently scheduled in Fiscal Year 2014, and in FY 2013 for the Mississippi Agreement State Program.

3. **Precedents/Lessons Learned.** IMPEP project management pointed out that Periodic Meeting summary reports are in final form, therefore any corrections or clarifications requested by the MRB will be noted in the meeting minutes.
4. **Adjournment.** The meeting was adjourned at 3:00 p.m.