

July 17, 2013

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

Brian Holian, Deputy Director
Office of Federal and State Materials
and Environmental Management Programs

Cynthia D. Pederson, Deputy Regional Administrator
Region III

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

SUBJECT: MINUTES: JUNE 25, 2013 MISSISSIPPI
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on June 25, 2013. 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.: Jim Craig, Director
Office of Health Protection
Mississippi State Department of Health

Jared Thompson, Arkansas
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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DATE	07/17/13	07/17/13

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JUNE 25, 2013

The attendees were as follows:

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

Michael Weber, MRB Chair, DEDMRT
Brian Holian, MRB Member, FSME
Bradley Jones, MRB Member, OGC
Lisa Dimmick, FSME
Jack Foster, OEDO

Brian McDermott, FSME
Pamela Henderson, FSME
Duncan White, FSME

By telephone:

Cynthia Pederson, MRB Member, RIII
Jared Thompson, MRB Member, AR
Michelle Beardsley, Team Leader, FSME
Brandon Juran, Team Member, MN

B.J. Smith, MS
Jayson Moak, MS
Randy Erickson, Team Member, RIV
Roberto Torres, RIV

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:00 p.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. **Mississippi IMPEP Review.** Ms. Michelle Beardsley, Team Leader, led the presentation of the Mississippi Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. She summarized the review and the team's findings for the six indicators reviewed. The on-site review was conducted by a review team composed of technical staff members from the NRC and the State of Minnesota during the period of April 15–19, 2013. Prior to the onsite review, the team conducted inspection accompaniments of four inspectors. A draft report was issued to the State for factual comment on May 16, 2013. The State responded to the review team's findings by email dated May 16, 2013. The last IMPEP review for Mississippi was conducted in April 2009. She further noted that all recommendations made during the previous IMPEP have been closed by this review team.

Common Performance Indicators. Mr. Randy Erickson 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 that the State is currently fully staffed; however, he noted that the State had experienced significant turnover during the review period with seven staff leaving, two returning and six new staff being hired. He reported that these positions were filled within 2 to 3 months of becoming vacant. Mr. Erickson and Ms. Beardsley noted that the recommendations from the previous IMPEP were being closed as the State had taken actions to stabilize staffing, develop and implement new procedures and revise other procedures to serve as a knowledge management tool. In addition, the team noted that the State had gone from paper records to an Excel spreadsheet for tracking licensing and inspection activities, and are working to implement the NRC's License Tracking System.

The MRB commended the State on the progress made to implement salary increases and its ability to hire staff in an expedited manner. The MRB questioned the impact of turnover on performance and if there were underlying cause(s) for turnover. During the staffing transitions, the State managed licensing and inspection activities without developing a backlog. There was no one particular cause for staff departures. Staff left for various reasons.

The review team found Mississippi's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Mississippi's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Beardsley 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. Ms. Beardsley reported that the team found that the State conducted 16 out of 250 Priority 1, 2 and 3 inspections overdue, and 1 out of 10 initial inspections overdue. Overall, this resulted in 7.3% overdue inspections during the review period. She noted that six of the overdue inspections were of licensees that have a Mississippi license, but the main offices are located out of state and these licensees do not operate within Mississippi each year. Ms. Beardsley noted that the remainder of the overdue inspections was due to the staff turnover experienced during the review period. The MRB questioned the statement in the report concerning the use of telephone/email to perform the inspections of out of state licensees. It was discussed that this is only one of several options that can be used to perform these types of inspections; management can use other means as they see fit to meet the inspection frequencies, goals and objectives.

The review team found Mississippi's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Mississippi's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Beardsley 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. She noted that the team found through the inspector accompaniments and examination of casework review, that inspectors were thorough, professional and addressed all health, safety and security issues. She further noted that the recommendations made during the previous IMPEP were closed by the team as the State had taken actions to document violations and corrective actions during the inspections; and had developed and implemented a procedure for the control of documents containing sensitive and security related information.

The review team found Mississippi's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Mississippi's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. Brandon Juran presented the findings regarding the common performance indicator, *Technical Quality of Licensing Actions*. His presentation corresponded to Section 3.4 of the proposed final IMPEP report. Mr. Juran reported that the team's review revealed that licensing actions were of high quality and consistent with the Division's licensing procedures and/or NUREG-1556 guidance documents, the State's regulations and good

health physics practices. He noted that the team identified one instance where a license requiring financial assurance was issued prior to having the proper instrument in place. Mr. Juran noted that the State's procedure for the control of documents containing sensitive information properly addressed the preparation and handling of these documents and is being implemented. The MRB asked if the issue involving the financial assurance instrument had been resolved. The State reported that they have received the proper financial assurance instrument and should be in place in the next two weeks.

The review team found Mississippi's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Mississippi's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. Randy Erickson presented the findings regarding the common performance indicator, *Technical Quality of Incident and Allegation Activities*. His presentation corresponded to Section 3.5 of the proposed final IMPEP report. Mr. Erickson reported that the review team found the State's responses to incidents and allegations to be complete and comprehensive. He noted that of the 22 incidents reviewed, 11 were reported outside of the time requirements identified in Appendix A of SA-300, "Reporting Material Events". Division management had explained to the team that they misunderstood the reporting requirements of 10 CFR 30.50(b)(2). The MRB questioned if this was a common misunderstanding with other States. Mr. White noted that FSME has issued communications regarding this issue previously as it occurred with other States.

The review team found Mississippi's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Mississippi's performance met the criteria for a "satisfactory" rating for this indicator.

3. **Non-Common Performance Indicators.** Ms. Beardsley noted that the only non-common indicator reviewed that was applicable to the Mississippi Program was Compatibility Requirements.

Ms. Beardsley presented the findings regarding the non-common performance indicator, *Compatibility Requirements*. Her presentation corresponded to Section 4.1 of the proposed final IMPEP report. Ms. Beardsley noted that during the review period, Mississippi submitted 13 final regulation amendments and 14 proposed regulations to the NRC for review- three of those were submitted overdue. She also noted that at the time of the review, the State had no overdue regulation amendments.

The review team found Mississippi's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Mississippi's performance met the criteria for a "satisfactory" rating for this indicator.

4. **MRB Consultation/Comments on Issuance of Report.** The MRB found the Mississippi 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 Mississippi Agreement State Program should take place in approximately four years.

5. **Precedents/Lessons Learned.** The MRB established no new precedents during this meeting
6. **Adjournment.** The meeting was adjourned at approximately 1:55 p.m. (ET)