

July 23, 2013

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

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

Cynthia D. Pederson, Deputy Administrator
Region III

FROM: Michelle R. Beardsley, Health Physicist */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
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SUBJECT: MINUTES: July 9, 2013
SPECIAL MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the Special MRB meeting held on July 9, 2013, to discuss the periodic meeting held with the Maine Agreement State Program. 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.: Aubrey Godwin, Arizona
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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MINUTES: SPECIAL MANAGEMENT REVIEW BOARD (MRB) MEETING OF July 9, 2013

The attendees were as follows:

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

Michael Weber, MRB Chair, OEDO
Bradley Jones, MRB Member, OGC
Brian Holian, MRB Member, FSME
Vivian Campbell, OEDO

Janine Katanic, FSME
Lisa Dimmick, FSME
James Clifford, RI

By telephone:

Cynthia Pederson, MRB Member, Region III
Aubrey Godwin, MRB Member, AZ
Daniel Collins, RI
Jay Hyland, ME

Michelle Beardsley, FSME
Donna Janda, RI
Pamela Henderson, FSME
Monica Orendi, RI

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 2:01 p.m. She noted that this MRB meeting was open to the public. She then transferred the lead to Mr. Michael Weber, Chair of the MRB. Introductions of the attendees were conducted.
2. **Periodic Meeting Discussion:**

Periodic Meeting with the Maine Agreement State Program

Ms. Monica Orendi led the discussion of the results of the Periodic Meeting held with the Maine Division of Environmental Health, Radiation Control Program (ADAMS Accession Number: ML13183A399). The meeting was held in Augusta on June 4, 2013. Ms. Orendi stated that the last IMPEP review was conducted in May 2011. The team found all indicators reviewed to be satisfactory and made three recommendations. The MRB determined that Maine's performance for the indicator Technical Staffing and Training be found satisfactory, but needs improvement; and all other performance indicators reviewed to be satisfactory. The team recommended, and the MRB agreed, that the Maine Agreement State Program be found adequate to protect public health and safety, and compatible with the NRC's program.

Ms. Orendi noted that during this periodic meeting, staff found that the Program has not made progress in addressing the recommendations made during the previous IMPEP review. Specifically, she noted that regarding the first recommendation for the State to develop and implement a strategy to address current and future staffing vacancies, the State has not been able to fill the vacant technical staff position. She further noted that this position is unable to be filled at this time due to a hiring freeze. Ms. Orendi also reported that the Program has 14 overdue Priority 1, 2, 3 and initial inspections since the last IMPEP review. She noted that the Program manager decided to allow these inspections to go overdue in order to use the time for training staff. Ms. Orendi noted that the State could not document that they had performed one initial inspection within the required timeframe. She also noted that the State had only performed one out of 24 reciprocity inspections since the last IMPEP. The MRB questioned the State if there was any prospect for the hiring freeze to be lifted. The State responded that this is unlikely

as a fee increase would have to be approved, and this is not likely with the current State administration. The MRB asked if the State had any plans to request a fee increase as it appears needed to fill this position and further if not, how will it keep the situation from degrading. The State responded that again, it could but it does not believe a fee increase would be approved at this time. The State further expressed its belief that once the State has all staff fully qualified to perform inspections, it will be able to complete all of the overdue inspections within six months. The MRB offered the State assistance via a letter of support; the State said it would consider.

Ms. Orendi stated that regarding Recommendation 2 for the State to perform annual supervisory accompaniments for each staff member, the State has not performed accompaniments in the years 2012 and 2013 to date. She noted that the program manager has not included field observations of the inspectors in determining their qualification approval. The State expressed its belief that this notation may not be totally accurate as the program manager accompanied the inspector who was moved into the program from another unit on inspections involving decommissioning, low level radioactive waste, etc., but not specifically on radioactive material inspections; however, the State acknowledged that it understands this does not meet the criteria for an inspection accompaniment.

Ms. Orendi reported that regarding Recommendation 3 for the State to expedite action to address the comments identified in the NRC letters dated August 21, 2006 and June 18, 2010, to promulgate and complete changes to State regulations; the State is still working on these and hopes to complete by the end of calendar year 2013.

The MRB discussed the section in the report on Sealed Source and Device evaluation assistance by the State of Massachusetts and agreed that this was a good option to pursue.

Ms. Orendi summarized the staff's findings during the periodic meeting by stating that the Maine Program has shown declining performance since the May 2011 IMPEP review, largely due to the retirement of the only fully qualified technical staff member in September 2012. The staff recommended that the Maine Agreement State Program be placed on Monitoring with quarterly calls conducted between the NRC and Maine Program. In addition, staff recommended that a periodic meeting be held in May 2014, and that the next IMPEP review be conducted as scheduled in May 2015. The MRB discussed with the staff their recommendation to request that a Performance Improvement Plan (PIP) be submitted; specifically if this would be a burden on the State at this time, and the expected benefit. Ms. Orendi responded that the staff hoped that a PIP would help the Program focus on the specific areas needing improvement and provide a means to track actions leading to completion. MRB members approved the submittal of a PIP; however they directed that the State be given 60 days to submit. The MRB agreed with the staff's recommendations.

Comments. Ms. Dimmick restated the MRB's decisions that the Maine Agreement State Program be placed on Monitoring with quarterly calls conducted between the NRC and the Maine Program, that a Program Improvement Plan be submitted within 60 days, that a periodic meeting be held in May 2014, and that the next IMPEP review be

conducted as scheduled in May 2015.

- 3. Precedents/Lessons Learned.** The MRB approved the submittal of a Program Improvement Plan with the initiation of a period of Monitoring (a Program Improvement Plan is required when a period of Heightened Oversight is initiated, not for Monitoring).
- 4. Adjournment.** The meeting was adjourned at 3:25 p.m.