

July 24, 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

Roberto J. Torres, Acting Deputy Director
Division of Nuclear Materials and Safety
Region IV

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 11, 2013
SPECIAL MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the Special MRB meeting held on July 11, 2013, to discuss the periodic meetings held with the Florida, New Jersey and Massachusetts 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.: Jared Thompson, AR
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 11, 2013

The attendees were as follows:

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

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

Janine Katanic, FSME
Lisa Dimmick, FSME

By telephone:

Roberto J. Torres, MRB Member, Region IV
Jared Thompson, MRB Member, AR
Donna Janda, Region I/RSO
James Clifford, Region I
Raymond Lorson, Region I
Kenneth Traegde, MA
Michael Whalen, MA
Jennifer Goodman, NJ
Latischa Hansen, RIV

Michelle Beardsley, FSME
Pamela Henderson, FSME
Cynthia Becker, FL
Michael Stephens, FL
Beverly Anderson, MA
Joshua Daehler, MA
Patricia Gardner, NJ
William Csaszar, NJ
Paul Orlando, NJ

1. **Convention.** Ms. Dimmick convened the meeting at 1:03 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 Meetings Discussions:**

Periodic Meeting with the Florida Agreement State Program

Ms. Donna Janda led the discussion of the results of the Periodic Meeting held with the Florida Department of Health, Bureau of Radiation Control (ADAMS Accession Number: ML13141A686). The meeting was held in Tallahassee on March 21, 2013. Ms. Janda stated that the last IMPEP review was conducted in March 2011. The team found the Program "satisfactory" for six indicators reviewed and "satisfactory, but needs improvement" for the indicator Compatibility Requirements. The team made no recommendations. The team recommended, and the MRB agreed, that the Florida Agreement State Program be found adequate to protect public health and safety, and compatible with NRC's program.

Ms. Janda reported that during the Periodic Meeting, the Florida Program reported that its strengths lie with their dedicated, experienced and well trained staff. In addition, the State noted that its large program size (1660 specific licenses) provides for increased flexibility in staffing and program process changes. Ms. Janda noted that the Program will face challenges in the near future with knowledge management due to staff retirements; and also with multiple turnover and reorganization in legal staff and changes to rulemaking statutes which added steps to the rulemaking process. Ms. Janda reported that at the time of the periodic meeting, the Program had four staffing vacancies. The MRB asked about the status of those vacancies; the State reported that there are two vacancies in the radioactive materials program currently. The MRB

questioned the statement in the periodic meeting summary providing feedback on the NRC's program, i.e., "The Program would appreciate more Agreement State representation on working groups." The State explained that since members of the Council of Radiation Control Program Directors (CRCPD) are no longer permitted on working groups, they would like to see additional Agreement State members on these groups. The MRB directed that this be taken as an item for consideration. The MRB asked the State if they have identified problems with not having the authority for the protection of allegeders' identities; the State responded that they have not noted any issues or problems.

Staff recommended, and the MRB agreed, that the next IMPEP review take place in FY 2015, as scheduled.

Periodic Meeting with the New Jersey Agreement State Program

Ms. Janda led the discussion of the results of the Periodic Meeting held with the New Jersey Department of Environmental Protection, Bureau of Environmental Radiation (ADAMS Accession Number: ML13157A229). The meeting was held in Ewing on March 27, 2013. Ms. Janda stated that the last IMPEP review was conducted in March 2011. The team found the Program "satisfactory, but needs improvement" for the indicators Status of Materials Inspection Program and Technical Quality of Licensing; and "satisfactory" for the remaining indicators reviewed. The team made two recommendations regarding the implementation of licensing procedures and pre-licensing guidance in accordance with the NUREG-1556 series, and to provide additional training to management and staff for all technologies that were transferred from the NRC. The team recommended, and the MRB agreed, that the New Jersey Agreement State Program be found adequate to protect public health and safety, and compatible with NRC's program.

Ms. Janda reported that during the Periodic Meeting, staff found that the State had implemented actions to address the recommendations made during the last IMPEP review. Ms. Janda noted that the New Jersey Program reported that its strengths lie with their dedicated, experienced and well trained staff that possesses strong investigative skills. Ms. Janda noted that the Program faces challenges with travel and purchase restrictions which impact staff training needs and their ability to be involved with NRC working groups and IMPEP reviews. Ms. Janda reported that at the time of the periodic meeting, the Program had no staffing vacancies; however one staff was scheduled to retire in April 2013. The MRB asked about the status of the staffing vacancies; the State reported that the staff member did retire and they were given approval to fill the position. They hoped to have this vacancy filled within the next few months. The MRB questioned the statement in the periodic meeting summary regarding their issues with being able to provide members for working groups and IMPEP reviews. The State responded that they now feel ready to participate in these activities.

Staff recommended, and the MRB agreed, that the next IMPEP review take place in FY 2015, as scheduled.

Periodic Meeting with the Massachusetts Agreement State Program

Ms. Janda led the discussion of the results of the Periodic Meeting held with the Massachusetts Department of Public Health, Radiation Control Program (ADAMS Accession Number: ML13162A810). The meeting was held in Boston on April 10, 2013. Ms. Janda stated that the last IMPEP review was conducted in July 2010. The review team found the Commonwealth's performance "satisfactory" for four performance indicators: Technical Quality of Inspections, Technical Quality of Licensing Actions, Technical Quality of Incidents and Allegations, and Sealed Source and Device Evaluation Program; and "satisfactory, but needs improvement" for the performance indicators Technical Staffing and Training, Status of Materials Inspection Program, and Compatibility Requirements. Three new recommendations were made and five recommendations were carried over from the 2002 and 2006 IMPEP reviews. The team recommended, and the MRB agreed, that the Massachusetts Agreement State Program be found adequate to protect public health and safety, but needs improvement, and compatible with NRC's program. The MRB directed that a period of Monitoring be initiated and that a periodic meeting be held in one year. That periodic meeting was held August 1, 2011, and staff found that the Program had made significant progress on all recommendations. The MRB directed that the period of Monitoring be discontinued, a periodic meeting be held in 18 months and the next IMPEP be held in FY2014.

Ms. Janda reported that during this Periodic Meeting, staff found that the State was continuing to implement actions to address the recommendations made during the last IMPEP review. Ms. Janda noted that the Massachusetts Program reported that its strengths lie with their highly educated, experienced and well trained staff, useful database, and the staff's ability to interact effectively with other Offices within the Commonwealth. Ms. Janda noted that the Program will face challenges in the near future with knowledge management due to staff retirements. Ms. Janda reported that the Program had not appointed a permanent Director to date, and that at the time of the periodic meeting the Program had two staffing vacancies; however, the Commonwealth reported that they had just been notified that the Governor approved an additional FTE for the Radiation Control Program. The MRB asked about the status of the Director's position; the State reported that interviews were held and they hoped to have this position filled by September 2013. The MRB commended the Commonwealth on their substantial and sustained program improvements.

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

3. **Precedents/Lessons Learned.** None
4. **Adjournment.** The meeting was adjourned at 1:58 p.m.