

August 23, 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 E. Holian, Deputy Director
Office of Federal and State Materials
and Environmental Management Programs

Anne T. Boland, Acting 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 23, 2013 WASHINGTON
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on July 23, 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.: Maryanne Guichard, Assistant Secretary
Washington Department of Health

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

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JULY 23, 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
Brad Jones, MRB Member, OGC
Aaron McCraw, Team Leader, RIII
Stephen Poy, Team Member, FSME

Duncan White, FSME
Lisa Dimmick, FSME
Jack Foster, OEDO
Karen Meyer, FSME

By videoconference:

Anne Boland, MRB Member, Region III
Earl Fordham, WA
Mike Elsen, WA
Farah Gaskins, Team Member, RI

Michelle Beardsley, FSME
David Jansen, WA
Peggy Johnson, WA

By telephone:

Randy Erickson, Team Member, RIV
Jared Thompson, MRB Member, AR
Muhammadali Abbaszadeh, Team Member, Texas

Binesh Tharakan, RIV
Roberto Torres, RIV

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:02 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. **Washington IMPEP Review.** Mr. Aaron McCraw, Team Leader, led the presentation of the Washington Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. He summarized the review and the team's findings for the eight indicators reviewed. The on-site review was conducted by a review team composed of technical staff members from the NRC and the State of Texas during the period of May 6-10, 2013. A draft report was issued to the State for factual comment on June 10, 2013. The State responded to the review team's findings by letter dated July 10, 2013. The last IMPEP review for Washington was conducted in May 2008. Mr. McCraw noted that there were no recommendations made during the previous IMPEP.

Common Performance Indicators. Mr. McCraw 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. Mr. McCraw noted that the State experienced a high degree of turnover at the supervisory level, specifically with the Office Director and Materials Section supervisor positions. Mr. McCraw stated that the review team believed that this turnover resulted in a few minor oversights in the event reporting and generic issue assessments areas. The MRB asked for clarification of current staffing status. The State reported that they currently have one technical staff vacancy and added that they are unsure as to how long before they can fill this vacancy.

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

Mr. Randy Erickson presented the findings regarding the common performance indicator, *Status of Materials Inspection Program*. His presentation corresponded to Section 3.2 of the proposed final IMPEP report. Mr. Erickson noted that the State performed less than one percent of its high priority inspections overdue during the review period. He reported that prior to the IMPEP review, the State self-identified an issue with the timeliness of broad scope inspection reports and instituted corrective actions to ensure a more timely dispatch of inspection findings to broad scope licensees. The MRB commended the State for both the self-identification and corrective actions regarding this item, and also for the low percentage of overdue inspections overall.

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

Mr. Erickson presented the findings regarding the common performance indicator, *Technical Quality of Inspections*. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. Mr. Erickson noted that the team determined through a review of casework, inspection accompaniments and interviews with staff that the State's inspection program was thorough, complete and of high quality. Inspection accompaniments performed by a review team member showed that inspectors were knowledgeable of the regulations, well trained and thorough in their evaluations of the licensees' radiation safety programs.

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

Ms. Farrah Gaskins 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. Ms. Gaskins reported that the team's review of licensing casework found that the State's licensing actions were thorough, complete, consistent and of high quality with health, safety and security issues properly addressed. She further noted that the State's procedure for the control of documents containing sensitive information covered all aspects of document identification, securing, handling, marking and proper destruction.

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

Mr. Stephen Poy 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. Poy reported that the review team found that there were five incidents involving lost tritium signs that the State did not report

to the NRC Headquarters Operations Officer as required. The team felt that this oversight resulted from the management turnover that occurred during the review period. The MRB questioned the State as to the cause of this oversight. The State responded that they have a procedure for reporting these events but were confused by the NRC's policy regarding the reporting of these types of events. Mr. Poy noted that the team reviewed the State's response to 9 allegations, not 17 as stated in the report. The review team found that the State's response to allegations was thorough, prompt and that appropriate actions were taken in response to the concerns raised.

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

3. **Non-Common Performance Indicators.** Mr. McCraw presented the findings regarding the non-common performance indicator, *Compatibility Requirements*. His presentation corresponded to Section 4.1 of the proposed final IMPEP report. Mr. McCraw noted that during the review period, the Washington legislature passed two bills affecting the radiation control program; one gave the Department of Health the authority to increase its radioactive waste site surveillance fee which was passed in 2011. The other bill transferred authority for the low level radioactive waste site use permit program from the Department of Ecology to the Department of Health which was anticipated to occur as of July 2013. The State updated the anticipated transfer of authority to occur in August 2013. Mr. McCraw also reported that at the time of the review, the State had no overdue regulation amendments.

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

Mr. Poy presented the findings regarding the non-common performance indicator, *Sealed Source and Device (SS&D) Evaluation Program*. His presentation corresponded to Section 4.2 of the proposed final IMPEP report. Mr. Poy noted that the team evaluated all three SS&D actions processed by the State during the review period. The team noted that the State did not have a formal process to evaluate incidents involving sealed sources and devices registered by the State for generic defects. As a result of this finding, the team made a recommendation for the State to periodically perform an independent review of these incidents for generic issues and if found, to communicate these to licensees and other regulators.

The review team found Washington's performance with respect to this indicator to be "satisfactory" and made one recommendation as noted above. The MRB agreed that Washington's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. McCraw presented the findings regarding the non-common performance indicator, *Low-Level Radioactive Waste (LLRW) Disposal Program*. His presentation corresponded to Section 4.3 of the proposed final IMPEP report. Mr. McCraw noted that the State licenses two facilities currently. The team reviewed casework and accompanied inspectors for both of these sites. The team determined that the State's inspection and licensing programs

were of high quality and adequately assessed the radiological health and safety at these facilities.

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

Mr. Abbaszadeh presented the findings regarding the non-common performance indicator, *Uranium Recovery Program*. His presentation corresponded to Section 4.4 of the proposed final IMPEP report. Mr. Abbaszadeh reported that the State currently has one uranium recovery licensee. He noted that the State has two full-time equivalents (FTE's) devoted to this program to perform inspection and licensing activities. The team determined that this staffing level is adequate to maintain the quality and performance of the uranium recovery program. The review team also determined that the inspectors were highly qualified and thorough in their audits of this site. The MRB commended the State on its thorough and competent process for licensing activities of this site.

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

4. **MRB Consultation/Comments on Issuance of Report.** The MRB found the Washington Agreement State Program adequate to protect public health and safety, and compatible with the NRC's program. Based on the results of the current IMPEP review, the team recommended that the next full IMPEP review take place in four years (not extended to five years), with a periodic meeting to be held in one year in order to monitor the Office's transition to a new Director. The MRB disagreed with the team's recommendation that the next IMPEP review take place in four years. The MRB noted that the State continued to perform at a high level despite the management turnover, and directed that the next IMPEP review of the Washington Agreement State Program should take place in approximately five years with a periodic meeting in one year.
5. **Precedents/Lessons Learned.** The MRB established no new precedents during this meeting.
6. **Adjournment.** The meeting was adjourned at approximately 2:20 p.m. (ET)