

September 30, 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

Tison A. Campbell, Acting Deputy Assistant General Counsel  
Reactor and Materials Rulemaking  
Office of the General Counsel

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

David C. Lew, Deputy Administrator  
Region I

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: SEPTEMBER 19, 2013 NEVADA  
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on September 19, 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. Mike Willden, Director  
Department of Health and Human Services

Karen Beckley, Manager  
Radiation Control Program

James McNees, Alabama  
Organization of Agreement States  
Liaison to the MRB

Management Review Board Members

Distribution: DCD (SP01)

RidsEdoMailCenter

JFoster, OEDO

RidsFsmeOd

LDudes, FSME

RidsOgcMailCenter

BJones, OGC

RidsRgn4MailCenter

AVegel, RIV

RTorres, RIV

BTharakan, RIV

PHenderson, MSSA

JLynch, RIII

RErickson, RIV/RSOA

OMasnykBailey, RI

AJacobson, MD

DWhite, FSME

LDimmick, FSME

JWeil, OCA (2 copies)

ML13273A233

<b>OFFICE</b>	FSME/MSSA	
<b>NAME</b>	MBeardsley via email	
<b>DATE</b>	09/30/13	

**OFFICIAL RECORD COPY**

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF SEPTEMBER 19, 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  
Tison Campbell, MRB Member, OGC  
James Lynch, Team Leader, RIII

Duncan White, FSME  
Lisa Dimmick, FSME  
Pamela Henderson, FSME  
Alan Jacobson, MD, Team Member

By videoconference:

David Lew, MRB Member, Region I  
Anton Vogel, Region IV  
Binesh Tharakan, Region IV

Michelle Beardsley, FSME  
Randy Erickson, Team Member, RIV  
Roberto Torres, Region IV

By telephone:

Anne Boland, Region III  
James McNeese, MRB Member, OAS  
Ruth Thomas, Environmentalist Inc.

Karen Beckley, NV  
Orysia Masnyk-Bailey, Team Member, RI

- 1. Convention.** Ms. Lisa Dimmick convened the meeting at 1:01 p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public. A member of the public, Ms. Ruth Thomas, affiliated with Environmentalist, Inc. participated in the meeting. Ms. Dimmick then transferred the lead to Mr. Michael Weber, Chair of the MRB. Introductions of the attendees were conducted.
- 2. Nevada IMPEP Review.** Mr. James Lynch, Team Leader, led the presentation of the Nevada 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 Maryland during the period of July 15-19, 2013. A draft report was issued to the State for factual comment on August 15, 2013. The State responded to the review team's findings by letter dated September 13, 2013. The last IMPEP review for Nevada was conducted in June 2009. Mr. Lynch noted that there were four recommendations made during the previous IMPEP. He reported that the team was able to close two of those recommendations regarding the State's policy for license termination timeliness and the submittal of proposed and final regulations to the NRC for a compatibility review; the remaining indicators were kept open by the team. Mr. Lynch also noted that the Nevada Radiation Control Program experienced a brief (five month) reorganization, which was returned to the original structure after further consideration by the Director, Division of Public and Behavior Health. Mr. Lynch noted that the team did not identify any negative impacts to the program resulting from this brief reorganization. The MRB directed that the report be revised to add the team's determination of no adverse findings regarding the reorganization.

**Common Performance Indicators.** Mr. Lynch 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. Lynch noted that the State experienced a significant degree of turnover during the review period with four staff leaving the program. The State was able to fill three of these positions but Program management reported that it is unlikely that the fourth position will be filled due to budget constraints. Mr. Lynch stated that the review team determined that staffing levels were adequate for the Program. The MRB asked whether the team noted any specific reasons for the staff departures; Mr. Lynch stated that no specific reasons were identified by the team.

The review team found Nevada's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Nevada'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 none of the 110 high priority inspections overdue during the review period. He further noted that the State performs followup inspections of those licensees who had violations cited during the previous inspection. Mr. Erickson reported that the Program issued timely findings for all inspections. He noted that the State was able to perform reciprocity inspections exceeding the NRC's criteria of 20 percent for each year of the review period except for the year 2010 (i.e. performed 8 percent). During this year the Program lacked two staff and management made the decision to focus their limited resources on inspection and licensing activities. The MRB commended the State for having no overdue high priority inspections.

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

Mr. Alan Jacobson 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. Jacobson 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. Mr. Jacobson reported that the recommendation from the previous IMPEP was being closed as the Program developed and implemented a procedure to ensure that terminated licenses were done in a timely fashion. The MRB directed that the closure statement in the report for this recommendation be revised to add the number of terminated licenses reviewed.

The review team found Nevada's performance with respect to this indicator to be "satisfactory" and made no new recommendations; the recommendation from the previous IMPEP review was closed as noted above. The MRB agreed that Nevada's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Orysia Masnyk Bailey 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. Masnyk Bailey reported that the team's review of licensing casework found that the State's licensing actions were thorough, complete and 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 MRB questioned as to why the team is not closing the recommendation from the previous IMPEP regarding the development of a reliable database as it appears that the team did not find any performance issues in this area. The team stated that the Program is waiting on funding in FY 2014 to fully implement the new database system and they want to keep this recommendation open in order to monitor the status until the system is fully operational.

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

Ms. Masnyk Bailey presented the findings regarding the common performance indicator, *Technical Quality of Incident and Allegation Activities*. Her presentation corresponded to Section 3.5 of the proposed final IMPEP report. Ms. Masnyk Bailey reported that the team's review of incident and allegation files demonstrated that the Program's response to incidents was complete and comprehensive, and the level of effort was commensurate with the health and safety significance. She noted that an incident occurred during the review and the team noted that the Program's response, including the inspection, was prompt and well-coordinated. She also noted that the Program took prompt and appropriate actions in response to allegations.

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

- 3. Non-Common Performance Indicators.** Mr. Erickson 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. Erickson noted that during the review period, the Nevada Program submitted 16 final regulation amendments to the NRC for a compatibility review, 15 of those were submitted overdue. The team noted that the 15 overdue regulation amendments occurred early in the review period. Mr. Erickson noted that the recommendation regarding the submittal of proposed and final regulations for NRC review was being closed as the team found that this occurred due to a misunderstanding by the State that only final regulations needed to be submitted for review. In addition, Mr. Erickson noted that the recommendation regarding the timely adoption of regulations was being kept open, even though the State had made significant progress in this area, due to the recent change in the State's rule development process which added to the process time. The MRB commended the State on its improved performance in the area of timely regulation adoption; and agreed to keep the recommendation open in order to monitor the State's sustained performance in this area in light of the changes in their rule development process.

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

Mr. Lynch 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. He noted that Nevada has two manufacturers/distributors licensed by the Program. Mr. Lynch noted that the team did not evaluate casework regarding this area as Nevada entered into an agreement with the State of California to perform their product safety evaluations. The MRB discussed with the team as to whether a finding should be made for this indicator, if the team determined from the California IMPEP review for this indicator and FSME SS&D IMPEP review, that SS&D evaluations were being performed appropriately and according to the criteria established for this indicator. The team agreed that they reviewed Nevada's performance in this area which included the evaluation of the California State Program to ensure that the SS&D reviews were being conducted by qualified reviewers and that a Nevada Program manager maintained oversight of the registry reviews. The MRB directed that the report be revised to include this finding.

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

Mr. Lynch 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. Lynch noted that the only site being licensed by the State is the former U.S. Ecology waste disposal facility which closed in 1992. The Nevada State Health Division assumed all oversight responsibilities and became custodian for this site. He reported that the team determined that the Program performs quarterly site visits which appeared to adequately assess and analyze site radiological hazards. The MRB questioned the team as to why they did not make a finding since the team's evaluation found that the Program is performing comprehensive audits and surveys appropriate for the type of activity at this site. The team agreed that their evaluation of Nevada's inspection activities at this site, while limited, was according to performance criteria established for this indicator. The MRB directed that the report be revised to include the team's finding and characterizations for the finding.

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

Ms. Ruth Thomas questioned the MRB on the IMPEP process, Agreement State responsibilities, NRC oversight of Agreement State programs and other matters involving radiation exposure both in Nevada and other states.

- 4. MRB Consultation/Comments on Issuance of Report.** The MRB found the Nevada 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. The MRB directed that the next IMPEP review of the Nevada Agreement State Program should take place in approximately four years.

- 5. Precedents/Lessons Learned.** The IMPEP team did not conduct a full review of the non-common indicators, SS&D program and LLRW Disposal Program. The activities performed by the Program are limited under these indicators. The IMPEP team reviewed the Program's oversight responsibilities and the Programs actions in that regard. For both the SSD and LLRW programs, the IMPEP team found the Nevada Program's oversight adequate. The MRB deliberated and directed a finding be issued for these indicators based on the team's limited review.
- 6. Adjournment.** The meeting was adjourned at approximately 3:07 p.m. (ET)