

November 18, 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 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

Anne T. Boland, Acting Deputy Administrator
Region III

FROM: Lisa C. Dimmick, Health Physicist */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MINUTES: SEPTEMBER 5, 2013 NEW MEXICO
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on September 5, 2013. If you have comments or questions, please contact me at (301) 415-0694.

Enclosure: Cover Page and Minutes of the
Management Review Board Meeting

cc w/encl.: Butch Tongate, Deputy Secretary
Office of the Secretary
New Mexico Environmental Department

Bill Dundulis, Rhode Island
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

Distribution: (SP01)
RidsEdoMailCenter
JFoster, OEDO
RidsFsmeOd
LDudes, FSME
RidsOgcMailCenter
JLynch, RIII
RidsRgn4MailCenter
AVegel, RIV
RTorres, RIV
PHenderson, MSSA
RErickson, RIV/RSOA
RRagland, RI
CTimmerman, WI
LHanson, RIV
BTharakan, RIV
DWhite, FSME
MBeardsley, FSME
SRodriguez, NM
MVonderheide, NM
MOrtiz, NM
JWeil, OCA (2 copies)

ML13316B902

OFFICE	FSME/MSSA	FSME/MSSA
NAME	KMeyer	LDimmick
DATE	11/12/13	11/18/13

OFFICIAL RECORD COPY

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF SEPTEMBER 5, 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
Joseph DeCicco, Team Leader, FSME
Laura Dudes, FSME

Duncan White, FSME
Lisa Dimmick, FSME
Pamela Henderson, FSME
Karen Meyer, FSME
David Spackman, FSME

By videoconference:

Anne Boland, MRB Member, Region III
Michael Vasquez, Region IV
Binesh Tharakan, Region IV
Michelle Hammond, Region IV

Jim Lynch, RIII
Randy Erickson, Team Member, RIV
Randy Ragland, Team Member, RI

By telephone:

Bill Dundulis, MRB Member, OAS
Michael Ortiz, NM
Butch Tongate, NM

Chris Timmerman, Team Member, WI
Michael Vonderheide, NM
Santiago Rodriguez, NM

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 2:01 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. **New Mexico IMPEP Review.** Mr. Joseph DeCicco, Team Leader, led the presentation of the New Mexico Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. The on-site review was conducted by a review team composed of technical staff members from the NRC and the State of Wisconsin during the period of June 24–28, 2013. A draft report was issued to the State for factual comment on July 25, 2013. The State responded to the review team's findings by letter dated August 19, 2013. He summarized the review and the team's findings for the six indicators reviewed - five of six indicators, satisfactory, and satisfactory, but needs improvement for the indicator, Technical Staffing and Training. The last IMPEP review for New Mexico was conducted in July 2009. Mr. DeCicco noted that there was one recommendation concerning event reporting made during the previous review which the team was able to close.

Common Performance Indicators. Mr. DeCicco 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. DeCicco noted that the Program experienced a significant turnover and position vacancy issue during the review period. There were four unfilled technical positions at the time of the review. The MRB questioned the impact of the vacancies on the Program as well as the likelihood the vacancies would be filled. The Program managers reported that one vacancy was filled on

August 17, 2013. A second position can be filled in September 2013. The third and fourth positions are on hold pending budget, funding, and reclassification reviews. In the meantime, the Bureau Chief and Branch Manager would continue to support licensing and inspection activities. The Program managers expressed that it is not ideal, but these efforts have assured licensing and inspection activities are current. There was no inspection or licensing backlog at the time of the IMPEP.

The review team found New Mexico's performance with respect to this indicator to be "satisfactory, but needs improvement" and made one recommendation that the Program aggressively pursue filling the technical vacancies. The MRB agreed that New Mexico's performance met the criteria for a "satisfactory, but needs improvement" rating for this indicator as well as the recommendation on filling the vacancies.

Mr. DeCicco 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. The MRB questioned the Program on how they managed with the vacancies that existed during the review period. The Program managers indicated that despite turnover and staff vacancies, the Program met criteria with very few exceptions for conducting priority inspections, timeliness of reporting, and reciprocity inspections. They managed by diverting resources and conducting inspections themselves when needed.

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

Mr. Randy Ragland 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. The MRB questioned the noted weaknesses regarding inspection correspondence and the vague citation of regulatory requirements, and also the Program's accompaniments of its inspectors. Randy Ragland indicated the team considered a finding of satisfactory, but needs improvement finding for the indicator. However, the team determined the accompaniments were done but inconsistently documented. While regulatory requirements as they pertain to violations were not always clearly specified in the inspection correspondences, the team was confident that a licensee understood its violations. The team determined that a standard set of set citation would enhance the Program's inspection documentation. With either issue, the team indicated there was no impact on health and safety.

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

Mr. Chris Timmerman 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. The MRB questioned the possession limit issue for High-Dose Rate (HDR) Afterloaders and whether the issue could be attributed to training and /or strained staffing resources. The Program managers indicated the higher

possession limit was allowed originally to account for total source activity at the time of source exchanges. This practice has been a hold over from years past without regard for the maximum activity now stated on the sealed source and device registries for the HDR's and the HDR sources. As noted in the report, the Program took action to amend the possession limits on licenses authorizing HDR afterloaders.

The review team found New Mexico's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that New Mexico'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.

The review team found New Mexico's performance with respect to this indicator to be "satisfactory" and made no new recommendations. The recommendation from the previous IMPEP review was closed indicating the Program utilizes a database it created to track all NRC reportable and non-reportable events. The database is also being used to ensure HOO reportable and NMED entries are closed in a timely manner. A staff member has been designated as the primary point of contact for the database. In reviewing NMED as part of this IMPEP review, the team found that the State is updating the information appropriately in NMED. The MRB agreed that New Mexico's performance met the criteria for a "satisfactory" rating for this indicator and agreed with closure of the recommendations

- 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.

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

- 4. MRB Consultation/Comments on Issuance of Report.** The MRB found the New Mexico 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, and the MRB agreed, that the next full IMPEP review take place in four years and a periodic meeting in two years.

- 5. Adjournment.** The meeting was adjourned at approximately 3:07 p.m. (ET)