



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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May 30, 2014

MEMORANDUM TO: Michael F. Weber
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs

Patrick A. Moulding, Acting Assistant General Counsel
for Reactor and Materials Rulemaking
Office of the General Counsel

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

Linda L. Howell, Acting Director
Division of Nuclear Materials Safety
Region IV

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: FEBRUARY 18, 2014 OHIO
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on February 18, 2014. If you have comments or questions, please contact me at (610) 337-6942.

Enclosure: Meeting Minutes

cc w/encl.: Jennifer Opila, CO
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF February 18, 2014

The attendees were as follows:

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

Michael Weber, MRB Chair, DEDMRT
Marian Zobler, MRB Member, FSME
Patrick Moulding, MRB Member, OGC
Stephen Poy, Team Member, FSME
John Moses, FSME

Duncan White, FSME
Lisa Dimmick, FSME
Laura Dudes, FSME
Jack Foster, OEDO
Brooke Poole, OGC

By videoconference:

Michelle Beardsley, FSME, Team Leader
Linda Howell, MRB Member, Region IV
James Lynch, Team Member, Region III

Joseph Nick, Team Member, Region I
Anton Vogel, Region IV

By telephone:

Sherri Flaherty, Team Member, Minnesota
Michael Snee, OH
Mark Light, OH

Jennifer Oplia, MRB Member, OAS, CO
Stephen Helmer, OH
Stephen James, OH

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:05 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. **Ohio IMPEP Review.** Ms. Michelle Beardsley, Team Leader, led the presentation of the Ohio Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. She summarized the review and the team's findings for the seven indicators reviewed. The on-site review was conducted by a review team composed of technical staff members from the NRC and the State of Minnesota during the period of December 9-13, 2013. A draft report was issued to the State for factual comment on January 10, 2014. The State responded to the review team's findings by email dated January 14, 2014. The last IMPEP review for Ohio was conducted in October 2009. Ms. Beardsley noted that there was one recommendation made during the previous IMPEP. She reported that the team was able to close this recommendation. She also noted that the team identified a "good practice" by the State during the IMPEP review.

Common Performance Indicators. Mr. James 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 reported that the recommendation from the previous IMPEP was being closed as the State developed and implemented a training and qualification program for technical staff members. He further noted that no technical positions were vacant at the time of this review. Nine technical staff members were hired during the five-year review period, including people with industry and medical experience. Seven employees left the program during the

review period for other positions in Ohio government and industry, or retirement. The vacancies were promptly filled by the Program.

The review team found Ohio's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Ohio's performance met the criteria for a "satisfactory" rating for this indicator and agreed to close the recommendation under this indicator from the 2009 IMPEP review.

Ms. Beardsley presented the findings regarding the common performance indicator, *Status of Materials Inspection Program*. Her presentation corresponded to Section 3.2 of the proposed final IMPEP report. Ms. Beardsley reported that the State had not performed any high priority and initial inspections overdue during the review period and were timely on their issuance of inspection reports. She further noted that the State exceeded the criteria for reciprocity inspection performance. The MRB commended the State on its exemplary performance.

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

Mr. Joseph Nick 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. Nick reported that the team determined that inspections covered all aspects of the licensee's radiation safety programs, and that inspection reports were thorough, complete, consistent, and of high quality, with sufficient documentation to ensure that a licensee's performance with respect to health and safety was acceptable. He also noted that during the inspection accompaniments performed as part of the IMPEP review, the team found that the State inspectors were trained, well-prepared for the inspection, and thorough in their audits of the licensees' radiation safety programs.

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

Ms. Sherri Flaherty 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. She reported that the team reviewed 27 licensing casework files and determined that overall, the licensing actions were thorough, complete, consistent, and of high quality with health, safety, and security issues properly addressed. She noted that the State immediately corrected one issue that was identified in which the licensee did not obtain the required educational documentation for a medical physicist. Ms. Flaherty noted that the team found that certain documents containing sensitive information were not marked as such. This was brought to the State management's attention who agreed to reevaluate their procedure for the handling of documents containing sensitive information such as those with Increased Controls requirements.

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

Mr. James Lynch 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. He reported that the team determined that the State's responses to incidents were prompt and well-coordinated, and the level of effort was commensurate with the potential health and safety significance of the event. He further noted that Ohio places a high priority on on-site responses as evidenced by an on-site response in 22 of the 27 incidents evaluated during this review. Mr. Lynch noted that the review team concluded that the Bureau took prompt and appropriate actions in response to concerns raised. Mr. Lynch noted that the team identified a "good practice" by the State in which they developed an interdepartmental/interdisciplinary team that reviews all medical and potential overexposure incidents in the State. Participation by both radioactive material and x-ray program representatives allows for the comprehensive view of radiation use in the State. The MRB commended the State and agreed with the team's recommendation to identify this as a "good practice" as it can be applied to all radioactive materials programs.

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

3. **Non-Common Performance Indicators.** Ms. Beardsley presented the findings regarding the non-common performance indicator, *Compatibility Requirements*. Her presentation corresponded to Section 4.1 of the proposed final IMPEP report. Ms. Beardsley noted that Ohio is current on all rulemaking. The MRB commended the State's excellent performance in this area.

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

Mr. Stephen Poy presented the findings regarding the non-common performance indicator, Sealed Source and Device (SS&D) Evaluation Program. Mr. Poy reported that the review team determined that the SS&D evaluations were of high quality with health and safety issues properly addressed. He also noted that the review team concluded that the Bureau is routinely evaluating the root causes of defects and incidents involving SS&D evaluations and is taking appropriate actions.

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

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

5. **Precedents/Lessons Learned.** None applicable to this review.
6. **Adjournment.** The meeting was adjourned at approximately 1:51 p.m. (ET)