



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

Bradley W. Jones, 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

Marc L. Dapas, Regional Administrator
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: APRIL 3, 2014 PENNSYLVANIA
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on April 3, 2014. If you have comments or questions, please contact me at (610) 337-6942.

Enclosure: Meeting Minutes

cc w/encl.: Patricia Garner, NJ
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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NAME	MBeardsley via email
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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF April 3, 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
Bradley Jones, MRB Member, OGC
Bryan Parker, Team Leader, FSME

Duncan White, FSME
Lisa Dimmick, FSME

By videoconference:

Marc Dapas, MRB Member, Region III
James Clifford, Region I
Craig Gordon, Team Member, Region I
Patricia Pelke, RIII

Michelle Beardsley, FSME
Donna Janda, Team Member, Region I
Robert Gattone, Team Member, Region III

By telephone:

Patricia Gardner, MRB Member, NJ
David Allard, PA
John Cippo, PA
Bob Dansereau, NY

David Turberville, Team Member, AL
Ben Sieber, PA
Joe Melnick, PA
Michael Stephens, FL

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:03 p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public; several members of the public identified themselves by name and affiliation as noted above. Ms. Dimmick then transferred the lead to Mr. Michael Weber, Chair of the MRB. Introductions of the attendees were conducted.
2. **Pennsylvania IMPEP Review.** Mr. Bryan Parker, Team Leader, led the presentation of the Pennsylvania Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. He summarized the review and the team's findings for the six indicators reviewed. The on-site review was conducted by a review team composed of technical staff members from the NRC and the State of Alabama during the period of January 13-17, 2014. A draft report was issued to the State for factual comment on February 19, 2014. The State responded to the review team's findings by letter dated March 19, 2014. The last IMPEP review for Pennsylvania was conducted in November 2009. Mr. Parker noted that there was one recommendation made during the previous IMPEP review. He reported that the team was keeping this recommendation open. .

Common Performance Indicators. Mr. Parker 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. Parker noted that at the time of the review, the Commonwealth had a total of 24.6 FTE between the regional offices and the Bureau devoted to the Agreement program. He noted that the Bureau had five vacancies for technical positions in the radioactive materials program. Mr. Parker reported that in December 2013, a hiring freeze was enacted; however, the team did not

identify any impacts on inspection or licensing activities during the review. The Department Director voiced concern over the current impact of budget restrictions on staffing in his and other states. The Director indicated that the Bureau now has 14 vacancies and six staff eligible for retirement by the end of the year. The Bureau anticipates a 50 percent staff turnover over in the next several years. The Director also noted that the training effort for new technical staff is 2-3 years. The Director requested that the NRC reexamine the status of staffing and training in Pennsylvania in approximately one year to monitor the Commonwealth's status on staffing and hiring. Mr. Parker indicated that the staff turnover and vacancies had not impacted performance, and that the Bureau was maintaining its workload. He reported that overall, the Commonwealth performed less than one percent of high priority and initial inspections overdue. The MRB acknowledged the Director's concern regarding budgetary constraints and noted that this is an overarching issue in both state and federal agencies. The MRB directed that a periodic meeting be performed in one year with special emphasis on reviewing the Commonwealth's staffing and hiring status. The MRB commended the Commonwealth on its performance in this area despite the budgetary impacts.

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

Mr. Parker 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. Parker reported that the Commonwealth performed less than one percent of high priority and initial inspections overdue during the review period. He further noted that the Bureau was timely in dispatching inspection reports and that they exceeded the NRC's criteria of inspecting 20% of candidate licensees operating under reciprocity for each of the four years covered by the review period. The MRB commended the Commonwealth on their performance in this area.

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

Mr. Parker 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. Parker 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. Mr. Parker reported that accompaniments of seven Bureau inspectors were conducted prior to the onsite review. He noted that the inspectors were well trained, prepared and knowledgeable of the regulations; and that the inspections were adequate to assess radiological health, safety and security at the licensed facilities.

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

Mr. Parker 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. He reported that the team reviewed 29 licensing casework files and determined that licensing actions were complete, consistent and of high quality, with health and safety and security issues properly addressed,

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

Mr. Parker 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 regarding incidents/events, the team identified that 5 of the 15 incidents were not reported to the NRC in a timely manner, and the team determined that the recommendation from the previous IMPEP review regarding the strengthening of the Commonwealth's incident response program be kept open. Mr. Parker reported that in the area of allegations, the review team found that the program's actions were prompt and commensurate with the potential health and safety consequences of the identified concerns. The MRB questioned the team regarding the statement in the report that the Bureau did not fully investigate several events. The team stated that while the decision to conduct an onsite review is at the Bureau's discretion, a process is still needed for appropriate event analysis and followup. The MRB asked the Commonwealth if they performed an analysis to determine the extent of condition for other incidents. The Director stated that they had performed an analysis for both event investigation and timely followup of the other incidents that occurred during the review period, and found a case that was not reported timely. The Director added that this is now a top agenda item during their weekly management meetings. The MRB asked the team if they considered a finding of "satisfactory, but needs improvement" instead of "satisfactory". The team explained that overall the Bureau conducted appropriate followup to events, including determination of root causes and preventive measures to avoid similar events. The IMPEP team determined that the Bureau followed its incident response procedures, and Bureau actions were appropriate, well-coordinated, and timely in most instances. In addition timeliness of reporting incidents had improved. The MRB directed that additional information be added to the report to justify the team's finding of satisfactory.

The review team found Pennsylvania's performance with respect to this indicator to be "satisfactory" and kept open the one recommendation from the previous IMPEP review. The MRB agreed that Pennsylvania's performance met the criteria for a "satisfactory" rating for this indicator. The MRB agreed with the team's recommendation.

- 3. Non-Common Performance Indicators.** Mr. Parker 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. Parker noted that Pennsylvania's process for rulemaking takes approximately two years and that Pennsylvania adopts NRC regulations by reference and/or uses legally binding conditions, as appropriate. He reported that the Commonwealth expects to meet the due date of March 19, 2016 for adoption of the new Part 37 regulations.

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

4. **MRB Consultation/Comments on Issuance of Report.** The MRB found the Pennsylvania 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 also directed that a periodic meeting be held in one year to include special emphasis on the status of the Commonwealth's staffing and hiring issues.
5. **Precedents/Lessons Learned.** None applicable to this review.
6. **Adjournment.** The meeting was adjourned at approximately 2:45 p.m. (ET)