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May 30, 2014

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

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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

Darrell J. Roberts, Deputy Regional 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: APRIL 15, 2014 GEORGIA
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on April 15, 2014. If you have comments or questions, please contact me at (610) 337-6942.

Enclosure: Meeting Minutes

cc w/encl.: Lee Cox, NC
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF April 15, 2014

The attendees were as follows:

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

Michael Weber, MRB Chair, DEDMRT	Duncan White, FSME
Brian Holian, MRB Member, FSME	Lisa Dimmick, FSME
Bradley Jones, MRB Member, OGC	Laura Dudes, FSME
Michelle Beardsley, Team Leader, FSME	Monica Ford, Team Member, Region I
Joseph Nick, OEDO	Judson Turner, GA
Jack Foster, OEDO	Keith Bentley, GA
David Crowley, GA	Chuck Mueller, GA

By videoconference:

Darrell Roberts, MRB Member, Region III	Jackie Cook, Team Member, Region IV
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By telephone:

Lee Cox, MRB Member, NC	Joshua Daehler, Team Member, MA
James Clifford, Region I	Donna Janda, Region I
David Lew, Region I	Randy Erickson, Region IV
Binesh Tharakan, Region IV	Janine Katanic, FSME
Pat Loudon, RIII	Jim Lynch, RIII
Bob Dansereau, NY	Michael Stephens, FL
Ruth Thomas, no affiliation noted	

- 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. Georgia IMPEP Review.** Ms. Michelle Beardsley, Team Leader, led the presentation of the Georgia Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. She 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 Commonwealth of Massachusetts during the period of January 27 – February 10, 2014. A draft report was issued to the State for factual comment on March 5, 2014. The State responded to the review team's findings by letter dated April 2, 2014. The last IMPEP review for Georgia was conducted in October 2012. Ms. Beardsley noted that there were 12 recommendations made during the previous IMPEP review. She reported that the team recommended that 8 of the 12 recommendations be closed; 2 be kept open and that 2 of the recommendations regarding the Sealed Source and Device (SS&D) Program be closed as the Georgia Agreement State Program (the Program) returned its authority for a SS&D program to the NRC in August 2013. Ms. Beardsley stated that the review team is recommending to the MRB that the Program is adequate to protect public health and safety, but needs

improvement, and is compatible with the NRC's program. She further noted that due to the State's significant progress in addressing all previous recommendations, the noted improvement in staff and management communications, and the strong commitment from Program management to continue to improve performance as evidenced by the actions taken since the last IMPEP review including the replacement of the Program manager and the additional resources allocated for staffing, the review team recommends that the Program be removed from Probation and placed on Heightened Oversight.

Common Performance Indicators. Ms. Monica Ford presented the findings regarding the common performance indicator, *Technical Staffing and Training*. Her presentation corresponded to Section 3.1 of the proposed final IMPEP report. Ms. Ford noted that at the time of the IMPEP review, the Georgia Program was fully staffed, with five of the nine technical staff members fully qualified to perform inspection and licensing activities. The Georgia Program Manager informed the MRB that two technical staff members had left the program since the review. The Manager informed the NRC that the Program is in the process of hiring new staff and added that they had many qualified applicants apply for the positions. Ms. Ford noted that the Program updated its formal training and qualification process in June 2013 and that the review team concluded that the Program's documented training program is sufficient to carry out its regulatory duties. Ms. Ford reported that since the 2012 IMPEP review, the team noted improved communication between management and staff which the team determined was due to the appointment of a new program manager and the addition of weekly staff meetings.

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

Ms. Monica Ford 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. Ford reported that the Program performed 53 percent of high priority and initial inspections overdue during the review period. Ms. Ford noted the Program was in the process of reducing the backlog of overdue inspections identified during the previous IMPEP review. She stated that the Program had installed a new database to track inspections in response to a previous recommendation, and that in populating the database, the Program discovered additional inspections that were overdue. The Program Manager reported that they have since performed all overdue inspections (with one allowed exception) and were current as of the date of the MRB meeting. Ms. Ford reported that the Program was timely in dispatching inspection reports in 13 of the 15 reports reviewed; and that the Program inspected approximately 19 percent of candidate licensees operating under reciprocity in the one year covered by the review period. The MRB questioned the team as to why they are recommending that the Program be found "unsatisfactory" as it appeared that there were mitigating circumstances for the amount of overdue inspections. The team explained that while the Program identified and corrected this issue, the criteria for an "unsatisfactory" finding, as specified in Management Directive (M.D.) 5.6, is to be applied when the amount of overdue high priority and initial inspections exceeds 25 percent.

The review team found Georgia's performance with respect to this indicator to be "unsatisfactory", closed the previous recommendation and made no new

recommendations. The MRB agreed that Georgia's performance met the criteria for a "unsatisfactory" rating for this indicator.

Mr. Joshua Daehler and Ms. Michelle Beardsley presented the findings regarding the common performance indicator, *Technical Quality of Inspections*. Their presentation corresponded to Section 3.3 of the proposed final IMPEP report. Mr. Daehler reported that the team's review of inspection casework showed that in 9 of the 15 files reviewed, 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 further reported that in 6 files reviewed, the team determined that the inspectors did not follow the Program's procedures for the classification and documentation of violations. Ms. Beardsley reported that the team accompanied all six qualified inspectors; including one re-accompaniment as requested by the Program. Ms. Beardsley noted that in three of the six accompaniments, the inspectors did not follow the Program's procedures for performance-based and medical inspections. Mr. Daehler noted that in response to the three recommendations made during the 2012 IMPEP review, the team determined that the Program had taken comprehensive actions to address the issues identified; and that the team was able to close all three recommendations. He stated that the team made one new recommendation for the Program to (1) implement its inspection procedures to ensure that inspectors document the reason for missing temporary job site inspections; document details and circumstances of violations in inspection reports and NOVs; consider an increase in inspection frequency for serious violations and conduct performance based inspections; and (2) complete its enforcement procedure for assigning severity levels of violations. The MRB expressed their concern that many of the performance issues identified during these accompaniments had also been identified during the last IMPEP review. The MRB asked the team why they were making a finding of "satisfactory, but needs improvement" instead of "unsatisfactory". The team explained that the criteria as specified in M.D. 5.6 for a finding of "unsatisfactory" were not met as the team did not identify any missed health and safety issues during the accompaniments. The MRB directed that the report be revised to include this statement. The Program Manager stated that he was planning to perform accompaniments of all qualified inspectors starting in May 2014 as part of the Program's plan to identify and correct performance issues. The MRB commended the Manager on this action plan. The MRB also directed that the next periodic meeting include a focused review of the Program's inspection program, specifically inspector accompaniments and implementation of inspection procedures and progress in addressing the performance issues identified during the review.

The review team found Georgia's performance with respect to this indicator to be "satisfactory, but needs improvement", closed the three previous recommendations and made one new recommendation. The MRB agreed that Georgia's performance met the criteria for a "satisfactory, but needs improvement" rating for this indicator. The MRB agreed with the team's recommendation.

Ms. Jackie Cook 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 18 licensing casework files and determined that licensing actions were complete with health and safety and security issues properly addressed. Ms. Cook noted that the Program has installed a new system which once implemented, should help to improve the overall quality of the

written licenses. Ms. Cook noted that the team was able to close one of the three recommendations made during the previous IMPEP review but were keeping the other two recommendations open as actions to address these are in progress (i.e., the Program's actions to verify that all previously approved medical authorized users have the proper documentation of their qualifications, and the Program's actions to implement pre-licensing guidance for all licensing actions). The MRB disagreed with the team's recommendation to keep open the previous recommendation regarding the implementation of pre-licensing procedures as they noted that the team determined that the Program was implementing the procedure, they just needed to finalize it and provide staff training. The MRB directed instead that the previous recommendation be closed and that the team make a new recommendation to specify the actions still in progress. The review team agreed with the MRB's direction as this more accurately reflects the status of the Program's actions. The MRB asked the State about its progress in addressing the authorized user qualification documentation and expressed concern with the transboundary impact. The Program stated that they have identified the affected authorized users and can provide this information to any other State or Federal agency if requested. The team explained to the MRB that as part of the Georgia Program Improvement Plan, it was approved by the NRC for the State to perform these reviews on future new, amendment or renewal licensing actions and that the Program's progress is being monitored during bimonthly calls between the NRC and Georgia Program staff. In addition, Ms. Ford noted that a search of the Nuclear Materials Event Database (NMED) was performed to determine whether any of these medical authorized users were implicated in any medical events; no events were identified.

The review team found Georgia's performance with respect to this indicator to be "satisfactory", closed two recommendations from the previous IMPEP review, and made one new recommendation. The MRB agreed that Georgia's performance met the criteria for a "satisfactory" rating for this indicator. The MRB agreed with the team's new recommendation as noted above.

Ms. Beardsley 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. She reported that in response to the three recommendations made during the last IMPEP review, the Program had developed comprehensive procedures which addressed all aspects of incident and allegation evaluation, handling, response and documentation. The team was able to determine from the casework reviewed that the Program was implementing these procedures in all cases. The MRB commended the State on its greatly improved performance in this area.

The review team found Georgia's performance with respect to this indicator to be "satisfactory", and closed the three recommendations from the previous IMPEP review, and made no new recommendations. The MRB agreed that Georgia's performance met the criteria for a "satisfactory" rating for this indicator.

- 3. Non-Common Performance Indicators.** Ms. Ford 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. Ford noted that Georgia's process for rulemaking takes approximately one year from development to final approval by the Board of Natural Resources. She noted that during the review period, the Program submitted five final regulation amendments to the NRC for review; four of which

were overdue at the time of the previous IMPEP review. Ms. Ford reported that the State is current on all rulemaking at the time of this review.

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

4. **MRB Consultation/Comments on Issuance of Report.** The MRB found the Georgia Agreement State Program adequate to protect public health and safety, but needs improvement, and compatible with the NRC's program. The MRB will recommend to the Commission that the period of Probation of the Georgia Agreement State Program be discontinued and that the State be placed on Heightened Oversight. 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 two years (tentatively April 2016), with a periodic meeting to be held in one year (tentatively January 2015).
5. **Precedents/Lessons Learned.** None applicable to this review.
6. **Adjournment.** The meeting was adjourned at approximately 4:25 p.m. (ET)