



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

September 8, 2014

MEMORANDUM TO: Roy P. Zimmerman, Acting  
Deputy Executive Director for Materials, Waste,  
Research, State, Tribal, and Compliance Programs  
Office of the Executive Director for Operations

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

William M. Dean, Regional 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: JULY 31, 2014 SPECIAL MANAGEMENT REVIEW  
BOARD (MRB) MEETING

Enclosed are the minutes of the Special MRB meeting held on July 31, 2014 to discuss the periodic meetings held with the Louisiana, Minnesota, and Washington Agreement State Programs. If you have comments or questions, please contact me at (610) 337-6942.

Enclosure: Meeting Minutes

cc w/encl.: Joseph Melnic, PA  
Organization of Agreement States  
Liaison to the MRB

MRB Members

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MINUTES: SPECIAL MANAGEMENT REVIEW BOARD (MRB) MEETING OF  
JULY 31, 2014

The attendees were as follows:

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

Roy Zimmerman, MRB Chair, OEDO  
Bradley Jones, MRB Member, OGC  
Brian Holian, MRB Member, FSME  
Michele Sampson, OEDO

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

By videoconference:

William Dean, MRB Member, Region I  
James Lynch, Region III

Michelle Beardsley, FSME  
Jack Giessner, Region III

By telephone:

Joseph Melnic, MRB Member, PA  
Evita Lagard, LA  
Sherrie Flaherty, MN  
Earl Fordham, WA  
Randy Erickson, Region IV  
Mike Welling, VA, OAS  
Bob Dansereau, NY

Judith Schuerman, LA  
Dale Dorschner, MN  
David Jansen, WA  
Binesh Tharakan, Region IV  
Mark Shaffer, Region IV

1. **Convention.** Mr. Roy Zimmerman, Acting Chair of the MRB convened the meeting at 1:07 p.m. (ET). He noted that this MRB meeting was open to the public; several members of the public participated in this meeting as noted above. Introductions of the attendees were conducted.
2. **Periodic Meeting Discussions:**

**Periodic Meeting with the Louisiana Agreement State Program**

Mr. Binesh Tharakan led the discussion of the results of the Periodic Meeting held with the Louisiana Department of Environmental Quality (ADAMS Accession Number: (ML14147A063). The meeting was held in Baton Rouge on April 24, 2014. Mr. Tharakan stated that the last IMPEP review of the Louisiana Program was conducted in April 2012. The team found the State's performance satisfactory for all five common performance indicators; and satisfactory, but needs improvement for the non-common indicators, Compatibility Requirements, and Sealed Source and Device Evaluation (SS&D) Program. The review team made two recommendations and kept one recommendation open from the 2008 IMPEP review regarding Louisiana's performance for the indicator, Sealed Source and Device (SS&D) Evaluation Program. The team recommended, and the MRB agreed, that the Louisiana Agreement State Program be found adequate to protect public health and safety, and compatible with the NRC's program.

Mr. Tharakan noted that during this periodic meeting, staff found that the State has made significant progress in addressing the recommendations made during the previous IMPEP review including the following actions: the performance of several peer and supervisory reviews to ensure that SS&D products are of high quality, the performance of an extensive search to ensure complete documentation was accessible in all SS&D registrations, and updating all sealed source and device registries. He also reported that the State has a stable workforce with experienced inspectors and relatively little turnover; and further, that the staff is able to travel again after recent budget constraints were lifted. Mr. Tharakan noted that the level of experience within the workforce is increasing as newly hired staff rapidly gain experience through mentoring, accompaniments, and attending NRC training courses.

Mr. Tharakan noted that the State identified challenges with the loss of one senior technical advisor position, especially with rulemaking activities; and stated that this position will not be filled. Mr. Tharakan stated that the Program is current on all high priority and initial inspections, and has no backlogs in licensing. The MRB commended the State on its performance in this area. Mr. Tharakan noted that the four regulations that were overdue for adoption by the State are in process for completion.

Mr. Tharakan concluded that the staff recommends that the next IMPEP review be conducted as scheduled in FY 2016. The MRB agreed with the staff's recommendation.

#### **Periodic Meeting with the Minnesota Agreement State Program**

Mr. Jim Lynch led the discussion of the results of the Periodic Meeting held with the Minnesota Environmental Health Division (ADAMS Accession Number: ML14154A407). The meeting was held in St. Paul on April 29, 2014. Mr. Lynch stated that the last IMPEP review of the Minnesota Program was conducted in November 2011. The team found the State's performance satisfactory for all performance indicators reviewed. The team recommended, and the MRB agreed, that the Minnesota Agreement State Program be found adequate to protect public health and safety, and compatible with the NRC's program; and that the next IMPEP review be extended for an extra year based on good performance. Mr. Lynch noted that the Minnesota Program while fairly new, continues to perform at a high level which can be attributed in part to the knowledgeable staff, excellent communications between staff, and the good managerial and financial support to the program. He noted that the State reported a weakness with its inefficient database, and that staff had discussed the option of using the NRC's Web-Based Licensing system. Mr. Lynch reported that at the time of the periodic meeting there was one vacancy out of six positions in the licensing staff. He further noted that the State had no overdue high priority and initial inspections, no backlogs in licensing; and was current on all regulations required for compatibility. The MRB commended the State on its performance.

Mr. Lynch concluded that the staff recommends that the next IMPEP review be conducted as scheduled in FY 2016. The MRB agreed with the staff's recommendation.

**Periodic Meeting with the Washington Agreement State Program**

Mr. Randy Erickson led the discussion of the results of the Periodic Meeting held with the Washington Department of Health (ADAMS Accession Number: ML14189A007). The meeting was held in Olympia on May 6, 2014. Mr. Erickson stated that the last IMPEP review of the Washington Program was conducted in May 2013. The team found the State's performance satisfactory for all performance indicators reviewed and made one recommendation regarding the assessment for generic issues involving sealed source and device incidents. The team recommended, and the MRB agreed, that the Washington Agreement State Program be found adequate to protect public health and safety, and compatible with the NRC's program. The team recommended that the next full IMPEP review take place in four years and for a periodic meeting to be held in one year in order to monitor the Office's transition to a new director. The MRB directed that the next review be held in five years, but agreed that the Periodic Meeting be held in one year.

During the periodic meeting, staff found that the State has addressed the team's recommendation by assigning one individual to perform six month reviews to ensure that radioactive material incidents involving sealed sources and devices registered by the State are periodically and independently assessed for generic issues and that any potential generic issues are communicated to licensees and fellow regulators in a timely manner. Mr. Erickson noted that the Washington program has a highly motivated and dedicated staff with outstanding management support. He further noted that at the time of the meeting the State was fully staffed with the exception of the database manager position; and further noted that they had no overdue inspections, no licensing backlog and one overdue regulation. The MRB commended the State on its performance.

Mr. Erickson concluded that the staff recommends that the next IMPEP review be conducted as scheduled in FY 2018 with another periodic meeting to be held in FY2016. The MRB agreed with the staff's recommendations.

**Comments.** Ms. Dimmick restated the MRB's decisions.

3. **Precedents/Lessons Learned.** Nothing applicable to this review
4. **Adjournment.** The meeting was adjourned at 2:20 p.m.(ET).