



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
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November 6, 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

James P. Biggins, Deputy Assistant General Counsel  
for Reactor and Materials Rulemaking  
Office of the General Counsel

Keith I. McConnell, Special Assistant  
Office of Nuclear Material Safety  
and Safeguards

Darrell J. Roberts, Deputy Regional Administrator  
Region III

FROM: Michelle R. Beardsley, Health Physicist */RA/*  
Agreement State Programs Branch  
Division of Material Safety, State, Tribal,  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: MINUTES: OCTOBER 24, 2014 OKLAHOMA  
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on October 24, 2014. If you have comments or questions, please contact me at (610) 337-6942.

Enclosure: Meeting Minutes

cc w/encl.: William Dundulis, RI  
Organization of Agreement States  
Liaison to the MRB

Management Review Board Members

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<b>OFFICE</b>	MSTR/ASPB	MSTR/ASPB
<b>NAME</b>	KMeyer	MBeardsley <i>via email w/edits</i>
<b>DATE</b>	11/05/14	11/06/14

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF OKLAHOMA  
OCTOBER 24, 2014

The attendees were as follows:

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

Roy Zimmerman, MRB Chair, DEDMRT  
Keith McConnell, MRB Member, NMSS  
Jim Biggins, MRB Member, OGC  
Lisa Dimmick, NMSS  
Jack Foster, OEDO

Duncan White, NMSS  
David Spackman, NMSS  
Laura Dudes, NMSS

By videoconference:

Darrell Roberts, MRB Member, Region III  
Mark Shaffer, Region IV

Binesh Tharakan, Team Member, Region IV  
Monica Ford, Team Member, Region I

By telephone:

Bill Dundulis, MRB Member, OAS, RI  
Michelle Beardsley, NMSS  
Michael Welling, OAS  
Vanessa Danesse, TX

Judee Walden, Team Member, KS  
Shawn Seeley, Team Member, Region I  
Mike Broderick, OK  
Janine Katanic, NMSS

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; members of the public participated as noted above. Ms. Dimmick then transferred the lead to Mr. Roy Zimmerman, Acting Chair of the MRB. Introductions of the attendees were conducted.
  
2. **Oklahoma IMPEP Review.** Ms. Monica Ford, Team Leader, led the presentation of the Oklahoma 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 State of Kansas during the period of August 4–8, 2014. Ms. Ford reported that the team found Oklahoma satisfactory for all performance indicators reviewed. The review team made two recommendations concerning program performance by the State regarding the marking of sensitive information/securing of documents and incident reporting and follow-up. The last IMPEP review for Oklahoma was conducted in September 2010. Ms. Ford noted that there were four recommendations made during the previous IMPEP review. She reported that the team was able to close all of these recommendations.

**Common Performance Indicators.** Mr. Binesh Tharakan 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. Tharakan noted that at the time of the review, the State had no vacant positions with a

total of 5.6 FTE devoted to the Agreement State program. Mr. Tharakan noted that at the time of the last IMPEP review there were two vacant positions and during this review period three additional staff left the program. The State was able to hire four staff over the course of this review period and the level of effort on the part of each staff has increased. Therefore, no change in FTE has occurred. Mr. Tharakan reported that the program suffered a significant cut in appropriations after the 2014 legislative session; however, Oklahoma management stated that this is not currently affecting the Agreement State Program. The MRB asked if this cut in appropriations may have future impact on the program's operation. The Oklahoma managers responded that they would expect only minor if any impact, as the Radiation Management Section which administers the Agreement State Program is entirely fee funded with no legislative appropriations. Mr. Tharakan reported that the review team determined that the State's training program is not equivalent to NRC's Inspection Manual Chapter 1248; however, program management committed to updating the training program to meet the NRC's IMC 1248. The MRB asked the State for an estimated target date for completion of this task; the State reported that they expect to have this done by the end of the calendar year. The MRB requested that the final report be revised to reflect this statement. Mr. Tharakan concluded that the team determined that staffing levels and staff training were adequate for the State to carry out its regulatory duties.

The review team found Oklahoma's performance with respect to this indicator to be "satisfactory". The MRB agreed that Oklahoma's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. 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 State has continued to take actions to address the recommendation made during the previous IMPEP review to ensure that all high priority and initial inspections are performed within required timeframes and therefore, the team was able to close the recommendation. Ms. Ford reported that the State performed less than ten percent (i.e., 5.6 percent) of high priority and initial inspections overdue during the review period. She added that this had improved significantly from the previous IMPEP review in which the State had performed 17.9 percent overdue. The MRB asked if the few inspections that were conducted overdue were attributed to staffing vacancies. The team responded that the few overdue inspections occurred over the review period and were not related to staffing transitions. Ms. Ford noted that the State dispatched inspection reports in a timely manner in the majority of reports reviewed by the team. The MRB commended the State on its improved performance in this area.

The review team found Oklahoma's performance with respect to this indicator to be "satisfactory". The MRB agreed that Oklahoma's performance met the criteria for a "satisfactory" rating for this indicator. The MRB agreed that the previous recommendation be closed.

Mr. Shawn Seeley 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. Seeley reported that the team determined that inspections covered all aspects of the licensee's radiation safety program, 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. Seeley reported that accompaniments of four State 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 Oklahoma's performance with respect to this indicator to be "satisfactory". The MRB agreed that Oklahoma's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Judee Walden 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. Ms. Walden reported that the team determined that the State's actions to address the recommendation made during the previous IMPEP review regarding staff familiarization and implementation of current Part 35 medical use authorization requirements, were effective and therefore the team was able to close this recommendation. She reported that the team reviewed 28 licensing casework files and determined that all medical and non-medical licensing actions were complete, consistent and of high quality, with health and safety and security issues properly addressed. Ms. Walden reported that the team identified an issue with the improper marking and handling of some documents containing sensitive information. As a result, the review team had recommended that the State should finalize its information security policy to ensure proper marking, handling, and storing of sensitive documents. The MRB discussed this issue with Oklahoma program managers who confirmed that they took action following the onsite review to fully address the issue by finalizing its policy and obtaining the locking cabinets. The MRB directed that based on the Program's actions, this recommendation be removed from the report if the team had no objections. Ms. Ford stated that the team agreed that this recommendation can be deleted.

The review team found Oklahoma's performance with respect to this indicator to be "satisfactory". The MRB agreed that Oklahoma's performance met the criteria for a "satisfactory" rating for this indicator. The MRB agreed that the previous recommendation be closed. The MRB disagreed with the team's proposed recommendation as noted above and directed that this be deleted from the final report.

Mr. Tharakan 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. Mr. Tharakan reported that the team determined that the State's actions to address the two previous recommendations regarding the proper documentation and appropriate follow-up of all incidents, and the proper documentation, tracking and closure of all allegations, were effective and therefore the team was able to close both recommendations. The MRB noted that the team is proposing a new recommendation for this indicator and questioned the difference

between the previous recommendation regarding incident review procedures and the new recommendation being proposed. Mr. Tharakan explained that the new recommendation is focused on the staff's lack of familiarity with the timely and accurate reporting of incidents to the NRC and NMED as noted by the team in 5 of the 15 case files reviewed. He further explained that the previous recommendation directed the State to take measures to document its incident response program, including appropriate response, review enforcement and followup. The MRB directed that the report be revised to clarify this distinction. Mr. Tharakan reported that the team determined that the State's response to incidents was adequate for 13 of the 14 incidents reviewed. In one incident the team found that the State did not sufficiently document how they determined that no members of the public received a dose from a scrapyard incident. Mr. Tharakan noted that the team determined that the State's response to allegations was prompt with appropriate actions taken in response to the concerns raised.

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

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 Oklahoma's process for rulemaking takes approximately 18 months from development stage to final approval. She reported that during the review period, Oklahoma submitted 17 final regulation amendments to the NRC for review; none were submitted overdue. Ms. Ford further noted that at the time of the review, there were no amendments overdue for adoption. The MRB commended the State on its performance in this area.

The review team found Oklahoma's performance with respect to this indicator to be "satisfactory". The MRB agreed that Oklahoma's performance met the criteria for a "satisfactory" rating for this indicator.

4. **MRB Consultation/Comments on Issuance of Report.** The MRB found the Oklahoma 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.
5. **Precedents/Lessons Learned.** None applicable to this review. Mr. James Biggins noted that IMPEP review team members and leaders should be informed that the Agreement States' legislation for the protection of documents containing sensitive information can differ from federal requirements and in those cases, the State's regulations take precedence. The MRB directed NMSS staff to include this during IMPEP training.
6. **Adjournment.** The meeting was adjourned at approximately 2:38 p.m. (ET)