



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

November 24, 2014

MEMORANDUM TO: Roy P. Zimmerman,  
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

Scott W. Moore, Deputy Director  
Office of Nuclear Material Safety and Safeguards

Darrell J. Roberts, Regional Administrator  
Region III

FROM: Lisa C. Dimmick, Senior 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 28, 2014 MASSACHUSETTS  
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on October 28, 2014. If you have comments or questions, please contact me at (301) 415-0694.

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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<b>OFFICE</b>	MSTR/ASPB	MSTR/ASPB
<b>NAME</b>	KMeyer	LDimmick <i>w/edits</i>
<b>DATE</b>	11/24/14	11/24/14

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF MASSACHUSETTS  
OCTOBER 28, 2014

The attendees were as follows:

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

Roy Zimmerman, MRB Chair, OEDO  
Scott Moore, MRB Member, NMSS  
Bradley Jones, MRB Member, OGC  
Jack Foster, OEDO  
Lisa Dimmick, NMSS  
Karen Meyer, NMSS

Janine Katanic, Team Leader, NMSS  
Michelle Simmons, Team Member, RIV  
Stephen Poy, Team Member, NMSS  
Susan Abraham, NMSS  
Elizabeth Doolittle, NMSS  
Duncan White, NMSS

By videoconference:

Darrell Roberts, MRB Member, RIII  
Donna Janda, Team Member, RI

Farrah Gaskins, Team Member, RI  
Dan Collins, RI

By telephone:

Lee Cox, MRB Member, OAS, NC  
Michelle Beardsley, NMSS  
Martha Steele, MA  
Suzanne Condon, MA  
Robert Dansereau, NY

Vanessa Danese, Team Member, TX  
John Priest, MA  
Joshua Daehler, MA  
Michael Welling, OAS, VA

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:02 p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public. Ms. Dimmick then transferred the lead to Mr. Roy Zimmerman, Chair of the MRB. Introductions of the attendees were conducted.
  
2. **Massachusetts IMPEP Review.** Dr. Janine Katanic, Team Leader, led the presentation of the Massachusetts 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 Texas during the period of July 28 – August 1, 2014. A draft report was issued to the Commonwealth for factual comment on September 3, 2014. The Commonwealth responded to the review team's findings by letter dated September 29, 2014. The last IMPEP review for Massachusetts was conducted in July 2010. The Program was found adequate, but needs improvement to protect public health and safety, and compatible with the NRC's program. The Program was placed on Monitoring which was discontinued in one year for the progress the Commonwealth made in addressing performance weaknesses. Dr. Katanic noted that there were eight recommendations made during the last IMPEP review. She reported that the team recommended closure of all the recommendations to the MRB.

**Common Performance Indicators.** Ms. Donna Janda 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. The MRB discussed the open recommendation and whether funding is adequate to retain staff. The Program management discussed that funding has remained stable and that turnover has been due to retirements and promotions. Further, the Program has been able to fill vacancies. The MRB discussed the training aspect of this indicator and whether the concerns noted with the Program’s licensing and inspection activities were related to training. Ms. Janda noted that the team determined that Program staff have been adequately trained and qualified and that oversight and process were causal factors with the weaknesses observed in licensing and inspection.

The review team found Massachusetts’ performance with respect to this indicator to be “satisfactory”. The MRB agreed that Massachusetts performance met the criteria for a “satisfactory” rating for this indicator. The MRB agreed that the previous recommendation concerning adequate funding for the Program’s staffing plan be closed.

Ms. Vanessa Danese presented the findings regarding the common performance indicator, *Status of the Materials Inspection Program*. Her presentation corresponded to Section 3.2 of the proposed final IMPEP report. During the review period, the Program only conducted a commendable three percent of its higher priority inspections overdue.

The review team found Massachusetts’ performance with respect to this indicator to be “satisfactory”. The MRB agreed that Massachusetts’s performance met the criteria for a “satisfactory” rating for this indicator. The MRB agreed that the previous recommendation concerning the Program’s database for inspection tracking be closed.

Ms. Danese presented the findings regarding the common performance indicator, *Technical Quality of Inspections*. Her presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team identified weaknesses in the quality of inspection reports, and during accompaniments of Program inspectors, the team found that the inspectors did not identify some items important to health, safety, and security. The MRB discussed the actions taken by the Commonwealth following the IMPEP accompaniments and onsite IMPEP review. The Program identified gaps in its oversight of its inspection process and took prompt actions by re-communicating expectations on inspections, development and implementation of an inspection closure checklist, peer reviews of inspection work, and a use of a review board for complex inspection issues.

The MRB questioned whether a performance recommendation should be issued for this indicator. After discussion, the MRB agreed with the review team not to issue a performance recommendation since the Commonwealth already took corrective measures prior to the MRB. The MRB requested that language be added to the final report to reference the corrective actions taken by the Commonwealth.

The review team found Massachusetts’ performance with respect to this indicator to be “satisfactory, but needs improvement”. The MRB agreed that Massachusetts’ performance met the criteria for a “satisfactory, but needs improvement” rating for this

indicator. The MRB agreed that the previous recommendation concerning annual inspector accompaniments be closed.

Ms. Farrah Gaskins and Ms. Michelle Simmons presented the findings regarding the common performance indicator, *Technical Quality of Licensing Actions*. Their presentation corresponded to Section 3.4 of the proposed final IMPEP report. The review team found some licensing casework was inconsistent in risk significant areas. The MRB questioned whether a performance recommendation should be issued for this indicator. The review team and Program discussed the actions taken by the Commonwealth following the onsite IMPEP review. The Program identified gaps in its oversight and process of licensing activities and took prompt corrective actions.

The review team found Massachusetts' performance with respect to this indicator to be "satisfactory, but needs improvement". The MRB agreed that Massachusetts' performance met the criteria for a "satisfactory, but needs improvement" rating for this indicator.

Dr. Katanic and Mr. Stephen Poy presented the findings regarding the common performance indicator, *Technical Quality of Incident and Allegation Activities*. Their presentation corresponded to Section 3.5 of the proposed final IMPEP report. The review team identified weaknesses with the Commonwealth's process for assessing events. The team noted the response to events were inconsistent and not always commensurate with the health and safety significance. The MRB discussed the expectation for an onsite reactive inspection for medical events and requested the final report be clarified so as not to imply that an onsite response to incidents is a requirement. The MRB discussed the corrective actions taken by the Commonwealth prior to the MRB, i.e., development of a draft policy and implementation of a review board for complex incidents; and considered if the indicator should be found (1) satisfactory and not (2) satisfactory, but needs improvement and whether or not (3) to modify the performance recommendation. The MRB voted 4 to 1 to keep the indicator rating and recommendation as suggested by the review team,

The review team found Massachusetts' performance with respect to this indicator to be "satisfactory, but needs improvement." The MRB agreed that Massachusetts' performance met the criteria for a "satisfactory, but needs improvement" rating for this indicator. The MRB agreed that the previous recommendation concerning the reporting of events be closed, and agreed with the team's new recommendation concerning the evaluation of events.

**Non-Common Performance Indicators.** Ms. Janda presented the findings regarding the non-common performance indicator, *Compatibility Requirements*. Her presentation corresponded to Section 4.1 of the proposed final IMPEP report. The Commonwealth made significant progress in the promulgation of regulations since the previous review and had no rules overdue for adoption at the time of the July 2014 IMPEP. The MRB commended the Commonwealth on its performance in this area.

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

“satisfactory” rating for this indicator. The MRB agreed that the previous recommendation concerning timely adoption of regulations be closed.

Mr. Poy presented the findings regarding the non-common performance indicator, *Sealed Source and Device (SSD) Evaluation Program*. His presentation corresponded to Section 4.2 of the proposed final IMPEP report. Mr. Poy noted that the Commonwealth had taken actions to address the previous three recommendations made for this indicator regarding changes to specific SSD sheets and therefore, the team was able to close these recommendations. He reported that the review team determined that product evaluations were thorough, complete, consistent, and adequately addressed the integrity of the products during use and in the event of accidents.

The review team found Massachusetts performance with respect to this indicator to be “satisfactory” and made one recommendation as noted above. The MRB agreed that Massachusetts performance met the criteria for a “satisfactory” rating for this indicator. The MRB agreed that the previous three recommendations concerning changes to specific SSD sheets be closed.

3. **MRB Consultation/Comments on Issuance of Report.** The team recommended and the MRB agreed that the Massachusetts Agreement State Program is adequate to protect public health and safety, but needs improvement, 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, and that a periodic meeting be held in one year. The review team recommended, and the MRB agreed, that a period of Monitoring be implemented.
4. **Precedents/Lessons Learned.** None applicable to this review.
5. **Adjournment.** The meeting was adjourned at approximately 4:06 p.m. (ET)