



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

October 15, 2015

MEMORANDUM TO:

Michael F. Weber  
Deputy Executive Director for Materials, Waste,  
Research, State, Tribal, and Compliance Programs  
Office of the Executive Director for Operations

Mary B. Spencer, Assistant General Counsel  
for Reactor and Materials Rulemaking  
Office of the General Counsel

Marissa G. Bailey, Director  
Division of Fuel Cycle Safety, Safeguards,  
and Environmental Review  
Office of Nuclear Material Safety  
and Safeguards

Jack Giessner, Director  
Division of Nuclear Materials Safety  
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: SEPTEMBER 17, 2015, NORTH DAKOTA  
MANAGEMENT REVIEW BOARD MEETING

Enclosed are the minutes of the Management Review Board meeting held on  
September 17, 2015, for the North Dakota Agreement State program. If you have comments or  
questions, please contact me at (301) 415-0694.

Enclosure:  
MRB Meeting Minutes

cc: Cindy Becker, FL  
Organization of Agreement States  
Liaison to the MRB

Terry O'Clair, Director  
Division of Division of Air Quality

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<b>OFFICE</b>	NMSS/MSTR
<b>NAME</b>	LDimmick
<b>DATE</b>	10/15/15

**OFFICIAL RECORD COPY**

Memorandum to Mike Weber from Lisa Dimmick dated October 15, 2015

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MANAGEMENT REVIEW BOARD MEETING

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF NORTH DAKOTA  
SEPTEMBER 17, 2015

The attendees were as follows:

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

Michael Weber, MRB Chair, DEDMRT  
Marissa Bailey, MRB Member, NMSS  
Mary Spencer, MRB Member, OGC  
Jack Geisner, MRB Member, Region III  
Josie Piccone, NMSS  
Julian Sessoms, NMSS  
Michelle Beardsley, NMSS

Lisa Dimmick, NMSS  
Beth Doolittle, NMSS  
Christian Einberg, NMSS  
Duncan White, NMSS  
Lizette Roldan-Otero, NMSS

By videoconference:

Jack Giessner, MRB Member, Region III  
Binesh Tharakan, Team Member, Region IV

Mark Shaffer, Region IV

By telephone:

Cindy Becker, MRB Member, OAS, FL  
Dwight Shearer, Team Member, PA  
Terry O'Clair, ND  
Dale Patrick, ND  
Cindy Flannery, NMSS

Jim Lynch, Region III  
Orysia Masnyk-Bailey, RI  
Kathy Modes, NMSS  
Bob Dansereau, NY

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:00p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public; no members of the public participated in this meeting. Ms. Dimmick then transferred the lead to Mr. Michael Weber, Chair of the MRB. Introductions of the attendees were conducted.
2. **North Dakota IMPEP Review.** Ms. Orysia Masnyk-Bailey, Team Leader, led the presentation of the North Dakota 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 Pennsylvania during the period of June 22-25, 2015. A draft report was issued to North Dakota for factual comment on July 24, 2015. North Dakota responded to the review team's findings by e-mail dated September 2, 2015. Ms. Masnyk-Bailey reported that the team found the North Dakota Agreement State Program satisfactory for all six performance indicators reviewed. The review team did not make any recommendations and proposed the open recommendations from the 2011 and 2013 reviews be closed.

**Common Performance Indicators.** Ms. Masnyk-Bailey 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 Program is composed of six staff members which equals five full-time equivalents for the radioactive materials program including any vacancies in the Program. Currently, there is one

vacancy. Since the 2011 IMPEP, the Program's staffing has increased by three positions. North Dakota has a training and qualification manual compatible with the NRC's Inspection Manual Chapter 1248, "Formal Qualifications Program for Federal and State Material and Environmental Management Programs." To address the open recommendation from the 2011 review concerning staff retention and depth, North Dakota memorialized the program by updating policy and procedures, and developed and implemented a staffing plan that provides promotion potential of inspector positions and hired additional technical staff. The review team determined the Program addressed the open recommendation.

The review team found North Dakota's performance with respect to this indicator to be "satisfactory." The MRB agreed that North Dakota's performance met the criteria for a "satisfactory" rating for this indicator. Further, the MRB agreed that the recommendation on staff vacancies should be closed.

Mr. Binesh Tharakan 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. North Dakota performed 64 priority 1, 2, 3, and initial inspections during the review period. All inspections were conducted timely. Each year of the review period, North Dakota performed greater than 20 percent of candidate reciprocity inspections.

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

Ms. Masnyk-Bailey 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. She reported that the Program's inspectors were well-prepared, used appropriate and calibrated survey instruments effectively, and placed appropriate emphasis on the risk significance of observations and findings. All inspections were well documented, reviewed thoroughly by management, and resulted in appropriate and prompt regulatory action in response to non-compliances. To address the open recommendation from 2013 concerning the qualification of inspectors for all license types, North Dakota developed and implemented a written training and qualification plan to ensure that inspectors become qualified to conduct inspections in all radioactive material program areas licensed by the State. The review team determined the Program addressed the open recommendation.

The review team found North Dakota's performance with respect to this indicator to be "satisfactory." The MRB agreed that North Dakota's performance met the criteria for a "satisfactory" rating for this indicator. Further, the MRB agreed that the recommendation on inspector accompaniments should be closed.

Mr. Dwight Shearer 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. Licensing actions were thorough, complete, consistent, and of acceptable technical quality.

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

Ms. Masnyk-Bailey 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. Ms. Masnyk-Bailey reported that the team determined that the State's response to incidents and allegations was adequate.

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

3. **Non-Common Performance Indicators.** Mr. Tharakan presented the findings regarding the non-common performance indicator, *Compatibility Requirements*. His presentation corresponded to Section 4.1 of the proposed final IMPEP report. At the time of the review, there were two regulation amendments overdue for adoption, and the program was in process of addressing three NRC comments to final regulations previously adopted. At the time of the onsite review the Program committed to submitting the package addressing the comments and overdue regulations to the NRC prior to the MRB meeting. The package was submitted to the NRC on September 10, 2015, prior to the MRB meeting

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

4. **MRB Consultation/Comments on Issuance of Report.** The review team recommended, and the MRB agreed, that the North Dakota Agreement State Program be found adequate to protect public health and safety and compatible with the NRC's program. The review team recommended the next IMPEP review take place in approximately 4 years. Further the review team recommended, and the MRB agreed, that the North Dakota Agreement State Program be removed from monitoring.
5. **Precedents/Lessons Learned.** None applicable to this review
6. **Adjournment.** The meeting was adjourned at approximately 1:45 p.m. (ET)