



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
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February 19, 2016

MEMORANDUM TO: Glenn M. Tracy  
Deputy Executive Director for Materials, Waste,  
Research, State, Tribal, Compliance, Administration,  
and Human Capital Programs  
Office of the Executive Director for Operations

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

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

Kriss M. Kennedy, Deputy Regional Administrator  
NRC Region IV

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: JANUARY 21, 2016 MARYLAND  
MANAGEMENT REVIEW BOARD MEETING

Enclosed are the minutes of the Management Review Board (MRB) meeting held on January 21, 2016, for the Maryland Agreement State program. If you have comments or questions, please contact me at (301) 415-0694.

Enclosure:  
MRB Meeting Minutes

cc: Debra Shults, TN  
Organization of Agreement States  
Liaison to the MRB

Management Review Board Members

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<b>OFFICE</b>	NMSS/MSTR
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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF MARYLAND  
JANUARY 21, 2016

The attendees were as follows:

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

Glenn Tracy, MRB Chair, OEDO  
Mary Spencer, MRB Member, OGC  
Scott Moore, MRB Member, NMSS  
Lisa Dimmick, NMSS  
Karen Meyer, NMSS  
Roland Fletcher, MD  
Charles Cox, MD

Dan Collins, NMSS  
Duncan White, NMSS  
Jack Foster, OEDO  
Stephen Poy, NMSS  
Julian Sessoms, NMSS  
Raymond Manley, MD

By videoconference:

Kriss Kennedy, MRB Member, Region IV  
Latischa Hanson, Team Member, Region IV  
Mark Shaffer, Region IV

Donna Janda, Team Member, Region I  
Kathy Modes, Team Member, NMSS

By telephone:

Debra Shults, MRB Member, TN, OAS  
Binesh Tharakan, Team Member, Region IV  
Steve Seeger, Team Member, TN

Alan Jacobson, MD  
Mary Beth Tung, MD

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:04 p.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. Glenn Tracy, Chair of the MRB. Introductions of the attendees were conducted.
2. **Maryland IMPEP Review.** Mr. Binesh Tharakan, Team Leader, led the presentation of the Maryland Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. He 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 U.S. Nuclear Regulatory Commission (NRC) and the State of Tennessee during the period of November 2–6, 2015. A draft report was issued to Maryland for factual comment on December 7, 2015. Maryland responded to the review team's findings by letter dated January 8, 2016. Mr. Tharakan reported that the team found the Maryland Agreement State Program (the Program) satisfactory for all seven performance indicators reviewed. The review team made two recommendations for the current review in the area of the staff training and qualification process, and for the development of quality assurance process for licensing. The team recommended closing the four recommendations from the prior review.

Common Performance Indicators. Mr. Tharakan reviewed and presented the common performance indicator, *Technical Staffing and Training*. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. The Program is composed of 10 full-time equivalents (FTE), which includes management and staff. The Program has two

vacancies. Over the review period a total of four staff left the Program and three were hired. At the time of the review, the Program had not implemented essential objectives of Inspection Manual Chapter (IMC) 1248, "Formal Qualifications Program for Federal and State Materials and Environmental Management Programs." The review team recommended that the Program update its training and qualification program to meet the essential elements of IMC 1248. The MRB discussed with the Program, the Program's plan for filling the vacancies and for implementation of IMC 1248.

The review team found Maryland's performance with respect to this indicator to be "satisfactory." The MRB agreed that Maryland's performance met the criteria for a "satisfactory" rating for this indicator. In addition, the MRB agreed to open the staff training and qualification recommendation.

Mr. Steve Seeger reviewed and presented the common performance indicator, *Status of Materials Inspection Program*. His presentation corresponded to Section 3.2 of the proposed final IMPEP report. The review team found that the Program performed 302 Priority 1, 2, 3, and initial inspections during the review period, of which 15 inspections or 5.0 percent, were conducted overdue. Inspection reports were issued timely and the Program met reciprocity goals.

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

Ms. Donna Janda reviewed and presented the common performance indicator, *Technical Quality of Inspections*. Her presentation corresponded to Section 3.3 of the proposed final IMPEP report. The team reviewed 25 inspection reports conducted during the review period, for six of the Program's materials inspectors and covered a sampling of the higher priority inspections. The review team accompanied four inspectors prior to the onsite review. The inspections were adequate to assess radiological health, safety and security.

The review team found Maryland's performance with respect to this indicator to be "satisfactory." The MRB agreed that Maryland's performance met the criteria for a "satisfactory" rating for this indicator. In addition, the MRB agreed to close the 2011 recommendation concerning the review of licensee corrective action(s) for non-compliance(s).

Ms. Kathy Modes reviewed and presented the common performance indicator, *Technical Quality of Licensing Actions*. Her presentation corresponded to Section 3.4 of the proposed final IMPEP report. The team reviewed 25 licensing actions from the review period, for current and former license reviewers and covered a sampling of the license types. Overall, licensing actions properly addressed health, safety, and security issues, and met the criteria for satisfactory performance. The team identified some licenses were missing certain important components such as standard license conditions for transportation, maximum possession limits, and a Radiation Safety Officer qualification for a broad scope license. Therefore, the team recommended that Maryland develop and

implement a quality assurance program to ensure that licenses are reviewed for completeness and accuracy prior to issuance by the State.

The review team found Maryland's performance with respect to this indicator to be "satisfactory." The MRB agreed that Maryland's performance met the criteria for a "satisfactory" rating for this indicator. In addition, the MRB agreed to close the 2011 recommendations concerning self-assessments of issued licensing actions and financial assurance, and to open a new recommendation implementing a quality assurance program to ensure technical quality prior issuance of a licensing action. The MRB requested the report language for closing the 2011 recommendation on the licensing self-assessments be expanded to include basis for the review team's closure. Report language was added to indicate that a root cause evaluation of the deficient licensing actions was conducted, and that the supervisor identified the improper use of checklists and the carryover of errors from one licensing action to the next as the root causes. Maryland will continue to perform self-assessments of completed licensing actions. The review team and MRB noted that 2011 recommendation called for a retrospective review of issued licensing actions. The MRB determined that Maryland met the intent of the recommendation. However, to assure quality before a licensing action is issued, the MRB supported a new recommendation for a quality assurance program that reviews licensing actions before they are issued the root cause for the licensing errors observed in the prior review period.

Ms. Latischa Hanson reviewed and 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. The review team evaluated 14 of 43 incidents reported to the Program. Each event reviewed was found to have been properly evaluated to determine the level of response required and the investigations were well coordinated and timely. Follow-up actions were performed when needed. The review team also reviewed the casework for 11 of 13 allegations received by Maryland including 8 allegations referred by the NRC during the review period. The team found the Program to be responsive, taking prompt and appropriate action. Documentation was thorough and complete, and allegations were closed timely. Concerned individuals identities were properly protected.

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

- 3. Non-Common Performance Indicators.** Mr. Stephen Poy reviewed and presented the non-common performance indicator, *Compatibility Requirements*. His presentation corresponded to Section 4.1 of the proposed final IMPEP report. The team reviewed the State's legislation and regulations; the Program's State Regulation Status (SRS) data sheet (which documents the program's progress toward adopting NRC regulatory amendments); the previous IMPEP report, Periodic Meeting summary, and conducted discussions with staff.

During the review period, the Program submitted 11 final regulation amendments to the

NRC for compatibility review, and all of the submitted regulations were determined to be compatible.

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

Mr. Stephen Poy reviewed and presented the non-common performance indicator, *Sealed Source and device Evaluation Program (SS&D)*. His presentation corresponded to Section 4.2 of the proposed final IMPEP report. In evaluating this indicator, the team considered the three sub-elements, including (1) Technical Staffing and Training, (2) Technical Quality of the Product Evaluation Program, and (3) Evaluation of Defects and Incidents Regarding SS&Ds. The team reviewed 23 SS&D registries processed during the review period. In 2011, the review team recommended the Program inactivate 25 obsolete SS&D registries. The Program completed this action

The review team found Maryland's performance with respect to this indicator to be "satisfactory." The MRB agreed that Maryland's performance met the criteria for a "satisfactory" rating for this indicator. In addition, the MRB agreed to close the SS&D recommendation from 2011.

4. **MRB Consultation/Comments on Issuance of Report.** The review team recommended, and the MRB agreed, that the Maryland Agreement State Program be found adequate to protect public health and safety and compatible with the NRC's program. The review team recommended, and the MRB agreed, the next IMPEP review take place in approximately 4 years with a periodic meeting mid-cycle.
6. **Precedents/Lessons Learned.** None applicable to this review
7. **Adjournment.** The meeting was adjourned at approximately 2:40 p.m. (ET)