



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
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October 6, 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

Mark D. Lombard, Director
Program of Spent Fuel Management
Office of Nuclear Material Safety and Safeguards

Daniel H. Dorman, Regional Administrator
NRC Region I

FROM: Lisa C. Dimmick, Senior Health Physicist */RA/*
Agreement State Programs Branch
Program of Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards

SUBJECT: MINUTES: JULY 21, 2016 LOUISIANA
MANAGEMENT REVIEW BOARD MEETING

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

Enclosure:
MRB Meeting Minutes

cc: David Howe, OR
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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NAME	LDimmick <i>w/edits</i>
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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF LOUISIANA
July 21, 2016

The attendees were as follows:

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

Glenn Tracy, MRB Chair, OEDO
Mary Spencer, MRB Member, OGC
Mark Lombard, MRB Member, NMSS
Bryan Riche, LA
Judith Schuerman, LA
Duncan White, NMSS

Pamela Henderson, NMSS
Paul Michalak, NMSS
Karen Meyer, NMSS
Orysia Masnyk-Bailey, Region I, Team Leader
Raymond Powell, Region I

By videoconference:

Daniel Dorman, MRB Member, Region I
Mark Shaffer, Region IV
Randy Erickson, Region IV

Binesh Tharakan, Team Member, Region IV
Michelle Simmons, Team Member, Region IV
Geoffrey Warren, Team Member, Region III

By telephone:

David Howe, MRB Member, OR, OAS
Anine Grumbles, Team Member, WA
Joseph O'Hara, NMSS
James Pate, LA

Lizette Roldan-Otero, NMSS
Kathy Modes, NMSS
Dwayne Stepter, LA
Richard Blackwell, LA

1. **Convention.** Mr. Duncan White convened the meeting at 1:02 p.m. (ET). He noted that this Management Review Board (MRB) meeting was open to the public. Mr. White then transferred the lead to Mr. Glenn Tracy, Chair of the MRB. Introductions of the attendees were conducted.

Louisiana IMPEP Review. Ms. Orysia Masnyk-Bailey, Team Leader, led the presentation of the Louisiana 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 U.S. Nuclear Regulatory Commission (NRC) and the State of Washington during the period of April 25 - 29, 2016. A draft report was issued to Louisiana for factual comment on May 27, 2016. Louisiana responded to the review team's findings by letter dated July 6, 2016. Ms. Masnyk-Bailey reported that the team found the Louisiana Agreement State Program (the Program) satisfactory for five out of seven indicators: Status of Materials Inspection Program, Technical Quality of Inspections, Technical Quality of Licensing Actions, Sealed Source and Device Evaluation Program, and Compatibility Requirements. Two of the performance indicators, Technical Staffing and Training and Technical Quality of Incident and Allegation Activities, were found to be satisfactory, but needs improvement. The review team made three recommendations for the Program: (1) to perform an evaluation to determine the causes for the low staff retention rate and implement corrective actions to mitigate the causes; (2)

to implement a procedure that addresses at a minimum, the means for identifying, marking, properly handling, controlling access to, transmitting, and storing documents that contain sensitive information; and (3) to develop and implement a comprehensive incident and allegation procedure, provide incident and allegations training to the staff, and ensure management oversight of the incident and allegation program. Overall the team recommended that the Program be found adequate to protect public health and safety, and compatible with the NRC's program.

2. Performance Indicators.

Mr. Binesh Tharakan presented the common performance indicator, **Technical Staffing and Training**. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. The review team recommended to the MRB that the indicator be found satisfactory but needs improvement. In making that determination, the review team determined that the amount of staff turnover, lack of management attention to the high rates of attrition, and the length of time that it takes for individuals to complete all of the training and qualification requirements was indicative of less than satisfactory performance for this indicator. Mr. Bryan Riche discussed the actions taken by the State in response to the team's findings. Immediately following the onsite review, Program management worked to develop and implement actions to address these issues and was able to report the progress made to the MRB. The Program adjusted its training program to expedite the qualification process by having new inspectors accompany experienced inspectors earlier in the training process, decreasing the number of inspections needed to become qualified, and allowing inspectors to become incrementally qualified to perform lesser to more complex materials inspections and licensing reviews. Louisiana also looked at compensation that neighboring States were offering their employees in the radioactive materials program. Mr. Riche expressed his confidence that the Program would be able to increase staff's compensation to improve retention. The MRB acknowledged the IMPEP team's finding and the actions taken by the Program since the review, and discussed if the indicator should be found satisfactory. In consideration of the Program's actions and because the issues in this indicator did not impact Louisiana's performance in inspection, licensing, or incident response, the MRB found the Program satisfactory.

Mr. Geoffrey Warren 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 recommended to the MRB that the indicator, be found satisfactory. In making that determination, the review team determined that the Program met the performance indicator objectives. The MRB agreed that Louisiana's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. Warren presented the common performance indicator, **Technical Quality of Inspections**. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team recommended to the MRB that the indicator, be found satisfactory. In making that determination, the review team determined that Louisiana met the performance indicator objectives. The MRB agreed that Louisiana's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Michelle Simmons presented the common performance indicator, **Technical Quality**

of Licensing Actions. Her presentation corresponded to Section 3.4 of the proposed final IMPEP report. The review team recommended to the MRB that the indicator, be found satisfactory. In making that determination, the review team determined that during the review period Louisiana met the performance indicator objectives, with one exception. The exception is noted for the security of licensing documents containing sensitive information. The Program's licensing system is entirely electronic. Radioactive material licenses marked "Security Related Information" are stored in the State's Electronic Document Management Database. Department of Environmental Quality (Department) employees have access to the database and a member of the public can submit a request to the Department and receive a copy of a radioactive materials license. Licensing documents with security-related information are marked. However, the marking does not prevent disclosure of licensing information with a security marking to those without a need to know the information. The review team made one recommendation, for the Program to implement a procedure that addresses at a minimum, the means for controlling access to documents that contain sensitive information, within the limits of Louisiana regulations. The MRB asked if there was a regulatory requirement for withholding security sensitive information from the public that was applicable to the Agreement States. The withholding of security sensitive information within the NRC is based on guidance contained in Management Directives. Mr. Riche advised that there is no State requirement to withhold this type of information, rather the State mandate is to be transparent and make documents available to the public. Mr. Riche also advised that he is in the process of limiting access to the radioactive materials licenses to only those individuals in the Program and will be seeking guidance from its legal counsel as to whether they could restrict access to this information from the public. The MRB agreed that Louisiana's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Masnyk-Bailey reviewed and presented 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 recommended to the MRB that the indicator, be found satisfactory. In making that determination, the review team determined that the Program's incident and allegation procedure lacked guidance for the handling of allegations and had limited guidance for the handling of incidents. The review team made one recommendation, that the Program develop and implement a comprehensive incident and allegation procedure, provide incident and allegations training to the staff, and ensure adequate management supervision in the incident and allegation program. There was some discussion about the small number of allegations (two) during the review period. The review team noted that this may be due to a lack of procedure and training to identify an allegation when it was received. The MRB agreed that Louisiana's performance met the criteria for a "satisfactory, but needs improvement" rating for this indicator.

Mr. Tharakan presented the non-common performance indicator, **Compatibility Requirements.** His presentation corresponded to Section 4.1 of the proposed final IMPEP report. The review team recommended to the MRB that the indicator, Compatibility Requirements, be found satisfactory. In making that determination, the review team documented the level of effort that Louisiana took to adopt the NRC amendments from the previous review period and the ones that came due during the

current review period. The NRC also acknowledged the State's effort to adopt all the necessary NRC amendments. The MRB agreed that Louisiana's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Anine Grumbles presented the non-common performance indicator, **Sealed Source and Device (SS&D) Evaluation Program**. Her presentation corresponded to Section 4.2 of the proposed final IMPEP report. The review team recommended to the MRB that the indicator, be found satisfactory. The MRB agreed with the review team to close the two recommendations for this indicator from the 2012 review. In making that determination for this indicator, the review team concluded that the State met the performance indicator objectives for this indicator. The MRB agreed that Louisiana's performance met the criteria for a "satisfactory" rating for this indicator.

3. **MRB Consultation/Comments on Issuance of Report.** The review 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. The review team recommended, and the MRB agreed, the next IMPEP review take place in approximately four years with a periodic meeting mid-cycle. The final IMPEP report for Louisiana can be found in the NRC's Agencywide Documents Access and Management System using the Accession Number ML16211A049.
6. **Precedents/Lessons Learned.** None applicable to this review
7. **Adjournment.** The meeting was adjourned at approximately 3:00 p.m. (ET)