



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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April 13, 2017

MEMORANDUM TO: Michael F. Weber, Director
Office of Nuclear Reactor Research

Esther R. Houseman, Attorney
Reactor and Materials Rulemaking Division
Office of the General Counsel

Marc L. Dapas, Director
Office of Nuclear Material Safety
and Safeguards

Darrell J. Roberts, Deputy Regional Administrator
NRC 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: JANUARY 12, 2017, SPECIAL MANAGEMENT
REVIEW BOARD MEETING

Enclosed are the minutes of the Special Management Review Board (MRB) meeting held on January 12, 2017, to discuss the periodic meetings held with the Oklahoma, Utah, and North Carolina Agreement State Programs. If you have comments or questions, please contact me at (301) 415-0694.

Enclosure:
Meeting Minutes

cc: Kimberly Steves, KS
Organization of Agreement States
Liaison to the MRB

MRB Members

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MINUTES: SPECIAL MANAGEMENT REVIEW BOARD MEETING OF
JANUARY 12, 2017

The attendees were as follows:

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

Mike Weber, Acting MRB Chair, RES
Esther Houseman, MRB Member, OGC
Marc Dapas, MRB Member, NMSS

Pam Henderson, NMSS
Lisa Dimmick, NMSS
Paul Michalak, NMSS

By videoconference:

Darrell Roberts, MRB Member, Region III
Vivian Campbell, Region IV
Randy Erickson, Region IV

Monica Ford, Region I
Joe Nick, Region I
Binesh Tharakan, Region IV

By telephone:

Kim Steves, MRB Member, KS
Kevin Sampson, OK
Rusty Lundberg, UT
David Crowley, NC
Ace Hoffman, no affiliation
Marvin Lewis, no affiliation
Judy Mattox, Sierra Club of Western North Carolina

Mike Broderick, OK
Scott Anderson, UT
Lee Cox, NC
Ruth Thomas, Environmentalist
Michael Keegan, Don't Waste Michigan
Peter Smith, Sierra Club of Canada

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; several members of the public participated in this meeting. Ms. Dimmick then transferred the lead to Mr. Mike Weber, Chair of the MRB. Introductions of the attendees were conducted.

2. **Periodic Meeting Discussions:**

Periodic Meeting with the Oklahoma Agreement State Program

Mr. Randy Erickson led the discussion of the results of the periodic meeting held with the Oklahoma Department of Environmental Quality (Department) (ADAMS Accession Number: ML16274A391). The meeting was held in Oklahoma City on August 10, 2016. Mr. Erickson noted that the last Integrated Materials Performance Evaluation Program (IMPEP) review of the Oklahoma Agreement State Program (Program) was conducted in August 2014. All performance indicators were found satisfactory and the Program was found adequate to protect public health and safety and compatible with the NRC's program. The IMPEP review team issued one recommendation in the area of Technical Quality of Incidents and Allegations concerning incident followup and event notification.

The Program has approximately 232 licensees. At the time of the periodic meeting, the Program was fully staffed. There were no overdue inspections, no backlog of licensing actions, no rules overdue for adoption, and response to incidents and allegations has been appropriate. The Program is addressing the recommendation.

Mr. Erickson stated that the staff recommends that the next IMPEP review of the Oklahoma Agreement State Program be conducted as scheduled in August 2018. The MRB agreed with the staff's recommendation.

Periodic Meeting with the Utah Agreement State Program

Mr. Binesh Tharakan led the discussion of the results of the periodic meeting held with the Utah Department of Environmental Quality (ADAMS Accession Number: ML16354A220). The meeting was held in Salt Lake City on November 3, 2016. Mr. Tharakan noted that the last IMPEP review of the Utah Agreement State Program (Program) was conducted in July 2015. Utah's performance was found satisfactory for five of seven indicators. The Technical Quality Incidents & Allegations indicator was found satisfactory, but needs improvement, and the Compatibility Requirements indicator was found unsatisfactory. Overall, Utah was found adequate to protect public health and safety, and not compatible with the NRC's program due to revisions to Utah statutes addressing financial surety. The IMPEP review team issued one recommendation in the area of Compatibility Requirements concerning modifications to financial surety statutes for the low-level radioactive disposal site.

The Utah program has approximately 190 licensees. At the time of the periodic meeting, there were no vacancies, no backlog of licensing actions, one rule was overdue for adoption, and response to incidents and allegations has been appropriate. There were five inspections overdue at the time of the periodic meeting. To address the one recommendation from the 2015 IMPEP review, the Program plans to develop revised legislation on financial surety for the 2017 legislative session.

Mr. Tharakan stated that the staff recommends that the next IMPEP review of the Utah Agreement State Program be conducted as scheduled in November 2017. The MRB agreed with the staff's recommendation. This is a followup IMPEP review combined with a periodic meeting. The followup IMPEP review team will evaluate the indicators that were found less than satisfactory during the 2015 IMPEP review (Technical Quality of Incidents and Allegations, and Compatibility Requirements).

Periodic Meeting with the North Carolina Agreement State Program

Ms. Monica Ford led the discussion of the results of the periodic meeting held with the North Carolina Division of Health Service Regulation (ADAMS Accession Number: ML16298A274). The meeting was held in Raleigh on September 15, 2016. Ms. Ford noted that the last IMPEP review of the North Carolina Agreement State Program (Program) was conducted in March 2014. Five of seven indicators were found satisfactory. Two indicators were found satisfactory, but needs improvement: Technical Staffing and Training, and Sealed Source and Device Evaluation Program.

The IMPEP team made three recommendations in areas of Technical Staffing and Training, Status of Materials Inspection Program, and Sealed Source and Device Evaluation Program. Overall, North Carolina was found adequate to protect public health and safety, but needs improvement, and compatible with the NRC's program. The Program has approximately 580 licensees. There were no staff vacancies at the time of the periodic meeting; however, there has been some turnover since the 2014 IMPEP. The Program increased by 2 full-time equivalents. There were no overdue inspections, and response to incidents and allegations has been appropriate. There were six regulation amendments overdue for adoption. North Carolina uses the distributed version of Web-Based Licensing (WBL) and plans to switch to the hosted version of WBL in 2017. North Carolina is addressing the 3 recommendations from the 2014 IMPEP review.

Ms. Ford stated that the staff recommends that the next IMPEP review of the North Carolina Agreement State Program be conducted as scheduled in March 2018. The MRB agreed with the staff's recommendation.

3. Comments from members of the public.

Some members of the public expressed concerns about shipments of High Enriched Uranyl Nitrate (HEUNL) being transported via rail and truck from Chalk River Laboratories in Canada to the U.S. and the danger this might pose to the public should there be a catastrophic accident. Specifically, the members of the public expressed concerns over the (1) adequacy of the transportation packages/casks and (2) the readiness and capabilities of first responders. The MRB requested that IMPEP coordinator refer the members of the public who were interested in this topic to the NRC staff who could respond to the transportation questions and concerns. Concerning first responders, first responders are coordinated at the State level. Information on how each State trains and prepares first responders can be obtained from a State's emergency management program.

4. Process Changes/Comments. None applicable to these reviews.

5. Precedents/Lessons Learned. None applicable to these reviews.

6. Adjournment. The meeting was adjourned at 2:30 p.m. (ET).