

February 17, 2012

MEMORANDUM TO: Michael F. Weber
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

Cynthia Carpenter, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

Timothy McGinity, Acting Regional Administrator
Region I

FROM: Karen N. Meyer, IMPEP Administrative Coordinator */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MINUTES: OCTOBER 4, 2011 UTAH
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on October 4, 2011. If you have comments or questions, please contact me at (301) 415-0113.

Enclosure: Cover Page and Minutes of the
Management Review Board Meeting

cc w/encl.: Rusty Lundberg, Director
Utah Division of Radiation Control

Jennifer Opila, Colorado
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF OCTOBER 4, 2011

The attendees were as follows:

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

Michael Weber, MRB Chair, DEDMRT
Bradley Jones, MRB Member, OGC
Craig Jones, Utah
Duncan White, FSME
Kathleen Schneider, Team Leader, FSME
Stephen Poy, FSME

Cynthia Carpenter, MRB Member, FSME
Rusty Lunberg, Utah
Jim Luehman, FSME
Lisa Dimmick, FSME
Karen Meyer, FSME

By videoconference:

Tim McGinity, MRB Member, Region I
Ray Lorson, Region I
Robert Gattone, Team Member, RIII

Michelle Beardsley, FSME
Rachel Browder, Team Member, Region IV

By telephone:

Kristen Schwab, MRB Member, WA
Mike Stephens, Florida
Randy Erickson, RIV
Bill Craig, Utah
John Hultquist, Utah
Phil Griffin, Utah

Jennifer Opila, MRB Member, CO
Ann Troxler, Louisiana
Janine Katanic, FSME
Loren Morton, Utah
Gwyn Galloway, Utah
Ryan Johnson, Utah

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:00 p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public; Sarah Fields 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. **Utah IMPEP Review.** Ms. Kathleen Schneider, Team Leader, led the presentation of the Utah Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. She summarized the review and the team's findings for the eight indicators reviewed. The on-site review was conducted by a review team composed of technical staff members from NRC and the State of Washington and Texas during the period of July 11-14, 2011. Prior to the onsite review, team members conducted inspection accompaniments during the weeks of April 19, 2011 and June 6, 2011. A draft report was issued to State for factual comment on August 10, 2011. The State responded to the review team's findings by letter dated September 12, 2011. The last IMPEP review for Utah was conducted in June 2007. From the 2007 review, the State was found adequate and compatible with two performance indicators, *Technical Quality of Incident and Allegation Activities*, and *Uranium Recovery Program*, found satisfactory, but needs improvement, and two recommendations were made concerning these indicators; however at the July 2008 Follow-up IMPEP review these indicators were found satisfactory clearing the two recommendations.

Common Performance Indicators. Ms. Rachel Browder 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 review team found Utah's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Utah's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Schneider presented the findings regarding the common performance indicator, *Status of Materials Inspection Program*. Her presentation corresponded to Section 3.2 of the proposed final IMPEP report. The review team found Utah's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Utah's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. Bryan Parker presented the findings regarding the common performance indicator, *Technical Quality of Inspections*. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team found Utah's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Utah's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Browder presented the findings regarding 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 found Utah's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Utah's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. Robert Gattone presented the findings regarding the common performance indicator, *Technical Quality of Incident and Allegation Activities*. His presentation corresponded to Section 3.5 of the proposed final IMPEP report. The review team found Utah's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Utah's performance met the criteria for a "satisfactory" rating for this indicator.

3. **Non-Common Performance Indicators.** Ms. Schneider 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 review team found Utah's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Utah's performance met the criteria for a "satisfactory" rating for this indicator.

The MRB discussed with Mr. Lundberg the Radiation Control Act (UCA 19-3) sunseting on July 1, 2012, unless the Legislature acts to reauthorize it for a determined period of no more than 10 years. The MRB offered and the Utah staff accepted NRC sending a letter of support for the Utah program.

Ms. Schneider presented the findings regarding the non-common performance indicator, *Low-Level Radioactive Waste (LLRW) Disposal Program*. Her presentation corresponded to Section 4.3 of the proposed final IMPEP report. The review team found Utah's performance with respect to this indicator to be "satisfactory, but needs improvement" and made one recommendation. The MRB discussed with Ms. Schwab, who performed the inspector accompaniment for the LLW inspectors regarding the recommendation. The MRB directed that the report be revised to reflect that in situations where certain inspection practices were observed, they did not pose adverse consequence to health and safety. The MRB agreed that Utah's performance met the criteria for a "satisfactory, but needs improvement" rating for this indicator.

Ms Schneider presented the findings regarding the non-common performance indicator, *Uranium Recovery Program*. Her presentation corresponded to Section 4.4 of the proposed final IMPEP report. The review team found Utah's performance with respect to this indicator to be "satisfactory, but needs improvement" and made two recommendations. The MRB agreed that Utah's performance met the criteria for a "satisfactory, but needs improvement" rating for this indicator.

4. **MRB Consultation/Comments on Issuance of Report.** The MRB found the Utah Agreement State Program "adequate to protect public health and safety" and "compatible with NRC's program." Based on the results of the current IMPEP review, the MRB agreed that the Next Periodic Meeting will be held in approximately 18 months, to assess the State's progress in addressing the open recommendations. However, the MRB recommended that the next IMPEP review of the Utah Agreement State Program should take place in approximately 4 years, not 3 years as recommended by the review team. The MRB also agreed with the three recommendations made by the review team:

1) The review team recommends that the Division institute appropriate training in all aspects of the allegation response program to ensure that LLRW and the Uranium Mills program staff have the same competency and consistency in handling allegations as demonstrated by the Radioactive Materials program staff. (Section 4.3.1)

2) The review team recommends that independent and confirmatory radiation measurements are consistently performed with the appropriate calibrated instruments for inspections conducted by the LLRW and the Uranium Mills program staff. (Sections 4.3.3 and 4.4.3)

3) The review team recommends that the Division ensures sufficient numbers and types of calibrated instruments, appropriate to the activities conducted by the licensee, are available to the LLRW and the Uranium Mills program staff and that the staff is trained in the proper use of the instrumentation. (Sections 4.3.3 and 4.4.3)

5. **Precedents/Lessons Learned.** The MRB established no new precedents during this meeting.
6. **Adjournment.** The meeting was adjourned at approximately 3:30 p.m. (ET)