

February 9, 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

Mark Satorius, Director
Office of Federal and State Materials
and Environmental Management Programs

Jennifer Uhle, Acting Deputy Regional Administrator
Region III

FROM: Lisa Dimmick, Health Physicist / **RA K.N. Meyer for/**
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MINUTES: JANUARY 17, 2012, RHODE ISLAND
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on January 17, 2012. If you have any comments or questions, please contact me at (301) 415-0694.

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

cc w/encl.: Michael Fine, M.D., Director
Rhode Island Department of Health

Raymond Rusin, Chief
Office of Facilities Regulation
Division of Environmental and Health Services Regulation

Gibb Vinson, State of Illinois
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JANUARY 17, 2012

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
Brian McDermott, FSME
Kathy Schneider, FSME

Mark Satorius, MRB Member, FSME
Lisa Dimmick, FSME
Stephen Poy, FSME

By videoconference:

Janine Katanic, Team Leader, FSME
Monica Orendi, Team Member, RI
Ray Lorsen, Region I
Rachel Browder, Region IV

Jennifer Uhle, MRB Member, Region III
Donna Janda, Region I
Randy Erickson, Region IV

By telephone:

Gibb Vinson, MRB Member, IL
Duncan White, FSME

Mark Light, Team Member, OH
Raymond Rusin, RI

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:30 p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public; however, 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. **Rhode Island IMPEP Review.** Dr. Janine Katanic, Team Leader, led the presentation of the Rhode Island Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. She summarized the review and the team's findings for the five common performance indicators and the one non-common performance indicator. The review team recommended that Rhode Island's performance be found unsatisfactory for the performance indicator Status of Materials Inspection Program; satisfactory, but needs improvement, for the performance indicators Technical Quality of Inspections and Compatibility Requirements; and satisfactory for the other indicators reviewed and made six recommendations. Overall, the review team recommended that the Rhode Island Agreement State Program be found adequate, but needs improvement, and compatible with NRC's program. The on-site review was conducted by a review team composed of technical staff members from U.S. Nuclear Regulatory Commission (NRC) and the State of Ohio during the period of October 24 - 28, 2011. Prior to the onsite review, the team conducted three inspection accompaniments. At the time of the review, the Rhode Island Program regulated 49 specific licenses authorizing byproduct, source, and certain special nuclear materials. A draft report was issued to State for factual comment on November 17, 2011. The State responded to the review team's findings by letter dated January 6, 2012. The last IMPEP review for Rhode Island was conducted in October 2007. From the 2007 review, the State was found adequate and compatible. The indicator of Status of Materials Inspections was found to be satisfactory, but needs improvement and all other performance indicators were found

to be satisfactory. In 2007, the review team made two recommendations regarding program performance. The review team closed one recommendation and held one open.

3. **Common Performance Indicators.** Ms. Monica Orendi 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 recommended that Rhode Island's performance with respect to this indicator be found satisfactory and made one recommendation. The review team recommended that the State document its training and qualification program for license reviewers and inspectors, including the reimplementation, use, and update of licensing and inspection qualification cards for each staff member. The MRB agreed that Rhode Island's performance met the standard for a satisfactory rating for this indicator and agreed with the team's recommendation. Ms. Orendi summarized the Program's staffing as four technical staff position and a vacant Supervising Radiological Health Specialist (Program Supervisor) position. There was some turnover during the review period. The MRB inquired about the vacant supervisor position. The IMPEP review team and Rhode Island's representative responded that due to State budget matters the position has not been allowed to be filled and is not expected to be filled in Rhode Island FY2012. The MRB recommended that a statement be included in the cover letter addressing the vacant position. The MRB made the suggestion that the statement in the cover letter may refer to the challenges facing the Program including those identified by the IMPEP team, and that filling the vacant position might help to address those issues.

Ms. Orendi 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 recommended that Rhode Island's performance with respect to this indicator be found unsatisfactory and kept open one recommendation from the 2007 IMPEP report. The review team recommended that the State take appropriate measures to conduct Priority 1, 2, and 3 inspections and initial inspections in accordance with the inspection priority in IMC 2800. The MRB agreed that Rhode Island's performance met the standard for an unsatisfactory rating for this indicator and agreed with the team's recommendation. The MRB engaged in discussion about overdue inspections and inspection frequencies as presented in the proposed report. The MRB requested the report be updated to indicate that although inspections were conducted overdue throughout the review period, the number of inspections conducted overdue was higher at the beginning of the review period. The MRB also requested that the report indicate that after the December 2, 2009 Periodic Meeting with the NRC, the Program increased its efforts to conduct inspections in a timely manner, resulting in fewer inspections being conducted overdue during the latter part of the review period.

Dr. Katanic 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. The review team recommended that Rhode Island's performance with respect to this indicator to be satisfactory, but needs improvement and made three recommendations: 1) The review team recommended that the State take measures to ensure that inspection records and narrative reports are documented in

accordance with the Program's Inspection Manual; 2) The review team recommended that a Program supervisor or other appropriately qualified senior staff member accompany each inspector, at least annually, to ensure quality and consistency in the inspection program; and 3) The review team recommended that the State conduct initial and subsequent security-related inspections in a manner that provides for verification of licensee compliance with the requirements. The MRB agreed that Rhode Island's performance met the criteria for a satisfactory, but needs improvement, rating for this indicator. However, the MRB discussed this indicator at length examining the Program's performance for this indicator against the evaluation criteria as described in Management Directive 5.6. The review team responded that they carefully reviewed the indicator with regard to the evaluation criteria and made their recommendations accordingly. The MRB requested that the final report include a sentence to acknowledge that if violations were identified, the inspectors would document it in the inspection record or narrative report.

Mr. Mark Light 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. The review team recommended that Rhode Island's performance with respect to this indicator be found satisfactory and made no recommendations. The review team closed one recommendation from the 2007 IMPEP report. The MRB agreed that Rhode Island's performance met the standard for a satisfactory rating for this indicator.

Dr. Katanic 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 recommended that Rhode Island's performance with respect to this indicator be found satisfactory and made no recommendations. The MRB had some discussion regarding the single allegation reported to the Program during the review period. The MRB agreed that Rhode Island's performance met the standard for a satisfactory rating for this indicator.

4. **Non-Common Performance Indicators.** Ms. Orendi 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 State of Rhode Island had six amendments that were overdue at the time of the review, including one that was overdue at the time of the 2007 review. The review team recommended that Rhode Island's performance with respect to this indicator be found satisfactory, but needs improvement and made one recommendation. The MRB agreed that Rhode Island's performance met the criteria for a satisfactory, but needs improvement rating for this indicator. The review team recommended that the State adopt all currently overdue regulations required for compatibility and adopt future regulation amendments within its required three year time frame. The MRB agreed with the review team's recommendation.
5. **MRB Consultation/Comments on Issuance of Report.** The MRB found the Rhode Island Agreement State Program adequate, but needs improvement, and compatible with NRC's program. Based on the results of the current IMPEP review, and in accordance with the criteria in NRC Management Directive 5.6, the review team

recommended, and the MRB agreed, that a period of Monitoring be initiated for Rhode Island. The review team further recommended, and the MRB agreed, that a Periodic Meeting be held within one year to assess the State's progress in addressing the open recommendations. The review team recommended, and the MRB agreed, that the next IMPEP review take place in approximately four years from the date of the current IMPEP. The MRB also indicated the State should provide an updated response to the recommendations based on discussion by the MRB.

6. Precedents/Lessons Learned. The MRB established no new precedents during this meeting.

7. Adjournment. The meeting was adjourned at approximately 4:15 p.m. (ET)

Note: Mr. Michael Weber excused himself from the MRB at approximately 3:00 p.m. Mr. Mark Satorius continued with the MRB as the Acting Chair. Since there were still four members of the MRB present, there was still a quorum present to make decisions for the MRB.