

July 18, 2012

MEMORANDUM TO: Michael F. Weber
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs

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

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

SUBJECT: MINUTES: May 21, 2012
SPECIAL MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the Special MRB meeting held on May 21, 2012 to discuss the Annual Report on the Agreement States' and NRC's Radioactive Materials Programs for Calendar Year 2011. If you have comments or questions, please contact me at (630) 337-6942.

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

Management Review Board Members

Distribution: DCD (SP01)
MSSA_Technical_Asst Resource
RidsEdoMailCenter
RidsOgcMailCenter
RidsFsmeDmssa
RidsFsmeOd
RidsRgn1MailCenter
RidsRgn3MailCenter
RidsRgn4MailCenter
MKotzalas, OEDO
DWhite, FSME
LDimmick, FSME
JKatanic, FSME
DJanda, RI/RSOA
MOrendi, RI/RSOA
RLorson, RI
JLynch, RIII/RSOA
CPrederson, RIII
ABoland, RIII
RBrowder, RIV/RSOA
RErickson, RIV/RSOA
VCampbell, RIV
EFordham, WA
MRasmusson, IA
PGardner, NY
BBevil, AR
JThompson, AR
DWalters, AL
AJacobson, MD
CRodgers, WI
JWeil, OCA (2 copies)

ML12200A009

OFC	FSME/MSSA	
NAME	MBeardsley	
DATE	07/18/12	

OFFICIAL RECORD COPY

MINUTES: SPECIAL MANAGEMENT REVIEW BOARD MEETING OF May 21, 2012

The attendees were as follows:

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

Michael Weber, MRB Chair, DEDO
Mark Satorius, MRB Member, FSME
Jeremy Wachutka, OGC
Chris Einberg, FSME
Lisa Dimmick, FSME
Kathleen Schneider, FSME

Bradley Jones, MRB Member, OGC
Jim Biggins, OGC
Brian McDermott, FSME
Duncan White, FSME
Karen Meyer, FSME
Steven Poy, FSME

By videoconference:

Raymond Lorson, Region I
Anne Boland, Region III
James Lynch, Region III
Vivian Campbell, Region IV
Michelle Beardsley, FSME

Monica Orendi, Region I
Cynthia Pederson, Region III
Anton Vogel, Region IV
Rachel Browder, Region IV

By telephone:

Janine Katanic, FSME
David Walters, Alabama
Earl Fordham, Washington
Melanie Rasmusson, Iowa
Jared Thompson, Arkansas

Alan Jacobson, Maryland
Cheryl Rodgers, Wisconsin
Patricia Gardner, New Jersey
Bernard Bevill, Arkansas

1. **Convention.** Ms. Dimmick convened the meeting at 1:08 p.m. She noted that this Management Review Board (MRB) meeting was open to the public; however, no members of the public participated in this meeting. She then transferred the lead to Mr. Michael Weber, Chair of the MRB. Introductions of the attendees were conducted.
2. **Discussion.** Ms. Dimmick discussed the facts that were summarized in the "Report on Agreement States' and U.S. Nuclear Regulatory Commission's Radioactive Materials Programs for Calendar Year 2011" (Report), issued April 11, 2012, and noted that this was the first Special MRB ever held to review the annual report.

Ms. Dimmick noted that this Report differed from previous years in that the reporting period was extended. Specifically, SECY-97-054 had required that this Report be issued to the Commission for the calendar year with a due date in January, thereby excluding the results of IMPEP reviews and Periodic Meetings that had been performed during the last quarter of the calendar year, but had not undergone a review by the MRB. In 2011, an extension request was granted to allow the issuance of the Report by the end of the first quarter (March 31st) of each year. As a result, the complete status of a Programs' findings is known at the time is prepared. Therefore, the 2011 Report contained results from reviews conducted from the fourth quarter of 2010 to December 31, 2011 (1 ¼ years of information).

Ms. Dimmick reviewed the status and last contact with each program on Heightened Oversight or Monitoring (AZ, NY, ND, AR, GA, KY, RI). She pointed out that the report states that Arizona is currently on Heightened Oversight; however, during an IMPEP review conducted in March 2012, the review team found that the State had made significant progress and recommended that Arizona be removed from Heightened Oversight. A Management Review Board meeting is scheduled for June 12, 2012 to deliberate the team's recommendations for AZ.

Ms. Dimmick reviewed the trending analysis and indicated that since 2005 there has been a gradual increase in programs being found adequate, but needs improvement, and with programs placed on Heightened Oversight /Monitoring. Of the eight programs on Heightened Oversight/Monitoring, three have been on enhanced oversight since 2006 (NY, CA, KY). The significance of this trend is under evaluation.

Ms. Dimmick discussed current the IMPEP initiative of conducting an integrated assessment of Agreement State performance and program health.

Participants discussed the timing of this Special MRB as to whether it should have been held prior to the issuance of the Report to the Commission. Mr. Weber directed staff to investigate this matter further. The MRB discussed the need to include a statement in all applicable IMPEP procedures including Management Directive 5.6, regarding the timeliness of allegation investigation and resolution, i.e. that any allegations made regarding an Agreement State's performance will be investigated during their next scheduled IMPEP review.

Comments. Mr. Weber requested participant feedback regarding the consistency of the MRB's deliberations and final determinations made during and among IMPEP reviews. Participants agreed that there has been a good degree of consistency with the MRB's determinations regarding Program reviews and State and NRC compatibility issues.

3. **Precedents/Lessons Learned.** All participants agreed that there should be a Special MRB held annually to discuss the Report.
4. **Adjournment.** The meeting was adjourned at 2:00 p.m.