



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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June 22, 2015

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

James P. Biggins, Deputy Assistant General Counsel
for Reactor and Materials Rulemaking
Office of the General Counsel

Catherine Haney, Director
Office of Nuclear Material Safety and Safeguards

Patrick L. Loudon, Director
Division of Nuclear Material Safety
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: MAY 26, 2015, SPECIAL MANAGEMENT REVIEW
BOARD (MRB) MEETING

Enclosed are the minutes of the Special MRB meeting held on May 26, 2015, to discuss the periodic meetings held with the New Hampshire and Georgia Agreement State Programs. If you have comments or questions, please contact me at (301) 415-0694.

Enclosure: Meeting Minutes

cc w/encl.: Joe Klinger, Illinois
Organization of Agreement States
Liaison to the MRB

MRB Members

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MINUTES: SPECIAL MANAGEMENT REVIEW BOARD (MRB) MEETING OF
MAY 26, 2015

The attendees were as follows:

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

Michael Weber, MRB Chair, OEDO
James Biggins, MRB Member, OGC
Keith McConnell, MRB Member, NMSS
Jack Foster, OEDO

Lisa Dimmick, NMSS
Chris Einberg, NMSS
Karen Meyer, NMSS
Duncan White, NMSS

By videoconference:

Patrick Loudon, MRB Member, Region III
Monica Ford, Region I

Dan Collins, Region I
Donna Janda, Region I

By telephone:

Joe Klinger, MRB Member, IL
Mike Welling, VA, OAS
Michael Dumond, NH
Augustinus Ong, NH
Twila Kenna, NH

Keith Bentley, GA
Karen Hays, GA
Travis Cartoski, GA
Barty Simonton, GA
Chuck Mueller, GA

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:01 p.m. (ET). She noted that this MRB meeting was open to the public; 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. **Periodic Meeting Discussions:**

Periodic Meeting with the New Hampshire Agreement State Program

Ms. Donna Janda led the discussion of the results of the Periodic meeting held with the New Hampshire Department of Health and Human Services (ADAMS Accession Number: ML15052A005). The meeting was held in Concord on November 13, 2014. Ms. Janda noted that the last Integrated Materials Performance Evaluation Program (IMPEP) review of the New Hampshire Agreement State Program was conducted in October 2012. New Hampshire's performance was found satisfactory for six indicators and unsatisfactory for one indicator, Compatibility Requirements. On December 18, 2012, the MRB met to consider the proposed final IMPEP report and found the New Hampshire adequate to protect public health and safety and not compatible with the NRC's program. The review team recommended, and the MRB agreed, that a period of monitoring be implemented with calls between the New Hampshire and NRC staff be conducted every four months. The MRB also directed that a Periodic Meeting take place in approximately two years. That periodic meeting was held on November 13, 2014, the staff found that New Hampshire Radioactive continues to be an effective, well-maintained Agreement State program with experienced and well-trained staff.

There was one vacancy; however, New Hampshire is effectively managing its licensing and inspection activities.

There was one recommendation from the 2012 IMPEP which was kept open from the 2008 IMPEP review: the review team recommended that the State develop and implement an action plan to adopt NRC regulations in accordance with the current NRC policy on adequacy and compatibility. The 2012 IMPEP review team identified 10 regulation amendments that were overdue for State adoption at the time of the review. Since the 2012 IMPEP review, New Hampshire made significant progress on addressing overdue and upcoming regulations and submitted proposed regulations for 12 regulation amendments to NRC for review. The State expects to address NRC's comments on the State's proposed regulations and subsequently adopt the regulations as "final" later in 2015. The MRB questioned what the State implemented to assure continued progress with adopting regulations. The State responded that it developed a structured process for regulation work within the Radiological Health Section which includes staff responsibilities and ongoing prioritization of rules. New Hampshire also formed a rulemaking committee to establish milestones and track regulation development/adoption.

Ms. Janda stated that the staff recommends that the next IMPEP review of the New Hampshire Agreement State Program be conducted as scheduled in October 2016, and that New Hampshire remain on monitoring, but the frequency of monitoring calls be moved from four to every six months. The MRB agreed with the staff's recommendation.

Periodic Meeting with the Georgia Agreement State Program

Ms. Monica Ford led the discussion of the results of the Periodic Meeting held with the Georgia Environmental Protection Division (ADAMS Accession Number: ML15089A444). The meeting was held in Atlanta on February 24, 2015. Ms. Ford noted that the last IMPEP review of the Georgia Agreement State Program was conducted in January 2014. The review team found the State's performance satisfactory for the indicators Technical Staffing and Training, Technical Quality of Licensing Actions, Technical Quality of Incidents and Allegations, and Compatibility Requirements; satisfactory but needs improvement for the indicator Technical Quality of Inspections; and unsatisfactory for the indicator Status of Materials Inspection Program. One new recommendation was made and two recommendations were kept open from the 2012 IMPEP review. On April 17, 2014, the MRB met to consider the proposed final IMPEP report on the Program. The MRB found Georgia adequate to protect public health and safety but needs improvement and compatible with the NRC's program. The MRB stated that it would recommend to the Commission that the Georgia be removed from probation and placed on heightened oversight. The MRB also directed that a full IMPEP review take place approximately two years from the date of the MRB meeting (2016), that a periodic meeting be held in a year (2015), that bi-monthly calls between Georgia and the NRC continue, and that the Georgia revise its program improvement plan (Plan) accordingly. At the MRB's direction, NRC staff submitted SECY 14-0074 to the Commission on July 24, 2014 (ML14115A053) requesting discontinuance of the probation period for Georgia. SRM-SECY-14-0074 was issued on August 25, 2014,

removing Georgia from probation and placing the State on heightened oversight (ML14237A148).

The periodic meeting was held on February 24, 2015 at which time Georgia continued to show improvement, but struggles with staff retention. At the time of the periodic meeting, Georgia had three vacancies. Despite the turnover, the program is maintaining licensing and inspection activities. Georgia did not complete any priority 1, 2, or 3 inspections overdue since the 2013 IMPEP. Georgia continues to stay current on its licensing actions and is responding to events appropriately. At the time of the MRB, Georgia had filled two vacancies and was interviewing for the third. In discussing turnover, Georgia offered that it was getting better at the interview process and able to identify a good fit for the radioactive materials program. The MRB suggested that offering internships might help Georgia with staffing transitions. Georgia also commented that it has improved the lines of communication between management and staff, and among staff.

Georgia is making progress in addressing the three open recommendations and continues to implement its Program Improvement Plan.

Recommendation 1: The review team recommends that the State: (1) implement its inspection procedures to ensure that inspectors document the reason for missing temporary job site inspections; document details and circumstances of violations in inspection reports and NOVs; consider a reduction in inspection frequency for serious violations; and conduct performance based inspections; and (2) complete its enforcement procedure for assigning severity levels of violations. Georgia is taking a multi-step approach to resolving this recommendation and the actions taken to address the recommendation will be evaluated during the next IMPEP review. Georgia has retrained staff on the appropriate documentation of an inspection and conducts managerial reviews of a selection of inspection reports. The Program manager is also performing inspection accompaniments and will evaluate staff on their performance based and overall inspection technique and will provide feedback to each inspector on areas for improvement. Georgia developed and implemented an enforcement procedure and provided training to the staff in January 2015.

Recommendation 2: The review team recommends that the State verify that all previously approved medical authorized users have proper documentation of their qualifications, since the new requirements were initiated in 2008. As of the periodic meeting, 33 users still required additional documentation to be correctly placed on a license as an authorized user. The MRB questioned the original total number of authorized users. Georgia responded that there were 330 authorized users who needed the additional information. The MRB commended Georgia on its progress to date.

Recommendation 3: The review team recommends that the State finalize its procedures for pre-licensing requirements and provide training to the staff on the revised procedure. Georgia finalized its licensing procedure, trained staff, and implemented annual audits of licensing files.

Ms. Ford concluded that the staff recommends the next IMPEP review be conducted as scheduled in May 2016 and that Georgia remain on heightened oversight. The MRB agreed with the staff's recommendations for the Georgia program.

3. **Comments.** Ms. Dimmick restated the MRB's decisions.
4. **Precedents/Lessons Learned.** None applicable to these reviews
5. **Adjournment.** The meeting was adjourned at 1:42 p.m. (ET).