

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF NEVADA
SEPTEMBER 26, 2017

The attendees were as follows:

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

Fred Brown, MRB Chair, OEDO
Marc Dapas, MRB Member, NMSS
Tison Campbell, MRB Member, OGC
Duncan White, Team Member, NMSS

Monica Ford, Team Leader, Region I
Kevin Williams, NMSS
Paul Michalak, NMSS
Karen Beckley, NV

By videoconference:

Randy Erickson, Team Member, Region IV
Geoffrey Warren, Team Member, Region III
Farrah Gaskins, Region I

Joe Nick, Region I
Linda Howell, Region IV

By telephone:

Jared Thompson, MRB Member, AR, OAS
Phillip Peterson, Team Member, CO
Adrian Howe, NV
Lizette Roldan-Otero, NMSS

Joe O'Hara, NMSS
Kathy Modes, NMSS
Lance Rakovan, NMSS

1. Convention. Mr. Paul Michalak convened the meeting at approximately 1:00 p.m. (ET). He noted that this Management Review Board (MRB) meeting was open to the public. Introductions of the attendees were conducted.
2. Nevada IMPEP Review. Ms. Monica Ford, Team Leader, led the presentation of the Nevada 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 the NRC and the State of Colorado during the period of July 10-14, 2017. A draft report was issued to Nevada for factual comment on August 14, 2017. Nevada responded to the review team's findings by letter dated August 24, 2017. Ms. Ford reported that the team found Nevada's performance was found satisfactory for all five common performance indicators and for two of the three non-common performance indicators. The non-common performance indicator, Sealed Source and Device Evaluation Program, was rated "N."
3. Common Performance Indicators.
 - a) Mr. Randy Erickson reviewed and presented the common performance indicator, **Technical Staffing and Training**. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. The MRB, team members, and Ms. Karen Beckley discussed retaining staff and staff turnover. It was noted that the staffer mentioned in the proposed final report as being scheduled to start the week after the review began working as planned. The MRB commended the State for its actions to fill vacancies

The review team found Nevada's performance with respect to this indicator to be "satisfactory" and the MRB agreed.

- b) Ms. Ford reviewed and presented the common performance indicator, **Status of Materials Inspection Program**. Her presentation corresponded to Section 3.2 of the proposed final IMPEP report. The MRB, team members, and Ms. Beckley discussed the Program's capability to maintain and retrieve statistical data involving the status of inspections.

The review team found Nevada's performance with respect to this indicator to be "satisfactory" and the MRB agreed.

- c) Mr. Geoffrey Warren reviewed and presented the common performance indicator, **Technical Quality of Inspections**. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. The MRB and team members discussed the use of the word "clinical" in this section. The MRB directed that different phrasing be used to avoid the potential for confusion.

The review team found Nevada's performance with respect to this indicator to be "satisfactory" and the MRB agreed.

- d) Mr. Phillip Peterson reviewed and presented the common performance indicator, **Technical Quality of Licensing Actions**. His presentation corresponded to Section 3.4 of the proposed final IMPEP report. Mr. Peterson noted that the 2005 team recommended that the Program develop, implement, and maintain a reliable and comprehensive licensing and inspection database that serves as an effective and efficient planning, tracking, and management tool (see Section 3.4, of the 2005 IMPEP Report). During the 2017 review, the team determined that over the course of the review period the Program had created and implemented a database that could track licensing and inspection actions. However, Program management stated that the current database was not comprehensive and did not track everything that the Program hoped it would. The Program has received funds to allow for the creation of a new database which will be more robust and allow the Program to plan, track, and manage all aspects of its licensing and inspection program. Work on the new database began in June 2017 and the Program anticipates that the work will be completed in the May 2018 timeframe. Mr. Peterson noted that the team believes that this recommendation should remain open until the database is operational and enough time passes to allow for sufficient review to determine whether or not the new database allows for effective and efficient planning, tracking, and management of licensing and inspection activities.

The MRB, the team and Ms. Beckley discussed the Program's progress and timeline involving the database, as well as whether this recommendation should be kept open. The MRB agreed that the recommendation should remain open, and directed that Section 3.4 of the report should reference the discussion about this recommendation.

The review team found Nevada's performance with respect to this indicator to be "satisfactory" and the MRB agreed.

- e) Mr. Erickson reviewed and 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 MRB, the team, and Ms. Beckley discussed Nuclear Material Events Database (NMED) training and reporting incidents to the NRC. The MRB directed that the time periods discussed in this Section (i.e., "early portion") be clarified in the report.

The review team found Nevada's performance with respect to this indicator to be "satisfactory" and the MRB agreed.

4. Non-Common Performance Indicators.

- a) Ms. Ford reviewed and presented the non-common performance indicator, **Compatibility Requirements**. Her presentation corresponded to Section 4.1 of the proposed final IMPEP report. Ms. Ford noted that although legislation affecting the radiation control program was passed during the review period, the team determined that legislation affecting the State's closed low-level radioactive waste site was changed in 2010 and was never sent to the NRC for review. The Program submitted that change to the NRC for review during the onsite review. At the time of the MRB meeting, the legislative change was still under NRC review and a determination on its compatibility had not yet been made. Ms. Ford noted the misstatement in the proposed final report. The MRB directed the report be corrected. The MRB, the team, and Ms. Beckley discussed regulation adoption process details, the role and operation of the State's Legislative Council Bureau (LCB), and how the State is able to enforce against regulations that are waiting to be codified by the LCB. The MRB directed that the language in the report be clarified to provide additional context.

The review team found Nevada's performance with respect to this indicator to be "satisfactory" and the MRB agreed.

- b) Mr. Peterson reviewed and Ms. Ford presented the non-common performance indicator, **Sealed Source and Device (SS&D) Evaluation Program**. Her presentation corresponded to Section 4.2 of the proposed final IMPEP report. Prior to this IMPEP review period, Nevada inactivated both SS&D registry sheets under its jurisdiction. No new SS&D sheet requests were submitted during the review period. Additionally, as noted in the 2013 IMPEP report, Nevada has an agreement with the State of California, whereby California's qualified SS&D reviewers will conduct product safety evaluations for the State of Nevada, when SS&D evaluations are received. Based on this information, the team determined that there was no material to review for this indicator. As special conditions exist that provide adequate justification for not conducting

an evaluation and providing a rating for this indicator, the review team recommended that Nevada be given a rating of “N” with respect to this indicator and the MRB agreed. The MRB directed that the language in the report involving the rating for this indicator be revised to clarify the “N” rating.

- c) Ms. Kathy Modes and Mr. Duncan White reviewed and presented the non-common performance indicator, ***Low-Level Radioactive Waste Disposal Program***. Their presentation corresponded to Section 4.3 of the proposed final IMPEP report. The MRB, the team, and Ms. Beckley discussed the October 2015 incident at the Beatty facility and the missing documentation noted in the report.

The review team found Nevada’s performance with respect to this indicator to be “satisfactory” and the MRB agreed.

- 5. MRB Consultation/Comments on Issuance of Report. The review team recommended, and the MRB agreed, that the Nevada Agreement State Program be found adequate to protect public health and safety and compatible with the NRC's program. The review team recommended, and the MRB agreed, the next IMPEP review take place in approximately 4 years. The MRB directed that a periodic meeting be held in approximately 2 years. The final report may be found in the ADAMS using the Accession Number ML17277A442.
- 6. Precedents/Lessons Learned. None applicable to this review
- 7. Adjournment. The meeting was adjourned at approximately 3:20 p.m. (ET)

SUBJECT: Summary of September 26, 2017 Nevada MRB Meeting

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