



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 4, 2014

MEMORANDUM TO: Roy P. Zimmerman, Acting
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

Catherine Haney, Director
Office of Nuclear Material Safety
and Safeguards

Vonna L. Ordaz, Acting Deputy Regional Administrator
Region I

FROM: Michelle R. Beardsley, 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: OCTOBER14, 2014 SPECIAL MANAGEMENT
REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the Special MRB meeting held on October 14, 2014 to discuss the periodic meetings held with the Iowa and North Dakota Agreement State Programs. If you have comments or questions, please contact me at (610) 337-6942.

Enclosure: Meeting Minutes

cc w/encl.: Roland Fletcher, MD
Organization of Agreement States
Liaison to the MRB

MRB Members

Distribution: DCD (SP01)

RidsEdoMailCenter

JFoster, OEDO

RidsOgcMailCenter

JOImstead, OGC

SMoore, NMSS

LDudes, MSTR

SAbraham, MSTR

PHenderson, MSTR

RidsRgn3MailCenter

PLouden, RIII

JLynch

RidsRgn4MailCenter

MShaffer, IV

LHowell, RIV

BTharakan, RIV

RErickson, RIV

DWhite, MSTR

LDimmick, MSTR

OAS Board

ALeek, IA

KSharp, IA

TOclar, ND

DPatrick, ND

JWeil, OCA (2 copies)

ML14308A197

| | | |
|-------------|-----------|--------------------------------|
| OFC | MSTR/ASPB | MSTR/ASPB |
| NAME | KMeyer | MBeardsley <i>via email</i> |
| DATE | 11/04/14 | 11/04/14 |

OFFICIAL RECORD COPY

MINUTES: SPECIAL MANAGEMENT REVIEW BOARD (MRB) MEETING OF
OCTOBER 14, 2014

The attendees were as follows:

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

Roy Zimmerman, MRB Chair, OEDO
Bradley Jones, MRB Member, OGC
Catherine Haney, MRB Member, NMSS

Duncan White, NMSS
Lisa Dimmick, NMSS
Pamela Henderson, NMSS

By videoconference:

Vonna Ordaz, MRB Member, Region I
Jim Lynch, Region III
Randy Erickson, Region IV
Ray Keller, Region IV

Pat Loudon, Region III
Binesh Tharakan, Region IV

By telephone:

Roland Fletcher, MRB Member, MD
Terry O'Clair, ND
Angela Leek, IA
Randy Dahlin, IA
Michelle Beardsley, NMSS

Mike Welling, VA
Dale Patrick, ND
Ken Sharp, IA
Leo Wardrobe, IA
Ruth Thomas, Environmentalist, Inc.

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 3:06 p.m. (ET). She noted that this MRB meeting was open to the public; members of the public participated in this meeting as noted above. Introductions of the attendees were conducted.
2. **Periodic Meeting Discussions:**

Periodic Meeting with the North Dakota Agreement State Program

Mr. Binesh Tharakan led the discussion of the results of the Periodic Meeting held with the North Dakota Department of Health, Radiation Control Program (the Program) (ADAMS Accession Number: ML14199A041). The meeting was held in Bismarck on June 25, 2014. Mr. Tharakan summarized North Dakota's Integrated Materials Performance Evaluation Program (IMPEP) history leading up to the current periodic meeting stating that during the April 2013 follow-up IMPEP review and concurrent periodic meeting, North Dakota's performance was found satisfactory for the indicators: Status of Materials Inspection Program, Technical Quality of Licensing Actions, and Technical Quality of Incidents and Allegations. North Dakota was found satisfactory, but needs improvement for the indicator, Technical Quality of Inspections. The review team made one new recommendation regarding the full qualification of inspection staff, and kept one recommendation open from the 2011 IMPEP review regarding staff retention and depth. The remaining 10 recommendations from the 2011 IMPEP review were closed. In addition the Program was fully staffed (working manager and two technical staff), well-funded, and was in the process of cross-training staff from other branches to

support the materials inspection area. The Program was current on all inspections and rulemaking. The MRB directed that the period of Heightened Oversight be discontinued, and that a period of Monitoring be initiated to allow time for the Program to demonstrate a period of sustained performance especially with the impending retirement of the Program manager. The MRB further directed that a periodic meeting be held in one year.

Mr. Tharakan stated that during this periodic meeting the staff found that North Dakota has made progress in addressing the recommendations by developing procedures and elevating the promotion potential of inspector positions. At the time of the periodic meeting, the program reported that there were no overdue inspections or licensing actions in backlog. There were two events since the April 2013 followup IMPEP review in which the Program implemented its updated procedures on tracking and investigating events. The Program also discussed the mechanisms it uses to evaluate performance (database, management review of reports, meetings to discuss metrics and set goals). The Program hired a full-time staff member to fill a recently vacated position and is in the process of hiring a third health physicist. The MRB questioned the qualification status of the new employee. North Dakota managers responded that they hope to have the new staff qualified by next year. The MRB noted from the report summary that North Dakota has increased its fees and asked whether this might provide the State with increased flexibility in staffing. North Dakota managers noted that this should provide salary increases which would help with staff retention. The MRB questioned the Program on the status of the State's promulgation of 10 CFR Part 37. The North Dakota managers indicated that 10 CFR Part 37 would be adopted by reference in summer of 2015. The MRB commended North Dakota on its improved performance since the 2011 IMPEP review.

Mr. Tharakan stated that the staff recommends that the North Dakota Agreement State Program remain on Monitoring and that the next IMPEP review be conducted as scheduled in April 2015. The MRB agreed with the staff's recommendation.

Periodic Meeting with the Iowa Agreement State Program

Mr. Jim Lynch led the discussion of the results of the periodic meeting held with the Iowa Department of Public Health (ADAMS Accession Number: (ML14233A600)). The meeting was held in Des Moines on August 7, 2014. Mr. Lynch noted that the last IMPEP review of the Iowa Agreement State Program (the Program) was conducted in August 2012. The team found Iowa's performance satisfactory for all performance indicators reviewed. The team made no recommendations, and the MRB agreed, that the State was adequate to protect public health and safety and compatible with the NRC's program. Mr. Lynch reported that during the periodic meeting, staff found that the Iowa Agreement State Program remains a strong, stable program with good management support. The technical staffing level for the program is adequate but vulnerable, as the loss of one individual (of two total) would have serious ramifications on program performance. Mr. Lynch noted that the Iowa managers are aware of this issue and intend to resolve the situation. The MRB commended Iowa on being proactive in addressing the staffing issue. At the time of the periodic meeting, the Program reported that there were no overdue inspections or licensing actions in backlog. The

Program was current on all regulation amendments including 10 CFR Part 37. The Program also discussed the mechanisms it uses to evaluate performance which includes staff meetings to discuss the status and quality of inspection and licensing reports.

Mr. Lynch concluded that the staff recommends that the next IMPEP review be conducted as scheduled in FY 2017. The MRB agreed with the staff's recommendation.

Comments. Ms. Dimmick restated the MRB's decisions. The MRB discussed the periodic meeting process with North Dakota and Iowa. The MRB noted that the NRC is open to making process changes and improvements to IMPEP. North Dakota and Iowa both indicated that their respective programs are not opposed to the review of data during a periodic meeting; typically a verbal exchange of information without casework review is conducted during the periodic meeting. The Programs indicate that they stay "audit ready."

3. **Precedents/Lessons Learned.** None applicable to these reviews
4. **Adjournment.** The meeting was adjourned at 3:59 p.m. (ET).