

September 27, 2001

MEMORANDUM TO: Management Review Board Members:

Paul H. Lohaus, STP  
Margaret V. Federline, NMSS  
Joseph R. Gray, OGC  
Frederick C. Combs, STP

FROM: Lance J. Rakovan, Health Physicist */RA/*  
Office of State and Tribal Programs

SUBJECT: FINAL MINUTES: OHIO MRB MEETING

Attached are the final minutes of the Management Review Board (MRB) meeting held on August 9, 2001. If you have questions, please contact me at 415-2589.

Attachment:  
As stated

cc: R. Suppes, Ohio  
M. Broderick, Oklahoma  
S. Collins, Illinois  
M. Fry, North Carolina  
M. Stoeckel, Rhode Island

# Management Review Board Members

September 27, 2001

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OFFICE	STP								
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DATE	09/27/01								

STP-AG-31

## MINUTES: MANAGEMENT REVIEW BOARD MEETING OF AUGUST 9, 2001

These minutes are presented in the same general order as the items were discussed in the meeting. The attendees were as follows:

Paul Lohaus, MRB Chair, STP  
Margaret Federline, MRB Member, NMSS  
Mel Fry, OAS Liaison, NC  
Seung Lee, Team Member, NMSS  
Mark Sitek, NMSS  
Kathleen Schneider, STP  
Lance Rakovan, STP

Frederick Combs, MRB Member, STP  
Joseph Gray, MRB Member, OGC  
Dennis Sollenberger, Team Leader, STP  
Roger Suppes, OH  
John Hickey, NMSS  
Patricia Larkins, STP

### By video conference:

Darrel Wiedeman, Team Member, NRC RIII  
James Lynch, NRC RIII  
Cynthia Pederson, NRC RIII

Jackie Cook, Team Member, NRC RIV  
Linda McLean, NRC RIV

### By teleconference:

Steve Collins, OAS Liaison, IL  
Bob Owen, OH  
Mark Light, OH  
Pam Bishop, OK  
Frank Costello, NRC RI  
Marie Stoeckel, Rhode Island

Cynthia Sanders, Team Member, GA  
Marsha Howard, OH  
William Hutchenson, OH  
Mike Broderick, OK  
Duncan White, NRC RI

1. **Convention.** Paul Lohaus, Chair of the Management Review Board (MRB) convened the meeting at 10:30 a.m. Introductions of the attendees were conducted.
2. **New Business. Ohio Review Introduction.** Mr. Dennis Sollenberger, STP, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Ohio review.

Mr. Sollenberger summarized the review and noted the findings. Ohio became an Agreement State on August 31, 1999. An orientation meeting was held with the State on June 7, 2000. Preliminary work for the State's first IMPEP review included a review of Ohio's response to the IMPEP questionnaire. The onsite review was conducted May 14-18, 2001. The onsite review included an entrance interview, detailed audits of a representative sample of completed licensing actions and inspections, and follow-up discussions with staff and management. Following the review, the team issued a draft report on June 13, 2001; received Ohio's comment letter dated June 27, 2001; and submitted a proposed final report to the MRB on July 18, 2001.

**Common Performance Indicators.** Ms. Sanders reviewed the common performance indicator, Status of the Materials Inspection Program. Her presentation corresponded to Section 3.1 of the IMPEP report. The review team found Ohio's performance with respect to this indicator "satisfactory," and made no recommendations. The MRB agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Sanders also reviewed the common performance indicator, Technical Quality of Inspections. Her presentation corresponded to Section 3.2 of the report. The team found that Ohio's performance indicator was "satisfactory," and made no recommendations. The MRB agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Sollenberger presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 3.3 of the IMPEP report. The team found that Ohio's performance with respect to this indicator was "satisfactory," and made no recommendations. The MRB and Mr. Suppes discussed the use of the State's summary qualification document. The MRB agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Cook presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions. She summarized the findings in Section 3.4 of the report. The team found Ohio's performance to be "satisfactory" for this indicator and made no recommendations. The MRB agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Wiedeman presented findings regarding the final common performance indicator, Response to Incidents and Allegations. As discussed in Section 3.5 of the report, the team found Ohio's performance relative to this indicator to be "satisfactory" and made no recommendations. The MRB and Mr. Suppes discussed the status of the State's incident response procedure. The review team noted that there were no overall performance issues involving the State's response to incidents. The MRB agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

**Non-Common Performance Indicators.** Mr. Sollenberger led the discussion of the non-common performance indicator, Legislation and Program Elements Required for Compatibility, which is summarized in Section 4.1 of the report. The team found Ohio's performance relative to this indicator to be "satisfactory," and made no recommendations. Mr. Sollenberger noted that the State initially adopted NRC regulations by reference, but are currently drafting their own rules. It was noted that the language involving the scope of the State's activities on page 9 of the proposed final report needed revision. The MRB directed that the language be revised accordingly. The MRB agreed that Ohio's performance for this indicator met the standard for a "satisfactory" rating.

Mr. Lee led the discussion of the non-common performance indicator, Sealed Source and Device (SS&D) Evaluation Program, which is summarized in Section 4.2 of the report. The team found Ohio's performance relative to this indicator to be "satisfactory" and made one recommendation involving formal training and qualification requirements for SS&D reviewers. The MRB discussed NRC's program and asked Mr. Lee to provide any NRC SS&D reviewer qualification requirements to the State. Mr. Lee agreed to provide the information. Mr. Suppes commented that the State was addressing the items identified in Appendix F of the report. Actions should be completed by the end of August.

The MRB, the State, and Mr. Lee discussed the misunderstanding involving NRC SS&D guidance documents. Specifically, the section entitled "Safety Analysis Summary" in the Ohio registration certificates contained text that applied to both specifically and generally licensed devices regardless of the type of device. Certificates should contain only those requirements that are unique to the regulatory requirements for the type of device. Mr. Lee noted that the review team traced this deficiency to NUREG-1556, Vol. 3 which provides examples of safety analysis summary statements for registration certificates, but does not clearly distinguish between the statements for generally licensed devices versus specifically licensed devices. The review team and the State noted that this guidance is potentially misleading. The MRB directed that a new recommendation be included in the final report to indicate that the MRB recommends that NRC staff revise NRC guidance so that the differences between safety analysis summary documentation for certificates for specifically licensed versus generally licensed devices is clarified. This could be accomplished either in the next revision of NUREG-1556, Vol. 3, if appropriate, or issuing an errata sheet if the revision to NUREG-1556, Vol. 3 is significantly delayed. The MRB agreed that Ohio's performance for this indicator met the standard for a "satisfactory" rating for this indicator.

**MRB Consultation/Comments on Issuance of Report.** Mr. Sollenberger concluded, based on the discussion and direction of the MRB, that Ohio's program was rated "satisfactory" for all performance indicators. The MRB found the Ohio radiation control program was adequate to protect public health and safety and compatible with NRC's program. Mr. Sollenberger noted that the State's response to the draft IMPEP report was sufficient and no further information was necessary. The IMPEP team recommended that the next IMPEP review be conducted in four years, and the MRB agreed.

**Comments from the State of Ohio.** Mr. Suppes stated that he appreciated the review and found it helpful. He also noted that the time State staff spent with NRC Region III staff was beneficial. The MRB noted that this was an exceptionally good first review for a program.

3. **Results of Periodic and Orientation Meetings.** Ms. Schneider commented on recent periodic meetings and orientation meetings. She noted that the July 18, 2001 orientation meeting held with the State of Oklahoma revealed that the State had experienced significant staff turnover and currently had a large backlog of licensing actions. She noted that Oklahoma management has kept up-to-date with inspections and has responded to incidents when necessary. NRC intends to stay in contact with the State through bi-monthly teleconferences and plans to conduct another periodic meeting prior to the next IMPEP review.

Ms. Schneider also discussed the results of the periodic meeting held with the State of Rhode Island on July 24, 2001. She noted that due to the loss of staff and a new Statewide initiative for licensing management, no inspections have been conducted in the past eighteen months. The State is conducting investigations of incidents and reactive inspections when necessary. Two new staff have been hired and one former staff member has been brought back. The State has a plan to complete all overdue inspections by Autumn, 2002. NRC plans to conduct monthly teleconferences with the

State and have an additional periodic meeting with the State prior to their next IMPEP review.

4. **Status of Current and Upcoming Reviews.** Mrs. Schneider briefly reported on the status of the current and upcoming IMPEP reviews and reports.
5. **Adjournment.** The meeting was adjourned at approximately 12:10 p.m.