

November 7, 2001

MEMORANDUM TO: Management Review Board Members:

Carl J. Paperiello, EDO
Margaret V. Federline, NMSS
Karen D. Cyr, OGC
Paul H. Lohaus, STP

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

SUBJECT: DRAFT MINUTES: NEW MEXICO MRB MEETING

Attached are the draft minutes of the Management Review Board (MRB) meeting held on September 18, 2001. We plan to finalize these minutes in two weeks. If you have comments or questions, please contact me at 415-2589.

Attachment:
As stated

cc: P. O'Kelley, SC
W. Floyd, NM

Management Review Board Members

November 7, 2001

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STP-AG-19

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF SEPTEMBER 18, 2001

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

Carl Paperiello, MRB Chair, EDO
Margaret Federline, MRB Member, NMSS
Richard Blanton, Team Leader, STP
John Hickey, NMSS
Lance Rakovan, STP
Cardelia Maupin, STP

Paul Lohaus, MRB Member, STP
Karen Cyr, MRB Member, OGC
Brenda Usilton, STP
Kathleen Schneider, STP
Frederick Combs, STP

By video conference:

Linda McLean, Team Member, RIV

Dwight Chamberlain, RIV

By teleconference:

Pearce O'Kelley, OAS Liaison, SC
Michael Stephens, Team Member, FL
Mike Koranda, NM
Sherry Miller, NM
Walter Medina, NM

Teresa Darden, Team Member, RI
William Floyd, NM
Cecilia Williams, NM
Margaret Roybal, NM

1. **Convention.** Carl Paperiello, Chair of the Management Review Board (MRB) convened the meeting at 2:00 p.m. Introductions of the attendees were conducted.
2. **New Business. New Mexico Review Introduction.** Mr. Richard Blanton, STP, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the New Mexico review.

Mr. Blanton summarized the review and noted the findings. Preliminary work included a review of New Mexico's response to the IMPEP questionnaire. The onsite review was conducted June 18-22, 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 July 20, 2001; received New Mexico's comment letter dated August 17, 2001; and submitted a proposed final report to the MRB on September 7, 2001.

Common Performance Indicators. Ms. McLean 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 New Mexico's performance with respect to this indicator "satisfactory," and made no recommendations. The MRB agreed that New Mexico's performance met the standard for a "satisfactory" rating for this indicator.

Ms. McLean also reviewed the common performance indicator, Technical Quality of Inspections. Her presentation corresponded to Section 3.2 of the report. The team found that New Mexico's performance was "satisfactory" for this indicator and made no recommendations. The MRB complimented the State for their continued performance in this indicator. In response to a discussion about funding, Mr. Floyd noted that the

proposed fee regulations were approved for a public hearing to be held most likely either December or January. The MRB agreed that New Mexico's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Stephens 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 New Mexico's performance with respect to this indicator was "satisfactory," and made no recommendations. The review team discussed the role of the technical council with the MRB. The State noted that they received a verbal reply from their legal staff that there was no conflict of interest involving their technical council. The MRB agreed that New Mexico's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Darden 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 New Mexico's performance to be "satisfactory" for this indicator and made no recommendations. After a brief discussion on the State's action plan to train an additional license reviewer, the MRB agreed that New Mexico's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Stephens presented the findings regarding the final common performance indicator, Response to Incidents and Allegations. As discussed in Section 3.5 of the report, the team found New Mexico's performance relative to this indicator to be "satisfactory" and made no recommendations. The MRB directed that the report be revised to reflect that a staff member completed the August, 2001 Nuclear Material Events Database (NMED) training. The MRB agreed that New Mexico's performance met the standard for a "satisfactory" rating for this indicator.

Non-Common Performance Indicators. Mr. Blanton 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 New Mexico's performance "satisfactory" for this indicator and made one recommendation involving adopting overdue regulations. Mr. Blanton noted that the review team agreed that a satisfactory rating was appropriate due to the State's management of the regulations. The MRB noted that the language in the report involving the Clean Air Act constraint rule needed clarification and directed that the report be revised to note that the State determined that there are no licensees that meet the reporting requirement for emissions exceeding 10 mrem per year established by this rule. After a brief discussion involving the State's new fee legislation, the MRB agreed that New Mexico's performance for this indicator met the standard for a "satisfactory" rating.

MRB Consultation/Comments on Issuance of Report. Mr. Blanton concluded, based on the discussion and direction of the MRB, that New Mexico's program was rated "satisfactory" for all performance indicators. The MRB found the New Mexico radiation control program was adequate to protect public health and safety and compatible with NRC's program. The IMPEP team recommended that the next IMPEP review be conducted in four years, and the MRB agreed.

Comments from the State of New Mexico. Mr. Floyd thanked the review team for their work and noted that IMPEP is a helpful program.

3. **Results of Periodic and Orientation Meetings.** Ms. Schneider reported on the Utah periodic meeting that took place on September 6, 2001. She noted that the State has a strong program, but that the need for oversight of the low-level waste disposal facility continues to be staff intensive. She also discussed the State's SYBASE system and noted that it is something the NRC might be interested in.
4. **Approval of Past MRB Meeting Minutes.** The minutes from the Region I, Ohio and Illinois MRB meetings were approved.
5. **Status of Current and Upcoming Reviews.** Ms. Schneider briefly reported on the status of the current and upcoming IMPEP reviews and reports. She noted that STP was in the process of re-scheduling the New Hampshire MRB meeting and that due to the delay, an extension to the usual 104-day IMPEP final report deadline would most likely be necessary. She also discussed the preliminary findings for the Nevada IMPEP and the Organization of Agreement State's review of NRC's Sealed Source and Device Evaluation Program.
6. **Adjournment.** The meeting was adjourned at approximately 2:40 p.m.