

February 20, 2002

MEMORANDUM TO: Management Review Board Members:

Martin J. Virgilio, NMSS
Donald A. Cool, NMSS
Karen D. Cyr, OGC
Paul H. Lohaus, STP

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

SUBJECT: DRAFT MINUTES: TEXAS MRB MEETING

Attached are the draft minutes of the Management Review Board (MRB) meeting held on December 10, 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: E. Bailey, CA
R. Ratliff, TX
S. Jablonski, TX

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF DECEMBER 10, 2001

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

Martin Virgilio, MRB Chair, NMSS
Donald Cool, MRB Member, NMSS
Duncan White, Team Leader, RI
John Hickey, NMSS
Lance Rakovan, STP
John Zabko, STP
Jared Heck, OGC
Stephanie Bush-Goddard, NMSS

Paul Lohaus, MRB Member, STP
Karen Cyr, MRB Member, OGC
Brenda Usilton, STP
Kathleen Schneider, STP
Frederick Combs, STP
Roberto Torres, STP
James Lieberman, OGC

By video conference:

Richard Ratliff, TX
Cynthia Cardwell, TX
Arthur Tate, TX
Wade Wheatley, TX
Tom Godard, TX
Vivian Campbell, Team Member, RIV
Linda Howell, RIV
Eric Jameson, Team Member, GA

Ruth McBurney, TX
George Fitzgerald, TX
Rick Bays, TX
Dale Kohler, TX
Robert Free, TX
Dwight Chamberlain, RIV
Linda McLean, RIV

By teleconference:

Ed Bailey, OAS Liaison, CA

1. **Convention.** Martin Virgilio, Chair of the Management Review Board (MRB) convened the meeting at 1:00 p.m. Introductions of the attendees were conducted.
2. **New Business. Texas Review Introduction.** Mr. Duncan White, NRC Region I, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Texas review.

Mr. White summarized the review and noted the findings. Preliminary work included a review of Texas' response to the IMPEP questionnaire. The onsite review was conducted August 27-31, 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 October 15, 2001; received Texas' comment letters dated November 16, 2001 and November 19, 2001; and submitted a proposed final report to the MRB on November 27, 2001. Mr. White noted that except for the recommendation involving annual supervisory inspector accompaniments that was incorporated into a new recommendation, the recommendations from the previous review were all closed.

Performance Indicators. Due to previous commitments and the expected discussion time for some topics, Mr. White suggested that some of the non-common performance indicators be presented first.

Mr. Jameson presented the findings regarding the non-common performance indicator, Sealed Source and Device Evaluation Program. His presentation corresponded to Section 4.2 of the IMPEP report. The team found that Texas' performance with respect to this indicator was "satisfactory" and made no recommendations. The MRB agreed that Texas' performance met the standard for a "satisfactory" rating for this indicator.

Mr. Harris presented the findings regarding the non-common performance indicator, Low-Level Radioactive Waste Disposal Program which corresponded to Section 4.3 of the report. Mr. Harris noted that the program has changed greatly since the previous review and that only the applicable sub-indicators were reviewed. The team found Texas' performance relative to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Texas' performance met the standard for a "satisfactory" rating for this indicator.

Mr. Johnson presented the findings regarding the non-common performance indicator, Uranium Recovery Program. He summarized the findings in Section 4.4 of the report. The team found Texas' performance to be "satisfactory" for this indicator and made two recommendations. The MRB, the State, and Mr. Johnson discussed the recommendation involving the development and implementation of a training plan for technical staff. The MRB and Mr. Johnson discussed the level of documentation necessary for reclamation plans and the need for a training plan. The discussion also included NRC's training requirements for NRC staff. The MRB discussed the issue of whether the training recommendation was performance based or if it was primarily to aid in the review of the reclamation plans. The State requested identification of additional casework to supplement Texas staff training. Mr. Johnson indicated he was available to conduct training and had previously conducted training for other Agreement States in this area. The MRB directed that the recommendation involving training be removed from the report. The MRB agreed that Texas' performance met the standard for a "satisfactory" rating for this indicator.

Mr. Lee Cox, North Carolina, reviewed the common performance indicator, Status of the Materials Inspection Program. In his absence, Mr. White led the discussion for this indicator. His presentation corresponded to Section 3.1 of the IMPEP report. The review team found Texas' performance with respect to this indicator "satisfactory" and made no recommendations. After a brief discussion involving reciprocity inspection frequencies, the MRB agreed that Texas' performance met the standard for a "satisfactory" rating for this indicator.

Mr. White also presented the common performance indicator, Technical Quality of Inspections, for Mr. Cox. His presentation corresponded to Section 3.2 of the report. The team found that Texas' performance was "satisfactory" for this indicator and made one recommendation involving conducting annual supervisory inspector accompaniments. Mr. White noted that this recommendation was also made during the previous IMPEP review. The MRB agreed that Texas' performance met the standard for a "satisfactory" rating for this indicator.

Mr. Hsueh 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 Texas' performance with respect to this indicator

was "satisfactory" and made no recommendations. The MRB agreed that Texas' performance met the standard for a "satisfactory" rating for this indicator.

Ms. Campbell 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 Texas' performance to be "satisfactory" for this indicator and made no recommendations. The team did, however, recommend that two of the State's policies be accepted as good practices. The MRB agreed that the items should be accepted as good practices and directed that an electronic link to the specific Texas regulations that support these good practices also be provided in the next good practice paper. The MRB agreed that Texas' performance met the standard for a "satisfactory" rating for this indicator.

Mr. Hsueh 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 Texas' performance relative to this indicator to be "satisfactory" and made one recommendation involving reporting events to the NRC. Several new compatibility issues were identified during the Texas IMPEP review. Mr. Hsueh discussed some of the restrictions imposed by the Medical Practice Act and noted that the State has taken steps to ensure that the necessary information is reported to the NRC. The State has modified its reporting practice to contain technical information regarding the medical event, but will keep the patient's identity confidential. The MRB agreed that this is an acceptable practice to achieve compatibility in reporting. Ms. Schneider stated that the reporting of incidents is a compatibility requirement and that although not appropriate in this case, deficiencies in timely reporting to the NRC could lead to a "satisfactory with recommendations for improvement" or "unsatisfactory" rating for this indicator. The MRB concurred with this approach.

The MRB and the State discussed labeling reported events "Preliminary, not for public disclosure." The State's information is not for public disclosure during the period of time the event is under investigation. This time varies according to the complexity of the incident. The MRB discussed how quickly information involving an event needs to be released to the public. The MRB also discussed the difference between sharing incident information and investigation of allegations. Mr. Ratliff recommended and the MRB agreed that the language in STP procedure SA-300 should be revised to better clarify the distinction between incidents and allegations. The timing of information release of events will be addressed in the action plan being developed in response to the Event Reporting Working Group report. This action plan was sent to Agreement States for comment on December 21, 2001. The MRB agreed that Texas' performance met the standard for a "satisfactory" rating for this indicator.

Mr. White 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 Texas' performance "satisfactory" for this indicator and made one recommendation involving the State's "two-person" radiography rule. The MRB and the State discussed the rationale behind this rule. The review team noted and the MRB concurred, that the Department presented sufficient information to warrant reconsideration of how this rule should be implemented. The MRB agreed that the recommendation to the State to modify their "two-person" rule be removed from the

report. A new recommendation for the NRC was placed in the report: The review team recommends that NRC, in coordination with the Agreement States, re-evaluate the two-person rule to assess the effectiveness of the intended outcomes, including experience from past events, and propose a strategy and rule interpretation that best achieves its goal of safety. The MRB agreed that Texas' performance for this indicator met the standard for a "satisfactory" rating.

MRB Consultation/Comments on Issuance of Report. Mr. White concluded, based on the discussion and direction of the MRB, that Texas' program was rated "satisfactory" for all performance indicators. The MRB found the Texas 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. Mr. White thanked the State for their help in reviewing two separate programs in a single week. Mr. Virgilio thanked the team and Texas for their efforts.

Mr. Radcliff noted that IMPEP is a good process and that it works well.

3. **Approval of Past MRB Meeting Minutes.** The minutes from the New Hampshire and New Mexico MRB meetings were approved.
4. **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 New Hampshire requested and was given an extension to respond to the final report. She also noted that the 2002 New York review has been tentatively moved from March to July.
5. **Adjournment.** The meeting was adjourned at approximately 2:50 p.m.