

June 17, 2002

MEMORANDUM TO: Management Review Board Members:

Carl J. Paperiello, EDO
Martin J. Virgilio, 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: NEVADA MRB MEETING

Attached are the draft minutes of the Management Review Board (MRB) meeting held on February 11, 2002. 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: Y. Sylva, NV
S. Marshall, NV
W. Sinclair, UT

Management Review Board Members

June 17, 2002

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OFFICE	STP								
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DATE	6/17/02								

STP-AG-17

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF FEBRUARY 11, 2002

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, NMSS
Martin Virgilio, MRB Member, NMSS
Pat Larkins, Team Leader, STP
Josephine Piccoine, STP
Lance Rakovan, STP
Kevin Hsueh, STP
Brenda Usilton, STP
Roberto Torres, STP

Paul Lohaus, MRB Member, STP
Karen Cyr, MRB Member, OGC
Robert Gattone, Team Member, RIII
Linda Psyk, NMSS
Donald Cool, NMSS
Brian Smith, EDO
Isabelle Schoenfeld, EDO
Larry Scholl, EDO

By video conference:
Linda McLean, RIV

Dwight Chamberlain, RIV

By teleconference:
Yvonne Sylva, NV
Alan Tinney, NV
William Sinclair, OAS Liaison, UT

Stanley Marshall, NV
Alex Haartz, NV
George Johns, Team Member, IA

1. **Convention.** Carl Paperiello, Chair of the Management Review Board (MRB) convened the meeting at 3:30 p.m. Introductions of the attendees were conducted.
2. **New Business. Nevada Review Introduction.** Ms. Patricia Larkins, Office of State and Tribal Programs (STP), led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Nevada review.

Ms. Larkins summarized the review and noted the findings. Preliminary work included a review of Nevada's response to the IMPEP questionnaire. The onsite review was conducted September 10-14, 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 November 21, 2001; received Nevada's comment letter dated January 11, 2002; and submitted a proposed final report to the MRB on January 29, 2002. Ms. Larkins noted that two of the recommendations from the previous report were incorporated into new recommendations and two recommendations from the previous review were closed.

Common Performance Indicators. Mr. Robert Gattone reviewed the common performance indicator, Status of the Materials Inspection Program. His presentation corresponded to Section 3.1 of the IMPEP report. The review team found Nevada's performance with respect to this indicator "unsatisfactory," and made three recommendations. The MRB and Mr. Gattone discussed the State's policy for conducting initial inspections, what types of new licensees were issued over the review period, and when the licensees with overdue initial inspections received radioactive material. Mr. Marshall said that some of the language in the report was incorrect. Specifically, none of the nine required service licensee reciprocity inspections during the review period were conducted because there were no service activities by the licensees.

Mr. Gattone stated that the data for the nine service license reciprocity inspections was received from the State's IMPEP questionnaire. The MRB directed that the IMPEP team and the State resolve this issue at a later date. Mr. Marshall noted that the overdue inspections have been assigned to qualified staff and that approximately a third of them had been completed. The MRB, Mr. Gattone, and the State discussed the statistics used to arrive at the unsatisfactory rating for this indicator. Taking into account the progress made by the State after the on-site review and the number of overdue inspections conducted over the review period, the MRB voted on whether a "satisfactory with recommendations for improvement" rating was appropriate for this indicator. The MRB agreed that Nevada's performance met the standard for a "unsatisfactory" rating for this indicator, and directed that a statement be included in the final report on the progress the State has made since the on-site review.

Mr. George Johns presented the common performance indicator, Technical Quality of Inspections. His presentation corresponded to Section 3.2 of the report. The team found that Nevada's performance was "satisfactory" for this indicator and made one recommendation involving conducting annual supervisory inspector accompaniments. The MRB agreed that Nevada's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Larkins presented the findings regarding the common performance indicator, Technical Staffing and Training. Her presentation corresponded to Section 3.3 of the IMPEP report. The team found that Nevada's performance with respect to this indicator was "satisfactory with recommendations for improvement" and made one recommendation. She noted that the State had hired two staff members since the on-site review, but that no information on their qualifications or how long it would take to train them had been furnished. The MRB and Ms. Larkins discussed the basis for the recommendation. The MRB and Mr. Marshall discussed staffing, qualification, and balance issues associated with radiation control programs. Mr. Marshall indicated that it would be some time before the newly hired staff members were fully qualified. The MRB directed that language on the current status of the State's staffing level be included in the final report. Also, the MRB directed that the recommendation be revised to indicate the need for "qualified" staff. The MRB agreed that Nevada's performance met the standard for a "satisfactory with recommendations for improvement" rating for this indicator.

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

Mr. Johns 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 Nevada's performance relative to this indicator to be "satisfactory with recommendations for improvement" and made one recommendation involving reporting events to the NRC. After a brief discussion about the upcoming NMED training in Oregon, the MRB agreed that Nevada's performance met the standard for a "satisfactory with recommendations for improvement" rating for this indicator.

Non-Common Performance Indicators. Ms. Larkins 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 Nevada's performance "satisfactory with recommendations for improvement" for this indicator and made one recommendation involving the adoption of regulations. The MRB and the State discussed NRC's process for reviewing and commenting on State regulations, including how the process could be improved. Mr. Lohaus indicated that this issue was discussed in detail at a recent STP/Regional State Agreement Officer (RSAO) meeting and committed to make improvements to the process. The MRB agreed that Nevada's performance for this indicator met the standard for a "satisfactory with recommendations for improvement" rating.

Ms. Larkins noted that although the State has regulatory responsibility for sealed sources and device evaluation, there was no action involving this indicator during the review period, so it was not reviewed by the team. She also indicated that the State's low-level waste disposal program was not reviewed due to the absence of a team member.

MRB Consultation/Comments on Issuance of Report. Ms. Larkins concluded, based on the discussion and direction of the MRB, that Nevada's performance was satisfactory for the indicators, Technical Quality of Inspections and Technical Quality of Licensing Actions. The review team found Nevada's performance to be satisfactory with recommendations for improvement for the indicators, Technical Staffing and Training, Response to Incidents and Allegations, and Legislation and Program Elements Required for Compatibility. The review team found Nevada's performance to be unsatisfactory for the indicator Status of Materials Inspection Program. Accordingly, the review team recommended and the MRB concurred that the Nevada Agreement State Program be found adequate, but needs improvement, and compatible with NRC's program. The review team recommended and the MRB concurred that a program of Heightened Oversight be implemented to assess the progress of the State in implementing corrective actions discussed at the MRB meeting. The MRB requested the State prepare and submit a program improvement plan which addresses the recommendations in the final report. The MRB also requested that the State submit bi-monthly status reports and participate in bi-monthly conference calls to discuss the progress to date on the State's action plan. Mr. Lohaus indicated that STP would work with the State to find alternative timing if bi-monthly calls and status reports are not sufficient to discuss the State's plans and progress in addressing the recommendations in the final report. The MRB directed that the follow-up review be conducted approximately one year from the date of the February 11, 2002 MRB meeting.

Comments. Ms. Sylva thanked the team for their efforts. She noted that the results may have been a bit different if the review had not taken place the week of September 11, 2001.

3. **Status of Current and Upcoming Reviews.** Mr. Rakovan briefly reported on the status of the current and upcoming IMPEP reviews and reports. He noted that the Nevada review was the final review for FY 2001, and that the next MRB meeting would not be for a number of months since the Arizona review scheduled for the week of

February 25 was the next review that would require an MRB meeting. He noted that the Maryland follow-up review report would be finalized through a concurrence review and not an MRB meeting.

4. **Adjournment.** The meeting was adjourned at approximately 5:00 p.m.