

January 30, 2003

MEMORANDUM TO: Management Review Board Members:

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

FROM: Andrew N. Mauer, Health Physicist **/RA/**
Office of State and Tribal Programs

SUBJECT: FINAL MINUTES: MASSACHUSETTS MRB MEETING

Attached are the final minutes of the Management Review Board (MRB) meeting held on September 5, 2002. If you have comments or questions, please contact me at 415-3384.

Attachment:
As stated

cc: Robert Walker, MA
Edgar Bailey, CA

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF SEPTEMBER 5, 2002

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
Martin Virgilio, MRB Member, NMSS
Vivian Campbell, Team Leader, RIV
Osiris Siurano, Team Member, STP
Lance Rakovan, STP
James Harris, Team Member, KS
Marissa Bailey, NMSS

Karen Cyr, MRB Member, OGC
Seung Lee, Team Member, NMSS
Duncan White, Team Member, RI
Kathleen Schneider, STP
Andrew Mauer, STP
Thomas Essig, NMSS

By teleconference:

Edgar Bailey, OAS Liaison, CA
Robert Hallisey, MA
Michael Whalen, MA
Michael Broderick, OK

Robert Walker, MA
Robert Gallagher, MA
Salifu Dakubu, MA

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. Massachusetts Review Introduction.** Ms. Vivian Campbell, Region IV RSAO, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Massachusetts review.

Ms. Campbell summarized the review and noted the findings. Preliminary work included a review of Massachusetts' response to the IMPEP questionnaire. The onsite review was conducted June 24-28, 2002. 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 29, 2002; received Massachusetts' comment letter via electronic mail dated August 15, 2002; and submitted a proposed final report to the MRB on August 28, 2002. Ms. Campbell requested that the MRB accept that all previous recommendations be closed from the last IMPEP review in 1998. The MRB concurred and thus accepted this recommendation.

Common Performance Indicators. Mr. Osiris Siurano 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 Massachusetts' performance with respect to this indicator "satisfactory." It was noted that the reorganization of the Massachusetts program in 1999 increased efficiency and productivity of the program. The MRB agreed that Massachusetts' performance met the standard for a "satisfactory" rating for this indicator.

Mr. Duncan White presented the common performance indicator, Technical Quality of Inspections. His presentation corresponded to Section 3.2 of the report. The team found that Massachusetts' performance was "satisfactory" for this indicator and the MRB agreed.

Ms. Campbell presented the findings regarding the common performance indicator, Technical Staffing and Training. Her presentation corresponded to Section 3.3 of the IMPEP report. Two major strengths of the program were emphasized. The team found that Massachusetts' performance with respect to this indicator was "satisfactory." The team found that there was adequate funding for the program as well as an experienced and well qualified staff. It was noted that the program cross-trains its staff in both inspection and licensing. The MRB agreed that Massachusetts' performance met the standard for a "satisfactory" rating for this indicator.

Mr. James Harris 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 Massachusetts' performance to be "satisfactory" for this indicator and made no recommendations. The team noted that the Commonwealth devised a spreadsheet to assist in determining levels of financial assurance which proved very useful. The team recommended that the use of the spreadsheet be found a good practice and the MRB agreed. In addition, Mr. Harris mentioned that the State of Kansas was implementing this spreadsheet into their program. A question was raised with regard to the program's Decay in Storage 1998 Draft Guidance, specifically, the time that the waste products are required to be held in storage. The MRB determined that this condition was included in the Commonwealth's regulation and guidance, however was not delineated on the user license. The MRB further agreed that this was not a compatibility issue and directed the review team to revise this portion in their final report for clarity. The MRB agreed that Massachusetts' performance met the standard for a "satisfactory" rating for this indicator.

Mr. White 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 Massachusetts' performance relative to this indicator to be "satisfactory with recommendations for improvement" and made one recommendation involving reporting incidents to NMED. It was mentioned that the recently updated NMED software proved operationally successful. The MRB agreed that Massachusetts' performance met the standard for a "satisfactory with recommendations for improvement" rating for this indicator.

Non-Common Performance Indicators. Mr. Siurano 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 requested and the MRB agreed to handle the compatibility determination of three legally binding documents through the standard regulation review. The team recommended and the MRB agreed that Massachusetts' performance met the standard for a "satisfactory" rating for this indicator.

Mr. Lee led the discussion of the non-common performance indicator, Sealed Source and Device (SS&D) Evaluation, which is summarized in Section 4.2 of the report. The MRB directed that the report be revised to indicate that the Commonwealth had the flexibility to provide adequate information as to why certain safety issues were not addressed during the review of a registration certificate. The team recommended and the MRB agreed that Massachusetts' performance met the standard for a "satisfactory"

rating for this indicator. Mr. Walker mentioned that the Commonwealth will consider revising its procedures to ensure compatibility.

MRB Consultation/Comments on Issuance of Report. Ms. Campbell concluded, based on the discussion and direction of the MRB, that Massachusetts' performance was satisfactory for the indicators, Status of Materials Inspection Program, Technical Quality of Inspections, Technical Staffing and Training, Technical Quality of Licensing Actions, Legislation and Program Elements Required for Compatibility and SS&D Evaluation Program. Massachusetts' performance was found to be satisfactory with recommendations for improvement for the indicator, Response to Incidents and Allegations. Accordingly, the review team recommended and the MRB concurred that the Massachusetts Agreement State Program be found adequate to protect public health and safety, and compatible with NRC's program. The MRB directed that the next full review be conducted in approximately four years.

3. **Comments.** The MRB thanked the team for their effort. Mr. Walker thanked the team for their efforts. He also noted that IMPEP is a good process.
4. **Results of Periodic Meetings.** Mr. Lance Rakovan briefly discussed recent periodic meetings for the States of Colorado (ML1700791), South Carolina (ML021910571), and Washington(ML010100216). Mr. White commented on the status of the Rhode Island inspection backlog, and mentioned that there has been improvement, however it is believed that there will still be a backlog in November.
5. **Adjournment.** The meeting was adjourned at approximately 11:30 p.m.