

February 13, 2003

MEMORANDUM TO: Management Review Board Members:

Carl J. Paperiello, EDO
Paul H. Lohaus, STP
Margaret V. Federline, NMSS
Joseph R. Gray, OGC

/RA/

FROM: Osiris Siurano, Health Physicist
Office of State and Tribal Programs

SUBJECT: DRAFT MINUTES: DECEMBER 16, 2002 NEBRASKA
MRB MEETING

Attached are the draft minutes of the Management Review Board (MRB) meeting held on December 16, 2002. We plan to finalize these minutes at the next MRB. If you have comments or questions, please contact me at 415-2307.

Attachment:
As stated

cc: Bob Leopold, NE
Roland Fletcher, MD

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DWhite, RI	ISchoenfeld, EDO	
LMcLean, RIV	JZabko, STP	
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MINUTES: MANAGEMENT REVIEW BOARD MEETING (MRB) OF DECEMBER 16, 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, OEDO
Margaret Federline, MRB Member, NMSS
Duncan White, Team Leader, RI
Josephine Piccone, STP
Lance Rakovan, STP
Brenda Usilton, STP
Osiris Siurano, STP
Marissa Bailey, NMSS

Paul Lohaus, MRB Member, STP
Joseph Gray, MRB Member, OGC
John Zabko, Team Member, STP
Isabel Schoenfeld, OEDO
Kathleen Schneider, STP
Patricia McGrady-Finneran, STP
Fred Brown, NMSS
Mary Lynn Scott, STP

By video conference:

Linda McLean, RIV, Team Member
Julia Schmitt, NE

Robert Leopold, NE
Mary Sue Semerena, NE

By teleconference:

Roland Fletcher, OAS Liaison, MD
Pearce O'Kelley, SC
William Sinclair, UT

Robert Gallagher, Team Member, MA
Tom Hill, GA

1. **Convention.** Carl Paperiello, Chair of the Management Review Board (MRB), convened the meeting at 2:03 p.m. Introductions of the attendees were conducted.
2. **New Business. Nebraska Review Introduction.** Mr. Duncan White, Region I, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Nebraska review.

Mr. White summarized the review and noted the findings. Preliminary work included a review of Nebraska's response to the IMPEP questionnaire. The onsite review was conducted September 16-20, 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 October 24, 2002; received Nebraska's comment letter dated December 3, 2002 and submitted a proposed final report to the MRB on December 5, 2002. Mr. White noted that the recommendations from the previous IMPEP review were closed. The MRB, Mr. White and the State briefly discussed training and travel issues in regards to Recommendation 2 from the previous IMPEP.

Common Performance Indicators. Mr. Zabko reviewed the Status of Materials Inspection Program. His presentation corresponded to Section 3.1 of the IMPEP report. The review team found Nebraska's performance with respect to this indicator "satisfactory" and made no recommendations. The MRB requested more information on the reason for a core inspection to be delayed for two months. Ms. Schmitt explained that, in addition to the information in the report, by the time the inspection was due, there were no inspectors immediately available. The inspection was performed immediately after the inspectors came back from vacation. The MRB directed that the

language in the fourth paragraph, page 3, regarding the core inspection conducted two months late be clarified. The MRB agreed that Nebraska's performance met the standard for a "satisfactory" rating for this indicator.

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

Ms. McLean presented the findings regarding the common performance indicator, Technical Staffing and Training. Her presentation corresponded to Section 3.3 of the report. The team found Nebraska's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB requested additional information on any issues or problems with the Program's funding. Mr. Leopold explained fees are stable and that management does not expect any future problems. The MRB agreed that Nebraska's performance met the standard for a "satisfactory" rating for this indicator.

Mr. White presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions. His presentation corresponded to Section 3.4 of the report. The team found Nebraska's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Nebraska's performance met the standard for a "satisfactory" rating for this indicator.

Ms. McLean presented the findings regarding the final common performance indicator, Response to Incidents and Allegations. Her presentation corresponded to Section 3.5 of the report. The team found Nebraska's performance with respect to this indicator to be "satisfactory," and made a recommendation that NRC's Office of Nuclear Material Safety and Safeguards (NMSS) review the contractor's procedures for inputting Nuclear Material Events Database (NMED) data and review the database information for accuracy and completeness. Mr. Fred Brown explained that NMSS had already reviewed the contractor's procedures and as a result of the review, all incidents, including those involving non-AEA materials, have been included. The MRB stressed the importance of accurate data being included in NMED. The MRB indicated that this is not a problem specific to Nebraska, since other States experienced the same problem. The MRB agreed that Nebraska's performance met the standard for a "satisfactory" rating for this indicator.

Non-Common Performance Indicators. Mr. Zabko led the discussion of the non-common performance indicator, Legislation and Program Elements Required for Compatibility. His discussion corresponded to Section 4.1 of the report. The team found Nebraska's performance to be "satisfactory" for this indicator and made no recommendations. A question was raised regarding three regulations that were due for adoption soon. Mr. Zabko noted that those regulations were submitted to the NRC for review and should be effective before the due date. A concern was raised on the delayed approval of the "Deliberate Misconduct" rule. Ms. Semerena clarified that the reason for such delay was that the final approval of rules and regulations relies upon the State's legislature. Since the process takes about a year for the regulations to be

effective, the final approval of the rule was past the due date. The MRB directed that the report be revised to explain the reason for the delay. The MRB agreed that Nebraska's performance met the standard for a "satisfactory" rating for this indicator.

MRB Consultation/ Comments on Issuance of Report. Mr. White concluded, based on the discussion and direction of the MRB, that Nebraska's Program was rated "satisfactory" for all performance indicators. The MRB found the Nebraska 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. Leopold thanked the IMPEP team for their work and professionalism, as well as the opportunity for feedback and learning during the process. Ms. Schmitt noted the positive interaction between Nebraska staff and the IMPEP team during the review. She also commented that some areas of the IMPEP questionnaire should be revised to include additional data that is actually gathered during the onsite visit. She stated that such data, if included in the questionnaire, could be provided in advance prior to the team's onsite review. The MRB thanked the team and Nebraska for their efforts.

3. **Status of IMPEP Reviews and Heightened Oversight/Monitoring Activities.** Mr. Rakovan briefly reported on the IMPEP schedule for NRC fiscal year 2003 and the status of IMPEP reviews reports. A short discussion was held on state program budget cuts and how the NRC is addressing the problem. The MRB asked for additional time to review Massachusetts MRB meeting minutes before final approval.
4. **Results of Periodic Meetings.** Mr. Rakovan briefly discussed the periodic meeting with Mississippi held on November 19, 2002 (ML23260390).
5. **Performance-Based Approaches in IMPEP.** The importance of NRC's evolution towards risk-informed, performance-based inspections was highlighted. However, guidance on how IMPEP teams should handle future inspection, licensing, and incidents response activities in regard to this regulatory approach has not been developed. It was recommended that IMPEP teams should base their reviews based on the State's internal policy guidance and procedures. The MRB commented that there will always be a mixture of performance and compliance-based approaches and that IMPEP teams were already accounting for these different approaches while conducting IMPEP reviews. It was directed that these issues be discussed at the upcoming IMPEP training.
5. **Adjournment.** The meeting was adjourned at approximately 3:22 p.m.