

March 14, 2003

MEMORANDUM TO: Management Review Board Members:

Paul H. Lohaus, STP
Margaret V. Federline, NMSS
Karen D. Cyr, OGC
Josephine M. Piccone, STP
/RA/

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

SUBJECT: FINAL MINUTES: OCTOBER 17, 2002
OKLAHOMA MRB MEETING

Attached are the final minutes of the Management Review Board (MRB) meeting held on October 17, 2002. If you have questions, please contact me at 415-2589.

Attachment:
As stated

cc: Mike Broderick, OK
William Sinclair, UT

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF OCTOBER 17, 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
Margaret Federline, MRB Member, NMSS
Richard Woodruff, Team Leader, RII
Isabelle Schoenfeld, EDO
Kathleen Schneider, STP
Lance Rakovan, STP

Karen Cyr, MRB Member, OGC
Josephine Piccone, MRB Member, STP
Linda McLean, Team Member, RIV
Michael Broderick, OK
Patricia Larkins, STP

By teleconference:

William Sinclair, OAS Liaison, UT
Pamela Bishop, OK

Michael Snee, Team Member, OH
Pearce O'Kelley, SC

1. **Convention.** Paul Lohaus, Chair of the Management Review Board (MRB) convened the meeting at 10:05 a.m. Introductions of the attendees were conducted.
2. **New Business. Oklahoma Review Introduction.** Mr. Richard Woodruff, Region II Regional State Agreements Officer, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Oklahoma review.

Mr. Woodruff summarized the review and noted the findings. Preliminary work included a review of Oklahoma's response to the IMPEP questionnaire. The onsite review was conducted July 15-19, 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 August 14, 2002; received Oklahoma's comment letter dated September 6, 2002; and submitted a proposed final report to the MRB on September 18, 2002.

Mr. Woodruff gave a quick overview of the program's strengths and weaknesses. He noted that the State adopts NRC regulations by reference, which the review team believes allows the State to implement regulations quickly and avoid potential compatibility conflicts. Also, it reduces confusion for reciprocity licensees and multi-State licensees. The MRB and the team agreed that the adoption of rules by reference should be identified as a good practice.

Common Performance Indicators. Ms. Linda 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 Oklahoma's performance with respect to this indicator "satisfactory with recommendations for improvement" and made two recommendations. Ms. McLean noted that the program was caught up with inspections at the time of the onsite review. Mr. Broderick mentioned that he is now tracking inspections more closely. The MRB and the review team discussed why the team recommended a "satisfactory with recommendations for improvement" rating for this indicator in light of the program dealing with the backlog of inspections and past precedent for findings under this indicator. The MRB decided to

postpone making their final determination on this indicator until after the review team completed their presentations of the remaining indicators

Ms. Linda McLean also presented the common performance indicator, Technical Quality of Inspections. Her presentation corresponded to Section 3.2 of the report. The team found that Oklahoma's performance was "satisfactory" for this indicator and made two recommendations. In discussions with the MRB, the review team noted that certain weaknesses mentioned in the report did not warrant recommendations. The MRB and Mr. Broderick discussed documentation and staffing issues. The impact of high staff turnover on the Oklahoma Agreement Program was discussed. It was noted that Oklahoma's efforts to initiate an effective program while at the same time devoting significant effort to hiring and training new staff is commendable. The MRB directed that the final IMPEP report cover letter should contain language discussing these staffing issues. The MRB agreed that Oklahoma's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Woodruff 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 Oklahoma's performance with respect to this indicator was "satisfactory." After a brief discussion involving a possible licensing assistant position and administrative staff, the MRB agreed that Oklahoma's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Woodruff presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions, for Ms. Neelam Bhalla. He summarized the findings in Section 3.4 of the report. The team found Oklahoma's performance to be "satisfactory" for this indicator and made one recommendation involving license terminations. The MRB, Mr. Broderick, and the review team discussed the program's policy of categorizing licenses to ensure higher priority licensing actions are handled in the proper timeframe. The MRB agreed that Oklahoma's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Snee 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 Oklahoma's performance relative to this indicator to be "satisfactory" and made no recommendations. After a brief discussion involving the Nuclear Material Events Database (NMED), the MRB agreed that Oklahoma's performance met the standard for a "satisfactory" rating for this indicator.

Non-Common Performance Indicators. Mr. Woodruff 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 recommended and the MRB agreed that Oklahoma's performance met the standard for a "satisfactory" rating for this indicator.

MRB Consultation/Comments on Issuance of Report. Upon further discussion, the MRB directed that Oklahoma's performance for the common performance indicator, Status of Materials Inspection Program, be found "satisfactory."

Mr. Woodruff concluded, based on the discussion and direction of the MRB, that Oklahoma's performance was satisfactory for all indicators. The review team recommended and the MRB concurred that the Oklahoma 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.** Mr. Broderick thanked the review team for their performance and noted that the aid given by the team was similar to that received during the State's Agreement application process. He noted that the process is well defined and that guidance is followed.

Mr. Snee was thankful for the opportunity to participate on the review team. He noted that he was able to share a great deal of information on operating a new Agreement State program with Oklahoma staff, and learned a lot in the process.

4. **Proposed Changed to the IMPEP Process.** Paul Lohaus presented the following proposed changes to the IMPEP process for the MRB and the Agreement State Liaisons to consider:

1. Draft IMPEP reports should be signed out by the team leader instead of STP or NMSS management.
2. Staff responsibility for heightened oversight should be transferred to the appropriate Regional State Agreements Officer (RSAO) as opposed to the present team leader.
3. Except for the RSAO, a new review team should be assigned for a follow-up review; the original IMPEP team should not go back.

The MRB discussed the possible positive and negative effects of these policy changes. Continuity difficulties and the involvement of the original team leader in the heightened oversight process were discussed. Mr. Lohaus noted that a draft STP Procedure SA-119, Follow-up IMPEP Reviews, is due out for comment in November, 2002. The MRB supported all three of these changes. Mr. O'Kelley requested that these issues be discussed at the next OAS/NRC conference call.

5. **Approval of Massachusetts MRB Meeting Minutes.** The MRB approved the minutes from the September 5, 2002 Massachusetts MRB meeting. Mr. Rakovan stated that he would contact the Commonwealth prior to finalizing the minutes to ensure there were no comments.
6. **Status of IMPEP Reviews and Heightened Oversight/Monitoring Activities.** Lance Rakovan briefly discussed current and upcoming reviews. He noted that Oklahoma will be removed from the Heightened Oversight/Monitoring Chart.
7. **Adjournment.** The meeting was adjourned at approximately 11:50 a.m.