

June 23, 2003

MEMORANDUM TO: Management Review Board Members:  
Carl J. Paperiello, EDO  
Paul H. Lohaus, STP  
Martin J. Virgilio, NMSS

FROM: Osiris Siurano, Health Physicist */RA by Lance Rakovan for/*  
Office of State and Tribal Programs

SUBJECT: DRAFT MINUTES: MAY 21, 2003 NEW HAMPSHIRE  
MRB MEETING

Attached are the draft minutes of the Management Review Board (MRB) meeting held on May 21, 2003. We plan to finalize these minutes in two weeks. If you have comments or questions, please contact me at 415-2307.

Attachment:  
As stated

cc: Kathleen Dunn, NH  
Brook Dupee, NH  
Dennis O'Dowd, NH  
William Sinclair, UT

Management Review Board Members

Distribution:

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## MINUTES MANAGEMENT REVIEW BOARD MEETING OF MAY 21, 2003

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  
Paul Lohaus, MRB Member, STP  
Martin Virgilio, MRB Member, NMSS  
Dennis O'Dowd, NH  
Isabelle Schoenfeld, OEDO

Scott Flanders, STP  
Lance Rakovan, STP  
Richard Struckmeyer, NMSS  
Osiris Siurano, STP

By telephone:

William Sinclair, OAS Liason, UT  
Eric Jameson, GA  
Ann Troxler, LA  
Eddie Nanney, TN

Kathleen Dunn, NH  
Brook Dupee, NH  
Debra Schultz, TN

By Videoconference:

Dennis Sollenberger, Team Leader, STP  
George Pangburn, RI

Duncan White, Team Member, RI  
James Wiggins, RI

1. **Convention.** Carl Paperiello, Chair of the Management Review Board (MRB) convened the meeting at 1:00 p.m. Introductions of the attendees were conducted.
2. **New Business. New Hampshire Review Introduction.** Mr. Dennis Sollenberger, STP, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the New Hampshire follow up review.

Mr. Sollenberger summarized the review and noted the findings. Preliminary work included a period of heightened oversight of the New Hampshire's program, which included New Hampshire's development and submittance of a Program Improvement Plan (the Plan) in response to the 2001 IMPEP review, and bimonthly conference calls with the NRC to discuss New Hampshire's progress in implementing the Plan. The Plan was submitted on December 27, 2001 and four bimonthly calls were held between March and October 2002. A follow up review was directed by the MRB based on the results of the June 25-29, 2001 IMPEP review. The MRB directed that a follow up review be conducted in about one year from the MRB meeting based on findings of two unsatisfactory and one satisfactory with recommendations for improvement for the following performance indicators: Technical Staffing and Training, Status of Materials Inspections and Legislation and Program Elements Required for Compatibility. The onsite follow-up review was conducted February 4-6, 2003. The follow up review also included the evaluation of the actions taken by the State to address the six recommendations made during the 2001 IMPEP review. Preliminary results of the review, which covered the period of June 30, 2001 to February 6, 2003, were discussed with New Hampshire's management on February 6, 2003 and by teleconference on March 4, 2003. Following the review, the team issued a draft report on March 14, 2003, received New Hampshire's comment letter dated April 28, 2003, and submitted a proposed final report to the MRB on May 14, 2003. Mr. Sollenberger noted that one out of the six recommendations from the previous IMPEP review was closed.

**Common Performance Indicators.** Mr. Sollenberger presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 2.1 of the proposed final report. The team continued to find New Hampshire's performance with respect to this indicator to be "satisfactory with recommendations for improvement" with no additional recommendations. It was noted that, although the State has made improvements through a number of actions and efforts, there are still vacant positions, including the Bureau Administrator. A discussion was held on recommendation number three of the previous IMPEP report regarding the development of a training plan for the Bureau's personnel consistent with the guidance provided by the NRC/Organization of Agreement States Training Working Group Report or NRC Inspection Manual Chapter (IMC) 1246. Mr. O'Dowd presented evidence that the training plan was completed and implemented. The MRB directed that this recommendation be closed. Mr. O'Dowd explained that the State would re-allocated funds towards recruitment until the new fee-based policy go into effect on July 1, 2003. Thus, the current hiring freeze would not affect the vacant positions. The MRB directed that this information be included in the report for clarification. The MRB agreed that New Hampshire's performance for this indicator continues to be "satisfactory with recommendations for improvement."

Mr. White presented the findings regarding the common performance indicator, Status of Materials Inspection Program. His presentation corresponded to Section 2.2 of the proposed final IMPEP report. The review team found New Hampshire's performance with respect to this indicator to be "unsatisfactory" and made no additional recommendations. There were two recommendations from the previous IMPEP review in regard to this indicator. Recommendation number one was closed at this follow-up review. The team explained why the New Hampshire's performance was found unsatisfactory even when there have been improvements in this area. Mr. O'Dowd presented evidence that, as of May 21, 2003, the State had essentially eliminated the backlog of inspections. The MRB noted that information on the technical quality of the inspections performed since the last review would have been beneficial. The MRB directed that this section of the report be clarified to reflect that, although considered unsatisfactory at the time of the review, evidence presented at the MRB meeting showed that considerable program improvements had been made. The MRB agreed that New Hampshire's performance for this indicator will remain "unsatisfactory" with the clarification that improvements have been made.

**Non-Common Performance Indicators.** Mr. Sollenberger led the discussion of the non-common performance indicator, Legislation and Program Elements Required for Compatibility. His discussion corresponds to Section 3.1 of the proposed final report. The team found New Hampshire's performance to be "unsatisfactory" for this indicator. Eleven regulations were found to be overdue by more than three years. A discussion was held on how New Hampshire is dealing with the expired parts of their regulations and how do they handle the gaps. Mr. O'Dowd explained that the State is currently using legally binding requirements to address problems and that an effort is being made to approve regulations by the end of 2003. The MRB agreed that New Hampshire's performance for this indicator will remain "unsatisfactory."

**MRB Consultation/ Comments on Issuance of Report.** Mr. Sollenberger concluded, based on the discussion and direction of the MRB, that New Hampshire's Program was rated "satisfactory with recommendations for improvement" for the indicator, Technical

Staffing and Training, and “unsatisfactory” for the indicators, Status of Materials Inspections Program, and Legislation and Program Elements Required for Compatibility. The MRB found the New Hampshire Radiation Control Program to be adequate, but needs improvement, and not compatible with NRC’s program. The IMPEP team recommended that the period of Heightened Oversight continue, including bi-monthly reports and bi-monthly conference calls to discuss the progress on the State’s improvement plan. The IMPEP team recommended that the next IMPEP review be conducted in two years. The MRB agreed with the team’s findings but directed that a full IMPEP review be conducted in about one year from the MRB meeting.

**Comments.** Ms. Dunn thanked all those involved for their help and support, she noted that it will be helpful to continue the bi-monthly calls with the NRC. Mr. O’Dowd thanked the IMPEP team for their work and professionalism, as well as New Hampshire management and staff for their hard work and efforts. He stated his appreciation for the opportunity for feedback and learning during the process and for the positive interaction between New Hampshire’s staff and the IMPEP team during the review. The MRB thanked the team and New Hampshire for their efforts and encouraged the Program to continue to work on their improvement efforts.

3. **Results of Periodic Meetings.** Mr. Rakovan briefly reported on the periodic meetings recently conducted with the States of Louisiana (ML03064044), Georgia (ML03064044), and Tennessee (ML031070030).
4. **Status of Current and Upcoming Reviews.** Mr. Rakovan briefly reported on current and upcoming reviews.
5. **Precedents/Lessons Learned.** (1) Although an IMPEP team needs to look at the performance by a program during the entire review period, it is important to note in the final report the status of the program at the time of the MRB. This is particularly important for the performance indicators, Status of Materials Inspection Program and Legislation and Program Elements Required for Compatibility. (2) Although MRB did not specify this indicator shall be evaluated, in future follow-up reviews it may be necessary to review some inspection files for technical quality to ensure that the technical quality has not declined and the Technical Quality of Inspections is satisfactory. This will give a more complete understanding of the performance of a program as it catches up on overdue inspections.
6. **Adjournment.** The meeting was adjourned at approximately 2:40 p.m.