

October 22, 2003

MEMORANDUM TO: Management Review Board Members:

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

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

SUBJECT: FINAL MINUTES: APRIL 15, 2003 FLORIDA MRB MEETING

Attached are the final minutes of the Management Review Board (MRB) meeting held on April 15, 2003. If you have comments or questions, please contact me at 415-2589.

Attachment:
As stated

cc: William Passetti, FL
Pearce O'Kelley, SC

Management Review Board Members

October 22, 2003

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF APRIL 15, 2003

These minutes are presented in the same general order as the items were discussed in the meeting. The attendees were as follows:

Chairman Nils Diaz
Martin Virgilio, MRB Member, NMSS
Pearce O'Kelley, OAS Liaison, SC
Cindy Cardwell, TX
Michael Weber, NSIR
Charles Miller, NMSS
Heather Astwood, OCM
Michael Layton, OCM
Cardelia Maupin, STP
Josephine Piccone, STP
Andrew Mauer, STP
Ryan Coles, GAO

Carl Paperiello, MRB Chair, OEDO
Karen Cyr, MRB Member, OGC
Paul Lohaus, MRB Member, STP
Lance Rakovan, Team Member, STP
Isabelle Schoenfeld, OEDO
Richard Struckmeyer, NMSS
Diane Flack, OCM
John Thoma, OCM
Kathleen Schneider, STP
Scott Flanders, STP
Heather Von Brehren, GAO

By videoconference:

Vivian Campbell, Team Leader, RIV
Elizabeth Ullrich, Team Member, RI
Linda McLean, RIV

Richard Woodruff, Team Member, RII
Elmo Collins, RIV

By teleconference:

William Passetti, FL
Michael Snee, Team Member, OH

Michael Stephens, FL

1. **Convention.** Carl Paperiello, Chair of the Management Review Board (MRB) convened the meeting at 2:10 p.m. Chairman Diaz met briefly with the MRB and State representatives at the beginning of the meeting. He had a brief discussion with Mr. O'Kelley and Ms. Cardwell. Mr. O'Kelley noted that he and Ms. Cardwell were attending the meeting to clarify any confusion involving the impacts of State budget issues after the discussion of the Florida review. Chairman Diaz stressed the importance of the Agreement States to the National Materials Program. He noted that there are demands on both NRC and the States and that we are all working towards stability. Mr. O'Kelley declared that the States are supportive of national security initiatives and briefly discussed State challenges. Chairman Diaz departed. Introductions of the attendees were then conducted.
2. **New Business. Florida Review Introduction.** Ms. Vivian Campbell, Region IV, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Florida review.

Ms. Campbell summarized the review and noted the findings. Preliminary work included a review of Florida's response to the IMPEP questionnaire. The on-site review was conducted February 3-7, 2003. The on-site 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. Preliminary results of the review, which covered the period of February 26, 1999 to February 7, 2003, were discussed with Florida's management on February 7, 2003. Following the review, the team issued a draft report on March 6, 2003, received Florida's e-mail dated March 18, 2003, and submitted a proposed final report to the MRB on March 25, 2003.

Ms. Campbell noted that the recommendations from the previous IMPEP review were closed.

Common Performance Indicators. Ms. Campbell presented the findings regarding the common performance indicator, Technical Staffing and Training. Her presentation corresponded to Section 3.1 of the proposed final report. The team found that Florida's performance with respect to this indicator to be "satisfactory." The MRB and the State discussed Florida's training initiatives, including providing cross training, creating a task-oriented training program, and developing in-house training. The MRB agreed that Florida's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Woodruff reviewed the common performance indicator, Status of Materials Inspection Program. His presentation corresponded to Section 3.2 of the proposed final IMPEP report. The review team found Florida's performance with respect to this indicator "satisfactory" and made no recommendations. The MRB complimented the State for conducting inspections on time, especially considering the size of Florida's program. The State requires that a new license be issued if a licensee undergoes a change in ownership or controlling interest. These licensees are also inspected as new licensees and included in the initial inspection data. The MRB noted that promptly inspecting a licensee whose license authority has been transferred to a new owner not only protected public health and safety, but also promoted the common defense and security of materials. The MRB found this policy a good practice. The MRB agreed that Florida's performance met the standard for a "satisfactory" rating for this indicator.

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

Mr. Rakovan presented the findings regarding the common performance indicator, Response to Incidents and Allegations. His presentation corresponded to Section 3.5 of the proposed final report. The team found Florida's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB directed that the language in the report involving the State's policy for reporting allegation information for inclusion in the Nuclear Materials Events Database (NMED) be clarified. The MRB agreed that Florida's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Ullrich presented the common performance indicator Technical Quality of Inspections. Her presentation corresponded to Section 3.3 of the proposed final report. The review team found that Florida's performance with respect to this indicator was "satisfactory" and made no recommendations. The MRB asked if there were any trends

in the contesting of violations by Florida licensees. Ms. Ullrich noted that none were found. Florida management indicated that they are now more closely tracking contested violations. The MRB agreed that Florida's performance met the standard for a "satisfactory" rating for this indicator.

Non-Common Performance Indicators. Ms. Campbell led the discussion of the non-common performance indicator, Legislation and Program Elements Required for Compatibility. Her discussion corresponds to Section 4.1 of the proposed final report. The team found Florida's performance to be "satisfactory" for this indicator and the MRB agreed.

Mr. Woodruff led the discussion of the non-common performance indicator Sealed Source and Device Evaluation Program. His discussion corresponds to Section 4.2 of the proposed final report. The team found Florida's performance to be "satisfactory" and made no recommendations. After a brief discussion involving minor documentation issues, the MRB agreed that Florida's performance met the standard for a "satisfactory" rating for this indicator.

MRB Consultation/ Comments on Issuance of Report. Mr. Rakovan concluded, based on the discussion and direction of the MRB, that Florida's program was rated "satisfactory" for all performance indicators. The MRB found the Florida Radiation Control Program 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. Passetti noted that he was pleased with the process and outcome of the review. He thanked the IMPEP team for their work and professionalism. The MRB requested that the State keep the NRC informed on the results of their training initiatives. Mr. Snee noted that he learned a great deal by participating in the review and took back a number of ideas to his own program. The MRB thanked the team and Florida for their efforts.

3. **Presentation by Pearce O'Kelley, Chair, Organization of Agreement States, and Cindy Cardwell, Chairperson, Conference of Radiation Control Program Directors.** Ms. Cardwell began by expressing her concern about the portrayal of budget impacts on the States. She noted that the September 2002 Texas study was merely a benchmarking tool, that the issues noted are not new, and that budget issues are not impairing the States' ability to protect public health and safety. She stressed the need for the NRC and States to come to an agreement about the priorities of the national materials program.

Mr. O'Kelley discussed several previously made statements which, among other things, implied that budget issues were affecting States' protection of public health and safety and States' participation in the national materials program. He noted that his major concern was that the States' participation in the national materials program was being undermined. Ms. Cardwell pointed out that training of State staff and the ability to hire qualified people are common historical issues. She stressed that the NRC and States need to work together to ensure that performance is not impacted. Mr. O'Kelley

discussed the need to look for ways that the States and NRC can work together. He noted two specific issues that have impacted State programs: (1) NRC removing the funding previously provided to train State staff; and (2) limits placed on out-of-state travel and hiring freezes.

The MRB noted that NRC has not provided training funds for Agreement State staff for years and would most likely not be changing that policy. Karen Cyr noted the need for States to look to the future and not focus on past decisions. The MRB and Mr. O'Kelley discussed the root causes of the problems occurring in the five programs that are currently under heightened oversight or increased monitoring.

Dr. Paperiello noted that NRC has not and would not undermine State participation in the national materials program. He pointed out that budget issues will not necessarily affect the national materials program as long as States in general continue to participate. He listed a number of factors that have affected NRC and State programs including fees, number of licensees, and the implications of 9/11. The MRB and Mr. O'Kelley discussed the importance of working together to determine priorities, and that the Agreement State program and IMPEP lead to positive relationships.

4. **Precedents.** No precedents that will be applied to the IMPEP process in the future were established by the MRB during this review.
5. **Adjournment.** The meeting was adjourned at approximately 4:00 p.m.