

March 2, 2004

MEMORANDUM TO: Management Review Board Members:

Carl J. Paperiello, EDO  
Karen D. Cyr, OGC  
Margaret V. Federline, NMSS  
Paul H. Lohaus, STP

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

SUBJECT: DRAFT MINUTES: JULY 10, 2003 NEVADA MRB MEETING

Attached are the draft minutes of the Management Review Board (MRB) meeting held on July 10, 2003. We plan to finalize these minutes in two weeks. The issuance of this document was delayed due to competing priorities. If you have comments or questions, please contact me at 415-2307.

Attachment:  
As stated

cc: Stanley Marshall, NV  
William Sinclair, UT

Management Review Board Members

March 2, 2004

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## MINUTES MANAGEMENT REVIEW BOARD MEETING OF JULY 10, 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  
Margaret Federline, MRB Member, NMSS  
James Lynch, Team Leader, RIII  
Josephine Piccone, STP  
Elmo Collins, RIV  
Osiris Siurano, STP

Karen Cyr, MRB Member, OGC  
Paul Lohaus, MRB Member, STP  
Linda McLean, Team Member, RIV  
Lance Rakovan, STP  
Marissa Bailey, NMSS  
Richard Struckmeyer, NMSS

By teleconference:

Barbara Hamrick, Team Member, CA

William Sinclair, OAS Liaison, UT

By Videoconference:

Stanley Marshall, NV

Yvonne Sylva, NV

Amy Roukie, NV

1. **Convention.** Carl Paperiello, Chair of the Management Review Board (MRB) convened the meeting at 1:05 p.m. Introductions of the attendees were conducted.
2. **New Business: Nevada Review Introduction.** Mr. James Lynch, RIII, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Nevada follow-up IMPEP review.

Mr. Lynch summarized the review and noted the findings. Preliminary work included a period of heightened oversight of Nevada's Program, which included Nevada developing and submitting a Program Improvement Plan (the Plan) in response to the 2001 IMPEP review, and bimonthly conference calls with the NRC to discuss Nevada's progress in implementing the Plan. The Plan was submitted on March 25, 2002 and six bimonthly calls were held between April 2002 and February 2003. A follow-up review was directed by the MRB based on the results of the September 10-14, 2001 IMPEP review. The MRB directed that a follow-up review be conducted in about one and a half years from the MRB meeting based on findings of unsatisfactory for the performance indicator Status of Materials Inspection Program, and satisfactory with recommendations for improvement for the following performance indicators: Technical Staffing and Training, Response to Incidents and Allegations, and Legislation and Program Elements Required for Compatibility. In addition, since the performance indicator, Low-Level Radioactive Waste Disposal Program, was not reviewed in 2001 due to the absence of a team member, the MRB directed that the follow-up review include a full review of this indicator.

The onsite follow-up review was conducted April 7-10, 2003. The follow-up review included the evaluation of the actions taken by the State to address the seven recommendations made during the 2001 IMPEP review. Preliminary results of the follow-up review, which covered the period of September 15, 2001 to April 10, 2003, were discussed with Nevada's management on April 10, 2003. Following the review, the team issued a draft report on May 9, 2003, received Nevada's comment letter dated May 30, 2003, and submitted a proposed final report to the MRB on July 2, 2003.

Mr. Lynch noted that the State has made significant improvements. He also noted that six out of the seven recommendations from the previous IMPEP review were closed. Two new recommendations were made during this follow-up review.

**Common Performance Indicators.** Mr. Lynch presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 2.1 of the proposed final IMPEP report. The team continued to find Nevada's performance with respect to this indicator to be "satisfactory with recommendations for improvement." The review team closed the recommendation involving this indicator made during the previous review, and made two new recommendations. It was noted that, although the State has made improvements through a number of actions and efforts, there are still issues to be addressed that keep the program within this rating. A discussion on the State's fees and initiatives to train personnel was held. The MRB agreed that Nevada's performance will remain "satisfactory with recommendations for improvement" for this indicator.

Ms. Hamrick presented the findings regarding the common performance indicator, Status of Materials Inspection Program. Her presentation corresponded to Section 2.2 of the proposed final IMPEP report. The review team found Nevada's performance with respect to this indicator to be "satisfactory with recommendations for improvement." The review team closed two of three recommendations from the 2001 IMPEP review involving this indicator. The State's improvements in this area were highlighted, since the current finding is an improvement from an "unsatisfactory" finding at the 2001 review. The MRB agreed that Nevada's performance met the standard for a "satisfactory with recommendations for improvement" for this indicator.

Mr. Lynch presented the findings regarding the common performance indicator, Technical Quality of Inspections. His presentation corresponded to Section 2.3 of the proposed final IMPEP report. Mr. Lynch noted that a full review of this indicator was not performed. However, the State's actions to address recommendation number four from the 2001 IMPEP review were evaluated. The team found that the five individuals authorized to perform inspections were accompanied either by their Section Supervisor or Senior Radiation Staff Specialist since the last review. This recommendation is closed.

Mr. Lynch presented the findings regarding the common performance indicator, Response to Incidents and Allegations, reviewed by Mr. Loo. His presentation corresponded to Section 2.4 of the proposed final IMPEP report. The team found Nevada's performance with respect to this indicator to be "satisfactory" and closed out the single recommendation made involving this indicator at the previous review. This represents an improvement from a "satisfactory with recommendations for improvement" finding at the 2001 IMPEP review. A discussion on the State's strategies to protect allegeders' identities was held. The State was commended for their efforts to keep up-to-date on events reporting. The MRB agreed that Nevada's performance met the standard for a "satisfactory" rating for this indicator.

**Non-Common Performance Indicators.** Ms. McLean led the discussion of the non-common performance indicator, Legislation and Program Elements Required for

Compatibility. Her discussion corresponds to Section 3.1 of the proposed final IMPEP report. The team found Nevada's performance to be "satisfactory" for this indicator and closed out the single recommendation made involving this indicator at the previous review. This represents an improvement from a "satisfactory with recommendations for improvement" finding at the 2001 IMPEP review. The team noted that the State addressed the 10 NRC regulatory amendments noted in the report. The regulations were adopted by the Nevada Board of Health on March 28, 2003. The regulations were filed with the Secretary of State and became effective on May 30, 2003. The MRB agreed that Nevada's performance met the standard for a "satisfactory" rating for this indicator.

Ms. McLean also led the discussion of the non-common performance indicator, Low-Level Radioactive Waste Disposal Program. Her discussion corresponds to Section 3.2 of the proposed final IMPEP report. The team found Nevada's performance to be "satisfactory" for this indicator and made no recommendations. The MRB agreed that Nevada's performance met the standard for a "satisfactory" rating for this indicator.

**MRB Consultation/ Comments on Issuance of Report.** Mr. Lynch concluded, based on the discussion and direction of the MRB, that Nevada's Program was rated "satisfactory" for the indicators Response to Incidents and Allegations, Legislation and Program Elements Required for Compatibility, and Low-Level Radioactive Waste Disposal Program. The Program was rated "satisfactory with recommendations for improvement" for the indicators, Technical Staffing and Training, and Status of Materials Inspections Program. The MRB found the Nevada Radiation Control Program to be adequate, but needs improvement, and compatible with NRC's program. The IMPEP team recommended that the period of heightened oversight be terminated and that a period of increased monitoring be put in place. The IMPEP team recommended that a full IMPEP review be conducted in two years. The MRB agreed.

**Comments.** A discussion on the issue of the State's ability to sustain performance and their cooperation to address issues was held. Ms. Silva noted the efforts made by the Section to improve their program and address the issues. She also thanked the IMPEP team for their work and professionalism during the onsite review. The MRB thanked the team and Nevada for their efforts and encouraged the State to continue to work on their improvements.

3. **Status of Current and Upcoming Reviews.** Mr. Rakovan briefly discussed the changes to the Heightened Oversight chart as a result of this MRB meeting. He reported that the NRC Region III final IMPEP report had been signed and that the North Dakota MRB meeting would be held on Monday July 14, 2003.
4. **Precedents/Lessons Learned.** No precedents that will be applied to the IMPEP process in the future were established by the MRB during this review.
5. **Good Practices.** No good practices were identified during this review.
6. **Adjournment.** The meeting was adjourned at approximately 1:53 p.m.