

March 4, 2004

MEMORANDUM TO: Management Review Board Members:

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

FROM: Aaron T. McCraw, Health Physicist */RA/*  
Office of State and Tribal Programs

SUBJECT: FINAL MINUTES: NOVEMBER 10, 2003 MARYLAND  
MRB MEETING

Attached are the final minutes of the Management Review Board (MRB) meeting held on November 10, 2003. If you have comments or questions, please contact me at 415-1277.

Attachment:  
As stated

cc: Thomas Snyder, MD  
Roland Fletcher, MD  
Edgar Bailey, CA



## MINUTES MANAGEMENT REVIEW BOARD MEETING OF NOVEMBER 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  
Josephine Piconne, STP  
Aaron McCraw, STP  
Marissa Bailey, NMSS  
Thomas Snyder, MD  
Ray Manley, MD

Karen Cyr, MRB Member, OGC  
Paul Lohaus, MRB Member, STP  
Lance Rakovan, STP  
Terry Brock, STP  
Harry Felsher, NMSS  
Roland Fletcher, MD  
Alan Jacobson, MD

By Teleconference:

John Pelchat, Team Member, RII  
Eric Jameson, Team Member, GA

Edgar Bailey, OAS Liaison, CA

By Videoconference:

Duncan White, Team Member, RI

1. **Convention.** Carl Paperiello, Chair of the Management Review Board (MRB), convened the meeting at 2:00 p.m. Introductions of the attendees were conducted.
2. **New Business: Maryland Review Introduction.** Ms. Linda McLean, Region IV, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Maryland IMPEP review. In her absence from the MRB meeting, Mr. Duncan White led the discussion of the team's findings.

Mr. White summarized the review and noted the findings. Preliminary work included a review of Maryland's response to the IMPEP questionnaire. The onsite review was conducted July 21-25, 2003. 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. Inspector accompaniments were conducted during the week of July 7, 2003. The team issued a draft report on August 25, 2003; received Maryland's comment letter dated October 7, 2003; and submitted a proposed final report to the MRB on October 30, 2003.

Mr. White stated the team reviewed all five Common Performance Indicators and two Non-Common Performance Indicators. He noted that the IMPEP review team found Maryland's performance to be satisfactory for four performance indicators and satisfactory with recommendations for improvement for three performance indicators. Three recommendations to the State were made during this review. Maryland provided a response to the team's recommendations in the October 7, 2003 letter. He also noted the recommendations from the previous IMPEP review were closed.

**Common Performance Indicators.** Mr. White presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. The team found

Maryland's performance with respect to this indicator to be "satisfactory" with recommendations for improvement and made one recommendation involving filling current vacant positions and assessing staff levels. The recommendation was discussed. The MRB indicated that the State should consider evaluating their staffing level once the current vacancies are filled and the performance of the program can be assessed. The MRB and the State discussed using the State's "Managing for Results" program to evaluate the State's long-term staffing needs. The MRB directed that the recommendation be modified to delete the need for a staffing needs analysis, but agreed that the recommendation should focus on the State filling the current vacancies. The MRB agreed that Maryland's performance met the standard for a "satisfactory with recommendations for improvement" rating for this indicator.

Mr. Pelchat presented the findings regarding 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 Maryland's performance with respect to this indicator to be "satisfactory with recommendations for improvement" and made one recommendation. The MRB agreed that Maryland's performance met the standard for a "satisfactory with recommendations for improvement" rating for this indicator.

Mr. Pelchat also presented the findings regarding the common performance indicator, Technical Quality of Inspections. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team found Maryland's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Maryland'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 proposed final IMPEP report. The team found Maryland's performance with respect to this indicator to be "satisfactory" and made one recommendation. The MRB directed that the recommendation in the final report be revised to be less prescriptive. The MRB agreed that Maryland's performance met the standard for a "satisfactory" rating for this indicator.

Mr. White presented the findings regarding the common performance indicator, Response to Incidents and Allegations. His presentation corresponded to Section 3.5 of the proposed final IMPEP report. The team found Maryland's performance with respect to this indicator to be "satisfactory" and made no recommendations. There was a discussion regarding the input of data into the Nuclear Materials Event Database (NMED). Several issues with the database were identified. For example, Mr. Manley indicated that several entries for Maryland were filed under Idaho. The MRB agreed that Maryland's performance met the standard for a "satisfactory" rating for this indicator.

**Non-Common Performance Indicators.** Mr. White 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 proposed final IMPEP report. The team found Maryland's performance with respect to this indicator to be

“satisfactory with recommendations for improvement” and made no recommendations. The State proposed to the MRB that the finding for this indicator be changed to “satisfactory” since they adopted seven of the ten overdue amendments, and submitted others to NRC for review. The MRB agreed that the finding for this indicator should be changed and that Maryland’s performance met the standard for a “satisfactory” rating

Mr. Jameson led the discussion of the non-common performance indicator, Sealed Source and Device Evaluation Program. His discussion corresponded to Section 4.2 of the proposed final IMPEP report. The team found Maryland’s performance with respect to this indicator to be “satisfactory” and made no recommendations. The MRB agreed that Maryland’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 Maryland’s Program was rated “satisfactory” for five performance indicators and “satisfactory with recommendations for improvement” for two performance indicators. Three recommendations were identified by the review team and approved by the MRB. The MRB found the Maryland Agreement State 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. Roland Fletcher thanked his staff and the review team. He assured the MRB that the Maryland program is doing everything possible to address the staffing issues. Mr. Thomas Snyder commended his staff for their hard work and ability to maintain the program at an adequate performance level despite the staff shortage. Mr. Paperiello thanked the State, the review team, and the MRB, including Mr. Edgar Bailey.

3. **Status of Current and Upcoming Reviews.** Mr. Lance Rakovan reported that the Washington MRB meeting is scheduled to be held on Wednesday, December 10, 2003. Mr. Rakovan also reported that the revised language for the Utah final report was circulated to the MRB for concurrence.
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. **Adjournment.** The meeting was adjourned at approximately 3:35 p.m.