

April 6, 2004

MEMORANDUM TO: Management Review Board Members:
Carl J. Paperiello, EDO
Karen D. Cyr, OGC
Charles L. Miller, NMSS
Paul H. Lohaus, STP

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

SUBJECT: FINAL MINUTES: SEPTEMBER 25, 2003 UTAH MRB MEETING

Attached are the final minutes of the Management Review Board (MRB) meeting held on September 25, 2003. During the MRB meeting, the MRB, the review team and the State discussed the qualifications of low-level waste disposal program inspectors. The review team initially made a recommendation regarding the training of low-level waste inspectors based on information provided by the State at the time of the on-site review. The MRB directed the team to remove the recommendation from the report based on discussions with the State during the meeting. Subsequent to the MRB meeting, the team requested additional time to review the updated Training Qualification Forms that were supplied to the team following the on-site review. Discussions were conducted with State management involving these forms and the report was further revised to reflect the additional information supplied by the State and the team's review of the information. The additional information did not change the team's finding but resulted in clarification of the information presented in the proposed final report. MRB concurrence on the revised language was received on November 25, 2003, and the final report was issued on December 8, 2003.

If you have comments or questions on the final MRB minutes, please contact me at 415-1277.

Attachment:

As stated

cc: Dane Finerfrock, UT
William Sinclair, UT
Craig Jones, UT
Edgar Bailey, CA

Management Review Board Members

April 6, 2004

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF SEPTEMBER 25, 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, EDO
Charles Miller, MRB Member, NMSS
Richard Woodruff, Team Leader, RII
Boby Abu-Eid, Team Member, NMSS
Lance Rakovan, STP
Dennis Sollenberger, STP
Terry Brock, STP
Isabel Schoenfeld, EDO

Karen Cyr, MRB Member, OGC
Paul Lohaus, MRB Member, STP
Linda McLean, Team Member, RIV
Suzanne Woods, Team Member, NMSS
Aaron McCraw, STP
Kevin Hsueh, STP
Cardelia Maupin, STP

By Teleconference:

Edgar Bailey, OAS Liasion, CA
Marie Stoeckel, RI

Duncan White, R1

By Videoconference:

Craig Jones, UT
Dane Finerfrock, UT
Shawn Seeley, Team Member, ME

William Sinclair, UT
Gwyn Galloway, UT

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: Utah Review Introduction.** Mr. Richard Woodruff, Region II, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Utah IMPEP review.

Mr. Woodruff summarized the review and noted the findings. Preliminary work included a review of Utah's response to the IMPEP questionnaire. The onsite review was conducted June 23-27, 2003. The onsite review included an entrance interview, detailed audits of a representative sample of completed licensing actions and inspections, a waste shipment inspection accompaniment and follow-up discussions with staff and management. Inspector accompaniments were performed during the week of May 5, 2003. The low-level waste site accompaniment was performed on May 20, 2003. The team issued a draft report on July 24, 2003; received Utah's comment letter dated August 24, 2003; and submitted a proposed final report to the MRB on September 22, 2003.

Mr. Woodruff stated that Utah's sealed source and device (SS&D) authority was relinquished in 1996; therefore, this indicator was not reviewed. He noted that the IMPEP review team found Utah's performance to be satisfactory for all performance indicators. Three recommendations to the State were made during this review and the team identified three good practices. He also noted that the recommendation from the previous IMPEP review was closed.

Common Performance Indicators. Mr. Woodruff 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 Utah's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Utah's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Woodruff presented the findings regarding the common performance indicator, Status of Materials Inspection Program. Mr. Michael Fuller reviewed this indicator onsite, but was unable to participate in the meeting. Mr. Woodruff's presentation corresponded to Section 3.2 of the proposed final IMPEP report. The review team found Utah's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Utah's performance met the standard for a "satisfactory" rating for this indicator. The review team recommended that Utah's use of a "pop-up" window to inform staff of who is working in the State under reciprocity be found a "good practice." The MRB agreed that this was a good practice.

Mr. Woodruff presented the findings regarding the common performance indicator, Technical Quality of Inspections, also reviewed onsite by Mr. Fuller. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team found Utah's performance with respect to this indicator to be "satisfactory." The MRB agreed that Utah's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Shawn Seely 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 review team found Utah's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Utah's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Linda McLean presented the findings regarding the common performance indicator, Response to Incidents and Allegations. Her presentation corresponded to Section 3.5 of the proposed final IMPEP report. The team found Utah's performance with respect to this indicator to be "satisfactory." The review team initially made a recommendation regarding additional training for staff on the handling of incidents and allegations. After confirming with Utah staff that this training had occurred, the MRB directed that the recommendation be removed from the report. The MRB agreed that Utah'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 corresponded to Section 4.1 of the proposed final IMPEP report. The team found Utah's performance to be "satisfactory." The MRB agreed that Utah's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Boby Abu-Eid led the discussion of the non-common performance indicator, Low-Level Radioactive Waste Disposal Program. His discussion corresponded to Section

4.3 of the proposed final IMPEP report. The team found Utah's performance to be "satisfactory" for this indicator, made two recommendations and proposed two good practices. A discussion regarding the recommendation for training of low-level waste inspectors ensued. The MRB, the State, and the review team discussed whether recommended training, as specified by Utah, had been completed by all low-level waste staff. The difference between recommended and required training, as specified in Utah's equivalent to NRC's Inspection Manual Chapter 1246, was discussed. The MRB indicated that the training requirement issue should be addressed by the NRC in the future. The MRB directed the team to remove the recommendation from the report. The MRB agreed that Utah's performance met the standard for a "satisfactory" rating for this indicator and supported the review team's good practices.

MRB Consultation/Comments on Issuance of Report. Mr. Woodruff concluded, based on the discussion and direction of the MRB, that Utah's Program was rated "satisfactory" for all common and non-common performance indicators. One recommendation and three good practices were identified by the team and accepted by the MRB. The MRB found the Utah 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. Woodruff thanked the review team for their job and commitment to complete their tasks. Mr. Sinclair thanked his staff for a well done job. Mr. Sinclair also thanked the IMPEP team for their professionalism and efforts. The MRB thanked the IMPEP review team and Utah for their efforts.

3. **Status of IMPEP Reviews and Heightened Oversight/Monitoring Activities.** Mr. Lance Rakovan led the discussion of the heightened oversight/monitoring activities. A discussion of the Rhode Island Agreement State Program was led by Mr. Duncan White. He gave a brief description of the status of program activities and noted that a follow-up review was scheduled for November. Mr. Rakovan briefly reported on upcoming MRB meetings.
4. **Good Practices.** The review team noted the Division's custom database management system is programmed to provide the staff with a "pop-up" window, each day upon logging in, that indicates who is working in the State under reciprocity during the next 7-day period. If there are no licensees working under reciprocity during that time period, the "pop-up" window indicates this as well. The system also tracks who had been in the State, when, where, and for how long. The team recommended that the Division's system for tracking licensees that are working in the State under reciprocity be considered a good practice. The MRB agreed that the use of such a notification is a good practice.

The review team noted that Utah implemented the use of modular inspections, as compared to annual inspections, to enable the Division to utilize the technical staff more efficiently, provide for more timely inspections, and provide better oversight of the waste facility operations and performance. The review team commends the Division for adopting a modular approach for inspection of the Envirocare low-level radioactive waste facility, and recommended to the MRB that this be considered as a good practice. The MRB agreed that the use of modular inspections is a good practice.

The review team noted that the Division incorporated the Envirocare security plan into the license as a specific license condition, and makes the licensee more accountable for incoming/outgoing material at the site. The Division will be in a better position to monitor, inspect, and enforce safety and security aspects regarding release of contaminated tools, containers, or materials from the site. The team believes that this emphasis will enhance the site safety and security aspects. The review team recommended that incorporation of the security plan on the license be considered a good practice. The MRB agreed that the incorporation of security plans as a license condition is a good practice.

5. **Precedents/Lessons Learned.** No precedents that will be applied to the IMPEP process in the future were established by the MRB during this review.
6. **Adjournment.** The meeting was adjourned at approximately 2:20 p.m.