

August 31, 2004

MEMORANDUM TO: Management Review Board Members:  
  
Martin J. Virgilio, EDO  
Joseph R. Gray, OGC  
Jack Strosnider, NMSS  
Paul H. Lohaus, STP

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

SUBJECT: MINUTES: JULY 27, 2004 SPECIAL MRB MEETING  
TO DISCUSS RESULTS OF PERIODIC MEETINGS  
WITH STATES

Attached are the minutes of the Special Management Review Board (MRB) meeting held on July 27, 2004 to discuss the results of recent periodic meetings with States. If you have comments or questions, please contact me at 415-2307.

Attachment:  
As stated

cc: Edgar Bailey, OAS Liaison, CA



MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JULY 27, 2004

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

Martin Virgilio, MRB Chair, EDO  
Jack Strosnider, MRB Member, NMSS  
Josephine Piccone, STP  
Aaron McCraw, STP  
John Zabko, STP  
Linda McLean, RIV  
Isabelle Schoenfeld, EDO  
Osiris Siurano, STP

Joseph Gray, MRB Member, OGC  
Paul Lohaus, MRB Member, STP  
Kathleen Schneider, STP  
Patricia Larkins, STP  
Cardelia Maupin, STP  
Lance Rakovan, EDO  
Edgar Bailey, CA, OAS Liaison

By teleconference:

Duncan White, RI  
Shawn Smith, RI  
Jacqueline Cook, RIV  
Robert Goff, MS  
Terry Lindsey, OR  
Richard Ratliff, TX  
Ruth McBurney, TX  
Paul Schmidt, WI

Sheri Minnick, RI  
James Lynch, RIII  
Stanley Marshall, NV  
B.J. Smith, MS  
Ed Wright, OR  
Alice Rogers, TX  
Susan Jablonski, TX

1. **Convention.** Mr. McCraw convened the meeting at 2:00 pm. He noted that the meeting purpose was to discuss the results of recent periodic meetings and that this MRB meeting was open to the public. No members of the public attended this meeting. Mr. Virgilio, Chair of the Management Review Board (MRB), welcomed the attendees and introductions were conducted.

2. **New Business: Periodic meetings results discussion.**

**State of Nevada.** Mr. Zabko led the discussion of the results of the periodic meeting with the State of Nevada (ADAMS accession # ML041740235). The meeting was held on May 13, 2004. Three recommendations from the previous IMPEP review were discussed at this meeting. These recommendations were: 1) in accordance with the Department of Administration's audit report, that the State increase its radioactive materials program staff to meet program needs, 2) that the State provide training to current and future technical personnel, either by formal course work or equivalent, as described by the Division's training policy and, 3) that the Section take appropriate measures to conduct core inspections in accordance with NRC inspection priority system. The NRC staff recommended that these recommendations be kept open until the next IMPEP review scheduled for March 2005. The MRB asked for additional information on the status of these recommendations and the status of an allegation referred to the State by the NRC, which Mr. Marshall provided. No additional performance issues were identified.

**State of Mississippi.** Mr. White led the discussion of the results of the periodic meeting with the State of Mississippi (ADAMS accession # ML041210010). The

meeting was held on March 30, 2004. Two recommendations from the previous IMPEP were discussed during the previous (November 2002) periodic meeting with a recommendation that they be closed at the next IMPEP, scheduled for March 2005. It was noted that after the previous periodic meeting the Division of Radiological Health (the Division) was transferred to the Office of Health Protection (the Office), Mississippi Department of Health. The issue of staff training and alternatives for training was discussed. The MRB inquired about the lengthy time it takes to fill program vacancies. The Division's Director explained that thanks to the Office Director's support, the time for filling positions has shortened and efforts are being made to fill all remaining positions. The potential for a backlog in inspections due to the Division vacancies was discussed. The State noted that they are up to date on inspections and the issue of vacancies is not affecting the Division's performance at this time. No additional performance issues were identified. The next IMPEP review is scheduled for May 2005.

**State of Oregon.** Mr. Rakovan led the discussion of the results of the periodic meeting with the State of Oregon (ADAMS accession # ML040850273) supported by Ms. McLean. The meeting was held on March 10, 2004. It was noted that the Radiation Protection Services Section is fully staffed and that training of staff is adequate. However, the loss of information technology staff and its possible impact on inspection scheduling was identified as a program weakness. No other performance issues were identified. The next IMPEP review is scheduled for Fiscal Year 2006.

**State of Texas.** Ms. Larkins led the discussion of the results of the periodic meeting with the State of Texas, Department of Health (the Department), (ADAMS accession # ML041890535). The meeting was held on June 8, 2004. Three recommendations from the previous IMPEP review were discussed at this meeting. It was recommended that these recommendations be reviewed at the next IMPEP review scheduled for September 2005. Several performance issues were identified, including inspection backlog increasing since the last IMPEP, and staffing and training issues due primarily to the inability to retain staff, a hiring freeze and salary issues. The Department is undergoing significant reorganization changes and there is uncertainty on any impacts to the Department's radiation control program as a result of these changes. Mr. Bailey suggested that a report on lessons learned from program reorganizations be created. The MRB acknowledged potential benefits of such a report but took no action to direct that such a report be prepared. In view of the issues identified during this periodic meeting and their possible effects on the Department's radiation control program performance, the MRB directed that a periodic meeting to assess the Bureau's performance and status be held in March 2005. The MRB also directed that a letter signed by the MRB Chair be sent to the State describing the MRB's decision and attaching the periodic meeting report. The letter will be followed-up by a teleconference with the Texas Department of Health management.

Ms. Larkins led the discussion of the results of the periodic meeting with the State of Texas Commission on Environmental Quality (the Commission) (ADAMS accession # ML041890066). The meeting was held on June 7, 2004. The Commission has received good support from management and the legislature in preparation for receiving applications for the low-level radioactive waste disposal site. The Commission is fully staffed. The issue of out of State travel restrictions and its effect on staff training was

discussed. The State is examining alternatives to train its staff. No significant performance issues were identified during this meeting. The next IMPEP review is tentatively scheduled for September 2005.

**State of Wisconsin.** Mr. Lynch led the discussion of the results of the orientation meeting with the State of Wisconsin (ADAMS accession # ML041880353). The meeting was held on June 10, 2004. The Radiation Protection Section is fully staffed. No performance issues were identified during this meeting. The staff has responded to five incidents since Wisconsin became the 33<sup>rd</sup> Agreement State in August 2003. No significant health and safety issues were identified as a result of these incidents. The initial IMPEP review is scheduled for July 2005.

3. **Precedents/Lessons Learned.** This meeting itself was considered a precedent since this was the first time a special meeting was convened to only discuss the results of periodic meetings with States. The MRB supported the continuation of this practice in reviewing periodic meetings results to focus attention and discussion on State performance, especially any downward trends, and to minimize interruption of the Agreement State program's normal business.
4. **Good Practices.** No good practices were identified during this meeting.
5. **Comments.** Mr. Lindsey suggested that there be a closer look at how information technology (IT) support impacts program performance. He suggested adding a question to the questionnaire on this topic or including this as a discussion area during IMPEP reviews. The MRB indicated that it would consider this suggestion but needed to be careful that this is not too prescriptive on how a program operates. The MRB thanked all meeting participants for their attendance.
6. **Adjournment.** The meeting was adjourned at approximately 3:20 p.m.