

March 14, 2005

MEMORANDUM TO: Management Review Board Members:

Martin J. Virgilio, EDO
Josephine M. Piccone, STP
Jack Strosnider, NMSS
Karen D. Cyr, OGC

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

SUBJECT: MINUTES: JANUARY 11, 2005 OHIO MRB MEETING

Attached are the minutes of the Management Review Board (MRB) meeting held on
January 11, 2005. If you have comments or questions, please contact me at 415-2307

Attachment:
As stated

cc: Robert Owen, OH
Steve Collins, IL, OAS Liaison

Management Review Board Members

March 14, 2005

Distribution:

DIR RF
P Lohaus, STP
K Schneider, STP
J Zabko, STP
A McCraw, STP
L McLean, RIV
D White, OEDO, RI
R Struckmeyer, NMSS/IMNS

DCD (SP01) PDR (YES/)

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***See previous concurrence.**

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OFFICE	STP								
NAME	OSiurano:gd (ATMcCraw for)								
DATE	3/14/05*								

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JANUARY 11, 2005

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

Martin J. Virgilio, DEDMRS, MRB Chair	Jack Strosnider, MRB Member, NMSS
Karen D. Cyr, MRB Member, OGC	Josephine Piccone, MRB Member, STP
Linda M. McLean, RIV, Team Leader	Aaron McCraw, Team Member, STP
Xiaosong Yin, Team Member, NMSS	John Zabko, STP
Duncan White, EDO	Richard Struckmeyer, NMSS
Robert E. Owen, OH	Osiris Siurano-Perez, STP

By videoconference:

James L. Lynch, Team Member, NRC-RIII

By teleconference:

Steve Collins, OAS Liaison
Shawn Seeley, Team Member, ME
Marcia Howard, OH
Mike Snee, OH

1. **Convention.** Mr. Martin Virgilio, Chair of the Management Review Board (MRB) convened the meeting at 1:03 p.m. He summarized the meeting's proceedings. Introductions of the attendees were conducted.
2. **Ohio IMPEP Review.** Ms. Linda McLean, NRC RIV, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Ohio IMPEP review.

Ms. McLean summarized the review and noted the findings. The team reviewed Ohio's response to the IMPEP questionnaire. Inspector accompaniments were performed on the weeks of October 4, 2004 and October 11, 2004. The onsite review was conducted October 25-29, 2004. The review included an entrance meeting, review of applicable Ohio statutes and regulations, analysis of quantitative information from the State's licensing and inspection database, technical evaluation of selected licensing and inspection actions, field accompaniments of six Branch inspectors, and interviews with staff and management to answer questions or to clarify issues. The team issued a draft report on November 29, 2004; received Ohio's E-mail/Memorandum response from Michael Snee on December 14, 2004; and submitted a proposed final report to the MRB on January 4, 2005. Ms. McLean noted that two recommendations from the May 2001 IMPEP review were closed at this review.

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

Mr. Shawn Seeley 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 Ohio's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB commended the State for its efforts and efficiency in conducting inspections, which resulted in no overdue inspections at the time of the review, and for the efficiency and high quality of its management tools. The MRB agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Seeley 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 Ohio's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

Mr. James Lynch 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 Ohio's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

Ms. McLean presented the findings regarding the common performance indicator, Technical Quality of Incident and Allegation Activities. Her presentation corresponded to Section 3.5 of the proposed final IMPEP report. The review team found Ohio's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

Non-Common Performance Indicators. Mr. McCraw led the discussion of the non-common performance indicator, Compatibility Requirements. His discussion corresponds to Section 4.1 of the proposed final IMPEP report. The team found Ohio's performance to be "satisfactory" and made no recommendations. The MRB commended the State for its efforts in keeping regulations up to date. The MRB agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Xiaosong Yin 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 IMPEP report. The team found Ohio's performance to be "satisfactory" for this indicator and made no recommendations. The review team recommended that a good practice be found in the Ohio SS&D Evaluation Program. Whenever an SS&D casework is completed, the updated SS&D registration is always tied to the applicant's material license. When an action affecting sealed sources and devices is taken, these actions are reflected in applicant's license. This practice provides an excellent reference to help license reviewers, inspectors, and investigators better understand SS&D issues, especially when an SS&D related enforcement action is necessary. The MRB agreed that this should be found a good practice and agreed that Ohio's performance met the standard for a "satisfactory" rating for this indicator.

There are no plans for a LLRW disposal facility in Ohio. Accordingly, the review team did not evaluate this indicator.

MRB Consultation/Comments on Issuance of Report. Ms. McLean concluded, based on the discussion and direction of the MRB, that the Ohio Program was rated “satisfactory” for all performance indicators. Accordingly, the review team recommended, and the MRB concurred, in finding the Ohio Agreement State Program to be adequate to protect public health and safety and compatible with NRC's program. Based on the results of the current IMPEP review, the review team recommended and the MRB agreed, that the next full IMPEP review be in approximately four years.

Comments. Ms. McLean thanked the review team for their hard work and commitment to the review and the State for its cooperation during the review. Mr. Owen thanked the team and the MRB for their professionalism and cooperation. Mr. Seeley and Mr. Yin thanked the MRB for the opportunity of being part of the review team and participation in the review. The MRB thanked the team for their job and the State for its cooperation and commended the State for maintaining an outstanding program.

3. **Status of Current and Upcoming Reviews.** Mr. Zabko briefly commented that the Nevada IMPEP review will take place on March 14-18, 2005, and the New Mexico IMPEP review will be on June 6-10, 2005. He also commented that the year 2004 IMPEP track chart has been closed out. The North Carolina and Georgia IMPEP reports were sent out in 102 and 104 days respectively. Mr. Zabko also provided the following information on the heightened oversight (HO) chart: the California bimonthly call took place on 12/9/04 and the next is scheduled for 2/24/05. The New Hampshire bimonthly call took place on 11/23/04 and the next is scheduled for 1/25/05. The Kansas quarterly call took place on 12/4/04 and the next call is scheduled for March 2005. The Nevada quarterly call took place on 11/22/04. The Rhode Island quarterly call took place on 10/05/04 and the next call is scheduled for 1/12/05. Ms. McLean commented that the State of Arkansas may be requesting a letter of support and Ms. Josephine Piccone briefly provided additional information on the issues being experienced by the AR Program. Ms. McLean also commented that the Texas Program is still under the reorganization process. Mr. Duncan White briefly commented that the Mississippi Program lost some staff possibly due to salary issues.
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.** The review team recommended that a good practice be found in the Ohio SS&D evaluation program. Whenever SS&D casework is completed, the updated SS&D registration is tied to the applicant's material license. When a sealed source and/or a device is introduced in an applicant's product line, a design or radioactive material strength is modified, or an error is corrected, all these actions are reflected in applicant's license. This practice provides an excellent reference in helping license reviewers, inspectors, and investigators better understand SS&D issues, especially when an SS&D related enforcement action is necessary. The MRB agreed that this be found a good practice.
6. **Adjournment.** The meeting was adjourned at approximately 1:33 p.m.