

July 14, 2005

MEMORANDUM TO: Management Review Board Members:

Martin J. Virgilio, EDO  
Stuart Treby, OGC  
Margaret Federline, NMSS  
Paul H. Lohaus, STP

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

SUBJECT: MINUTES: FEBRUARY 10, 2005, SPECIAL MRB MEETING  
TO DISCUSS RESULTS OF PERIODIC MEETINGS WITH  
STATES AND THE JANUARY 25, 2005, HEIGHTENED  
OVERSIGHT CONFERENCE CALL WITH THE STATE OF  
NEW HAMPSHIRE

Attached are the minutes of the Special Management Review Board (MRB) meeting held on February 10, 2005 to discuss the results of recent periodic meetings with the States of Louisiana, Maine, New Mexico and North Dakota, and the January 25, 2005, heightened oversight conference call with the State of New Hampshire. The issuance of these minutes was delayed due to competing priorities. If you have comments or questions please contact me at 415-2307.

Attachment:  
As stated

cc: Steve Collins, OAS Liaison, IL

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF FEBRUARY 10, 2005

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  
Margaret Federline, MRB Member, NMSS  
John Zabko, STP  
Cardelia Maupin, STP  
Osiris Siurano, STP

Paul Lohaus, MRB Member, STP  
Stuart Treby, MRB Member, OGC  
Aaron McCraw, STP  
Kevin Hsueh, STP

By teleconference:

Duncan White, NRC-RI  
Linda McLean, NRC-RIV  
Sam Collins, NRC-RI  
Michael Henry, LA  
Jay Hyland, ME  
Walter Medina, NM  
Alice Bruning, NH  
Kenneth Wangler, ND

Sheri Minnick, NRC-RI  
George Pangburn, NRC-RI  
Steve Collins, OAS Liaison  
Ronnie Wascom, LA  
Shawn Seeley, ME  
Dennis O'Dowd, NH  
Justin Griffin, ND

1. **Convention.** Mr. John Zabko convened the meeting at 10:07 am. He noted that this MRB meeting was open to the public. However, no members of the public attended this meeting. Mr. Martin Virgilio, Chair of the Management Review Board (MRB), welcomed the attendees and noted that, although the meeting is scheduled until 12:00 noon, he will be leaving by 10:55 am due to previous commitments. Introductions of the attendees were conducted.

2. **New Business.**

A. New Hampshire heightened oversight conference call.

Mr. Duncan White led the discussion with a summary of the heightened oversight conference call with New Hampshire. The call was held on January 25, 2005. He noted that on January 5, 2005, the State sent a letter to the NRC containing an updated Program Improvement Plan, which included intermediate milestones for adopting regulations required for compatibility. A short discussion on these milestones was held. The Bureau will be submitting a regulations package to the Administrative Rules Unit (ARU) on February 4, 2005. The Bureau expects to complete the rulemaking process and have the new regulations in place by June 2005. The State noted that it has two new staff that are currently being trained to perform inspections independently. The State continues to work cooperatively with the Maine and Massachusetts Radiation Control Programs to complete training for these two individuals on the licensing and inspection areas. The State is still making efforts to fill a vacant administrative position within the Bureau of Radiological Health. Two individuals had already been interviewed and a third one will be interviewed within the next days. The State noted that this position continues to be posted. The State also noted that, although the position's salary has been increased, it still represents 30 percent lower when compared to the private sector. The current acting director is covering three different positions. The

State noted that this individual does not meet the MS degree currently required for the position. The Bureau is exploring the alternative of requesting the State's Office of Personnel that this requirement be waived if none of the recently interviewed individuals accept the position to allow the acting director to apply for the position. Mr. Collins suggested that a rotational opportunity between the NRC and the State be considered to provide the acting Director the necessary experience for competing for the position. The MRB determined that this would not be feasible since it would not provide such experience. The State has no overdue inspections or licensing actions and a rulemaking process is currently ongoing to put overdue regulations in place. In view of this progress, Mr. Collins suggested that the State be downgraded from heightened oversight to monitoring. The MRB expressed concerns on the State's inability to fill the administrative position and directed that the heightened oversight process continue until the position is filled.

B. Periodic meetings discussion.

**Periodic meeting with the State of Louisiana.** Ms. Linda McLean led the discussion of the results of the periodic meeting with the State of Louisiana (ADAMS Accession No. ML043450364). The meeting was held on November 18, 2004. Ms. McLean reported that five recommendations from the previous Integrated Materials Performance Evaluation Program (IMPEP) review, conducted October 27-31, 2003, were discussed during the meeting. The review team recommended:

- 1) the Surveillance Division finalize their training and qualification program for radioactive materials inspectors, including the qualifications required to complete independent inspections of various license types. The Division has developed a new program for tracking the staff training and qualifications including the qualifications necessary for performing independent inspections of various license types.
- 2) the Department review their existing databases, identify all routine and initial inspections that need to be conducted and complete those inspections. The Department has established better communications between the Surveillance Division and the Permit Division and has developed a database that identifies all routine and initial inspections.
- 3) the Department develop and implement a process for ensuring that all new licensees receive a timely initial inspection. The Department developed and implemented a database for ensuring that all new licensees are inspected within the one year time frame.
- 4) the Department inspect implementation of SS&D authorizations during routine inspections. The Surveillance Division has completed inspections of the all SS&D authorizations during their routine inspections of the licensees, and the division will continue this inspection activity as part of the routine inspections.
- 5) the Department develop and implement a process for conducting annual accompaniments of all radiation compliance inspectors by qualified individuals. All inspectors have been accompanied to date, and the

division has documented all the accompaniments.

All these items will be revised at the next IMPEP review, scheduled for FY 2008. The State noted that a program restructure was completed by January 2005. The Program was reorganized so that all radiation protection activities are now located within the Emergency and Radiological Services Division. Ms. McLean noted that the program's strengths are: adequate funds, very little staff turnover, and adequately trained and experienced staff and noted that any weaknesses will be improved with the program's restructure. The program has no inspections backlog and is current for all regulations. All reportable events had been entered in NMED, are closed and completed. No performance issues were identified. The MRB had no additional questions.

**Periodic meeting with the State of Maine.** Mr. Duncan White led the discussion of the results of the periodic meeting with the State of Maine (ADAMS Accession No. ML043080372). The meeting was held on October 7, 2004. There were no recommendations from the last IMPEP review of the Maine program conducted October 29 - November 1, 2002. Mr. White reported that the Program's strength continues to be its stable and experienced staff. No weaknesses were identified. The State has no overdue regulations. However, the program's resources are being impacted by program staff participation in the ongoing decommissioning activities at Maine Yankee, which has resulted in inspections not getting completed. The State noted that an individual currently under training was called for active military duty. The State has been very supportive to IMPEP by providing staff to participate in other States' reviews. Mr. White reported that the program is fee-based and noted that the fees have not been increased lately. However, a plan to revise the fee schedule is in process. He also reported that at the time of the periodic meeting there were three overdue inspections. The MRB inquired more information on these inspections and the State reported that since the periodic meeting one inspection was performed and one had already been scheduled. The remaining inspection was for a service provider that has not yet been inspected nor scheduled. The State reported that an additional licensee's inspection, the State Public Health Laboratory, is currently overdue. The MRB inquired about the State's long term strategy for handling its workload in view of their staffing issues. The State responded that it is confident that the issues will not result in an inspections backlog. The MRB also expressed concerns about the State's involvement in the Maine Yankee decommissioning and its impact on the program, but offered to discuss this issue separately. No other performance issues were reported and the MRB had no additional questions.

**Periodic meeting with the State of New Mexico.** Ms. Linda McLean led the discussion of the results of the periodic meeting with the State of New Mexico (ADAMS Accession No. ML042360689). The meeting was held on July 21, 2004. There was one recommendation from the last IMPEP review of the New Mexico program conducted June 18-22, 2001. The review team recommended that the State adopt regulations, or other legally binding requirements, which are overdue for adoption. The State submitted eight rulemaking packages for NRC's review. These rules became effective on April 15, 2004. At the time of the periodic meeting five more regulations were overdue. This item will remain open for revision at the next IMPEP review, scheduled for summer 2005. The program noted that it is working on a rulemaking package for adopting these regulations. Draft rules have already been approved by the State's advisory council. The State expects the rules to be in place by June 2005, when the rulemaking process

will be completed. Ms. McLean reported that the Program identified the following as its strengths: experienced and motivated staff, dedicated fee structure to support the program, better radiation detection equipment and adequate salary levels. However, program staff identified an inadequate administrative support as their main weakness. The program reported that, since the periodic meeting, a vacant administrative position has been filled. In May 2002 the program adopted a new fee schedule. Two new staff have been hired in fiscal year 04 and are currently being cross trained in x-ray and materials inspections. Currently, there are no overdue inspections. The program is interested in presenting a Nuclear Materials Events Database (NMED) training. The State is currently working on completing and closing out some events in the NMED database. The State noted that the root cause of these issues is the loss of the NMED trained staff. No other performance issues were identified and the MRB had no additional questions.

As stated at the beginning of the meeting, at this point Mr. Virgilio transferred the chairmanship to Mr. Paul Lohaus and left to comply with previous commitments.

**Periodic meeting with the State of North Dakota.** Ms. Linda McLean led the discussion of the results of the periodic meeting with the State of North Dakota (ADAMS Accession No. ML042610379). The meeting was held on August 17, 2004. There were no recommendations from the last IMPEP review of the North Dakota program conducted April 22-25, 2003. Ms. McLean reported that the program strengths are: experienced, motivated staff, excellent working relationship, good senior management support, good rapport with licensees and good technical support from the State's information technology staff. The limited out of State travel and a low salary structure were identified as the program's weaknesses. No inspections are currently overdue by more than 25 percent. Regulations are all current. A short discussion on NRC's initiative for regulating NARM was held. The State inquired about the status of this initiative and was informed that the NRC is still working on this initiative and legislation has not passed yet. Distance education for State staff was also discussed. The State suggested that distance education be considered as an alternative for State staff training. The MRB responded that NRC's Office of Human Resources is working on this alternative. A discussion on NMSS' interim database was also held. The State provided comments on this to NMSS. The issue of State software compatibility with NRC software. The State noted that there are issues with the information requested, such as that the questionnaire is complicated to follow and fill. The MRB noted that the agency is working to address these issues and directed that the State contact the database project manager to provide feedback. No other program performance issues were identified. The MRB had no additional questions.

3. **Precedents/Lessons Learned.** No precedents that will be applied to the IMPEP process in the future were established by the MRB during this meeting.
4. **Good Practices.** No good practices were identified during this meeting.
5. **Comments.** The MRB thanked all meeting participants for their attendance.
6. **Adjournment.** The meeting was adjourned at approximately 11:08 a.m.