

August 12, 2005

MEMORANDUM TO: Management Review Board Members:

Martin J. Virgilio, OEDO
Paul H. Lohaus, STP
Karen D. Cyr, OGC
Margaret V. Federline, NMSS

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

SUBJECT: MINUTES: JUNE 20, 2005 NEVADA MRB MEETING

Attached are the minutes of the Management Review Board (MRB) meeting held on June 20, 2005. If you have comments or questions, please contact me at 415-2307.

Attachment:
As stated

cc: Steve Collins, OAS Liaison, IL
Stanley Marshall, NV

Management Review Board Members

August 12, 2005

Distribution:

DIR RF	DCD (SP01) PDR (YES/)
DRathbun, STP	
DWhite, RI	RGallagher, MA
JZabko, STP	TSimmons, RIII
VCampbell, RIV	LMcLean, RIV
JTobin, STP	
JStrosnider, NMSS	
CMiller, NMSS/IMNS	
RStruckmeyer, NMSS/IMNS	

DOCUMENT NAME: E:\Filenet\ML052280418.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	STP		STP						
NAME	OSiurano:kk		JZabko						
DATE	8/10/05		8/12/05						

OFFICIAL RECORD COPY

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JUNE 20, 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	Paul H. Lohaus, MRB Member, STP
Karen D. Cyr, MRB Member, OGC	Margaret V. Federline, MRB Member, NMSS
John Zabko, Team Member, STP	Dennis Rathbun, STP
Jennifer C. Tobin, STP	Richard Struckmeyer, NMSS
Osiris Siurano-Perez, STP	

By videoconference:

Toye Simmons, Team Member, RIII

By teleconference:

Steve Collins, OAS Liaison, IL
Robert Gallagher, Team Member, MA
Vivian Campbell, RIV
Richard Whitley, NV
Alex Haartz, NV
Stanley Marshall, NV
Karen Beckley, NV

1. **Convention.** Mr. John Zabko convened the meeting at 1:33 p.m. He noted that this Management Review Board (MRB) meeting was open to the public. However, no members of the public attended this meeting. He then transferred the lead to Mr. Martin Virgilio, Chair of the MRB. Introductions of the attendees were conducted.
2. **Nevada IMPEP Review.** Mr. Zabko excused Mr. Duncan White, team leader, who was attending a training session. Mr. Zabko assumed the lead for presenting the Integrated Materials Performance Evaluation Program (IMPEP) results to the MRB.

Mr. Zabko summarized the review and noted the findings. The onsite review was conducted March 15-18, 2005. The review team's general approach for the conduct of this review consisted of: (1) examination of Nevada's response to the IMPEP questionnaire; (2) review of applicable Nevada's statutes and regulations; (3) analysis of quantitative information from the Section's licensing and inspection database; (4) technical evaluation of selected licensing, inspection actions; (5) four field accompaniments, by a review team member, of three Nevada inspectors from January 31 to February 2, 2005; and, (6) interviews with staff and management to answer questions or clarify issues. The team evaluated the information that it gathered against the IMPEP performance criteria for each common and non-common performance indicator and made a preliminary assessment of the Nevada Agreement State program's performance. The review team issued a draft report on June 2, 2005, received Nevada's factual comments by e-mail dated May 31, 2005, from Mr. Stanley Marshall, and submitted a proposed final report to the MRB on June 13, 2005. Mr. Zabko noted that seven recommendations were made as a result of the September 2001 IMPEP review. Six of these recommendations were closed during an April 2003

follow-up IMPEP review, but two more recommendations were made. The current status of the three remaining recommendations were:

- (1) That the State, in accordance with the Department of Administration audit report, increase the radioactive materials program staff to meet program needs.

The program has been unable to fill four vacancies to increase the radioactive materials program staff in accordance with the Department of Administration audit report. The review team closed this recommendation due to changes on the circumstances related to the unfilled vacancies and long term staff stability since the last review. However, the review team made another recommendation on this issue.

- (2) That the State provide training to current and future technical personnel, either by formal course work or equivalent, as prescribed by the Division's training policy.

The review team closed this recommendation for the following reasons: (a) the State increased its fees and has this revenue retained in a dedicated fund; (b) it has adequate revenue to schedule training needed for technical staff; and (c) has requested training for an inspector to attend two courses during 2005. The State scheduled a transportation course in Las Vegas for all staff in April 2005. The State also revised its training procedures to identify additional courses required by staff on an Annual Training Needs Forecast Worksheet.

- (3) That the Section take appropriate measures to conduct core inspections (including initial inspections) in accordance with the NRC's inspection priority system.

The review team closed this recommendation because the State reassigned staff from the x-ray program to aid in addressing the backlog of overdue materials inspections and to complete materials inspections in a timely manner. The review team determined that 6 of 81 core inspections conducted by the State were performed overdue. This represented a significant improvement in performance.

A short discussion on the program's funding, staffing issues and concerns on meeting the program's goals was held. The State noted that it was confident that the funding was adequate and does not foresee any problems in meeting their goals. A discussion on overdue inspections at the time of the review was held. The State noted that all those inspections have been performed by the time of this MRB. The MRB commended the State for all these improvements.

Common Performance Indicators. Mr. Zabko 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

Nevada's performance with respect to this indicator to be "satisfactory" and made two recommendations. The team recommended that the State develop and implement a staffing plan to competitively fill current vacancies, meet growing program needs and maintain long-term program stability. The inclusion of the word "competitive" was discussed with a request by the State to remove the word from the recommendation. The MRB accepted this recommendation change so the recommendation reads as follows:

"The review team recommends that the State develop and implement a staffing plan to fill current vacancies, meet growing program needs and maintain long-term stability."

A short discussion on this recommendation and the adequacy of the number of staff within the program was held. The review team understands that, at this moment, the program staff is adequate but could be under stress in the future due to staff turnover and other issues. The review team also recommended that a periodic meeting be held in about one year to follow up on the staffing issues. The MRB did not agree but discussed alternatives to follow up on the State's strategies to address the issues. The MRB directed that quarterly calls be held with the State for the next two years to assess the State's progress. The MRB directed that this recommendation be modified and agreed that Nevada's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Robert Gallagher 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 Nevada's performance with respect to this indicator to be "satisfactory" and made no recommendations. The State's inspection priority for intravenous brachytherapy (IVB) was discussed. The State's inspection frequency for IVBs specifies a priority 3 while NRC Inspection Manual Chapter 2800 specifies an inspection priority 2. The team concluded that a recommendation was not needed since IVBs had been replaced by other medical procedures. A discussion was held on licensees, and the radioactive material that may be in their possession, that the State has not been able to locate. The MRB suggested that the State contact the vendors or manufacturers to try to locate the material. The MRB agreed that Nevada's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Gallagher 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 Nevada's performance with respect to this indicator to be "satisfactory" and made one recommendation. The review team recommended that the Section revise their inspection procedures and provide training to implement a policy for timely and orderly license termination of licensed materials not in use. The State informed that this policy has been developed and currently in place. The MRB agreed that Nevada's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Toye Simmons presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions. Her presentation corresponded to

Section 3.4 of the proposed final IMPEP report. The team found Nevada's performance with respect to this indicator to be "satisfactory" and made one recommendation. The review team recommended that the Section develop, implement and maintain a reliable and comprehensive licensing and inspection database that serves as an effective and efficient planning, tracking and management tool. No further discussion was held on this recommendation. The MRB agreed that Nevada's performance met the standard for a "satisfactory" rating for this indicator.

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

Non-Common Performance Indicators. Mr. Zabko 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 Nevada's performance to be "satisfactory" and made no recommendations. A short discussion on the time frame to complete the State's adoption of two overdue amendments was held. The possible changes on the compatibility category of the General License (GL) rule were also discussed in response to the current petition for rulemaking submitted by the State of Florida. The MRB agreed that Nevada's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Zabko led the discussion of the non-common performance indicator, Sealed Source and Device (SS&D) Evaluation Program. His discussion corresponds to Section 4.2 of the proposed final IMPEP report. The State has indicated to the NRC that they plan to relinquish the authority to regulate SS&D manufacturers to the NRC. No SS&D certificates were issued by the program during the review period. Accordingly, the review team did not evaluate this indicator.

Mr. Zabko presented the findings regarding the non-common performance indicator, Low-Level Radioactive Waste (LLRW) Disposal Program. His discussion corresponds to Section 4.3 of the proposed final IMPEP report. The team found Nevada's performance to be "satisfactory" and made no recommendations. The MRB agreed that Nevada's performance met the standard for a "satisfactory" rating for this indicator.

MRB Consultation/Comments on Issuance of Report. Mr. Zabko concluded, based on the discussion and direction of the MRB, that the Nevada program was rated "satisfactory" for all common and non-common performance indicators. Accordingly, the review team recommended, and the MRB concurred, in finding the Nevada 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. The MRB directed that quarterly calls take place between NRC and the State for the next two years to follow up on the State's progress in addressing its staffing issues.

Comments. Mr. Zabko thanked the review team for their hard work and commitment and gratefully acknowledged Nevada staff for their cooperation during the review. The State thanked the MRB and the review team for their work. Mr. Gallagher thanked the MRB for his participation in this review. Mr. Virgilio thanked the team for a well done job and the State for its cooperation and commended the State for its efforts to improve their performance.

3. **Status of Current and Upcoming Reviews.** No information on the status of current and upcoming reviews was provided during this meeting.
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.** No good practices were identified during this review.
6. **Adjournment.** The meeting was adjourned at approximately 2:27 p.m.