

August 14, 2006

MEMORANDUM TO: Management Review Board Members:

Martin Virgilio, OEDO
Janet Schlueter, STP
Karen Cyr, OGC
Charles Miller, NMSS

FROM: Jennifer Tobin, Health Physicist **/RA/**
Office of State and Tribal Programs

SUBJECT: JULY 26, 2006, SPECIAL MRB MEETING MINUTES

Enclosed are the minutes of the Management Review Board meeting held on July 26, 2006. If you have comments or questions, please contact me at 301-415-2328.

Enclosure:
As stated

cc: Karen Beckley, NV
Eddie Nanney, TN
Kenneth Wangler, ND

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JULY 26, 2006

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, MRB Chair, OEDO
Janet R. Schlueter, MRB Member, STP
Richard Struckmeyer, NMSS
Jennifer Tobin, STP

Karen Cyr, MRB Member, OGC
Charles Miller, MRB Member, NMSS
Aaron McCraw, STP
Andrea Kock, EDO

By teleconference:

Linda McLean, RSAO, RIV
Karen Beckley, NV
Eric Matus, NV
Johnny Graves, TN
Billy Freeman, TN

Duncan White, RSAO, RI
Larry Boschult, NV
Eddie Nanney, TN
Kenneth Wangler, ND
Jim Killingbeck, ND

1. **Convention.** Mr. Aaron McCraw convened the meeting at 1:04 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. **Periodic Meetings Discussion.**

Periodic Meeting with the Nevada. Ms. Linda McLean led the discussion of the results of the periodic meeting with the Nevada Bureau of Health Protection Services (ADAMS Accession #ML060860235). The meeting was held on March 2, 2006. Ms. McLean briefly discussed the status of the three recommendations applicable to Nevada during the 2005 Integrated Materials Performance Evaluation Program (IMPEP) review of Nevada. A short discussion was held on recommendation number 1. of the 2005 IMPEP review involving Staffing and Training. Nevada still has three vacancies in the program and have interviewed two people to fill the openings. A proposal was made to the State government for an increase in funding. If granted, the Program may have two new positions. The MRB noted the improvements in adequate staffing for the licensee base. The recommendation remains open until the positions are filled. Mr. Larry Boschult asked for a clarification regarding the training requirements for 10 Cyr 35 (as amended in RATS 2005-2). NRC committed to following up on this question. The State committed to sending the language to the Office State and Tribal Programs (STP) regulation review staff.

Nevada used license conditions to implement the Increased Controls (IC) requirements for 13 affected licensees. Four staff members have attended the required Security Course and the program expects to send more inspectors to upcoming training sessions. Although no IC inspections have been done to date, the program expects to

meet the required deadlines in the Order by performing all higher priority IC inspections within the next six months.

The MRB noted that the language included in the Nevada periodic meeting summary was unclear regarding the status of the recommendations. The MRB recommended that instead of using "open," the author should use "should be included in the next IMPEP review." The language used in the status of recommendations should be standard for all periodic meeting summaries. No other performance issues were identified. The MRB had no additional questions. The next IMPEP review will take place in Fiscal Year 2009, as originally scheduled.

Periodic Meeting with Tennessee. Mr. Duncan White led the discussion of the results of the periodic meeting with the Tennessee Department of Environment and Conservation (ADAMS Accession #ML061580070). The meeting was held on April 27, 2006. Mr. White briefly discussed the status of the three recommendations made to Tennessee during the 2004 IMPEP review. Tennessee staff noted that a substantial amount of time was being spent by the program on emergency management activities for the Department of Energy (DOE) exercises in the State without compensation. In response to the time spent on DOE activities, Tennessee staff has established a database to track the expenditure on these activities to seek compensation from DOE. The activities associated with these activities have put a strain on the staffing and funding levels.

Tennessee identified a concern regarding State staffing levels and noted that DOE, in addition to universities and private companies in the State, are competing for the same pool of trained individuals. State management has noted that this competition has produced vacancies in the staff.

Tennessee used license conditions to implement the IC requirements. Five staff members (including Tennessee management) have attended the required Security Course and the program expects to send the other inspectors to the upcoming training sessions. Inspection responsibilities are dispersed through the four regional offices and the State voiced the difficulty in securing slots in the training class so that each region has an adequate number of trained individuals. Tennessee informed the MRB that the program had used their allocated spots to train managers that would not actually be doing the inspections. Mr. Eddie Nanney recommended that there be a separate course for managers to make the best use of allocated spots in the course. The MRB responded that a one-day manager's course was under development and would potentially be tried at the September Organization of Agreement States meeting. Tennessee inquired as to whether STP would be providing funding for State participation. The MRB and STP management committed to taking this recommendation into consideration. Two IC inspections have been completed to date. The State expects to meet the required deadlines in the Order. The State pointed out the potential for difficulty in meeting the 20 percent reciprocity commitment due in part to

an increased amount of staff time being devoted to IC activities. No additional performance issues were identified and the MRB had no additional questions. Tennessee expressed great appreciation for the NRC's professional staff. The next IMPEP review will take place in Fiscal Year 2008, as originally scheduled.

Periodic Meeting with North Dakota. Ms. McLean led the discussion of the results of the periodic meeting with North Dakota (ADAMS Accession #ML061520048). The meeting was held on May, 2, 2006. She indicated that although there are no overdue inspections right now, there may be inadequate staffing due to the implementation of the IC requirements in North Dakota. The State identified approximately 8-10 licensees affected by the Security Orders and has one trained inspector. Mr. Kenneth Wangler requested that the MRB consider the use of a Letter of Support to secure more program funding. Mr. Wangler noted that State salaries are lower than neighboring States and the program has difficulty recruiting applicants. The MRB considered this request and asked the IMPEP Project Manager to check if this action would follow agency policy. The IMPEP Project Manager committed to consulting STP Management and following Agency policy concerning this matter.

The State noted a large volume of NRC e-mails received and sought more clarity in the subject line so as to more quickly address the correspondence. Mr. Wangler also requested that the NRC consider providing Nuclear Material Events Database training in a western State to reduce the travel expenses for participation. The MRB is considering the feasibility of this request. No other performance issues were identified and the MRB had no additional questions. The next IMPEP review will take place in Fiscal Year 2007, as originally scheduled.

Comments. Mr. Virgilio thanked, both the NRC and State staff, for their work and cooperation.

3. **Precedents/Lessons Learned.** The MRB noted that the language included in the Nevada periodic meeting summary was unclear regarding the status of the recommendations. The MRB recommended that instead of using "open," the IMPEP Team Leader should use "should be included in the next IMPEP review." The language used in the status of recommendations should be standard for all periodic meeting summaries.
4. **Adjournment.** The meeting was adjourned at approximately 2:02 p.m.