

December 8, 2009

MEMORANDUM TO: Martin J. Virgilio
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Joseph R. Gray, Associate General Counsel
for Licensing and Regulation
Office of the General Counsel

Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

Steven A. Reynolds, Director
Division of Nuclear Material Safety, Region III

FROM: Aaron T. McCraw, IMPEP Project Manager */RA/*
Agreement State Programs Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MINUTES: NOVEMBER 9, 2009, SPECIAL MANAGEMENT
REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on November 9, 2009, to discuss the status of the Arizona Agreement State Program. If you have comments or questions, please contact me at (630) 829-9650.

Enclosure: Minutes of the Management
Review Board Meeting

cc: Cheryl Rogers, Wisconsin
Organization of Agreement States
Liaison to the MRB

Aubrey Godwin, Director
Arizona Radiation Regulatory Agency

Management Review Board Members

Distribution: DCD (SP01)

MSSA RF

RLewis, FSME

DWhite, FSME

JKatanic, FSME

MFranovich, OEDO

DJanda, RI

LMcLean, RIV/RSAO

RErickson, RIV

RBrowder, RIV

AHowell, RIV

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NAME	ATMcCraw:km		
DATE	12/08/09		

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF NOVEMBER 9, 2009

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

Marty Virgilio, MRB Chair, DEDMRT
Joe Gray, MRB Member, OGC
Duncan White, FSME
Mike Franovich, OEDO
Anna Bradford, OCM
Linda McLean, Region IV

Charlie Miller, MRB Member, FSME
Terry Reis, FSME
Karen Meyer, FSME
Monica Orendi, FSME
Joan Olmstead, OGC
Cynthia Carpenter, FSME

By Videoconference:

Steve Reynolds, MRB Member, Region III
Jim Lynch, Region III
Art Howell, Region IV
Randy Erickson, Region IV

Rob Lewis, FSME
Aaron McCraw, FSME
Chuck Cain, Region IV
Janine Katanic, FSME

By Teleconference:

Cheryl Rogers, OAS Liaison, WI
Bob Cope, AZ
John Kinneman, Region I

Aubrey Godwin, AZ
Donna Janda, Region I
Michelle Beardsley, FSME

- 1. Convention.** Mr. Aaron McCraw convened the meeting at 2:03 p.m. He noted that this MRB meeting was open to the public; however, no members of the public participated in this meeting. He then transferred the lead to Mr. Marty Virgilio, Chair of the MRB. Introductions of the attendees were conducted.
- 2. Discussion.** Ms. Linda McLean led the discussion of the status of the Arizona Agreement State Program and the potential effects on the program from the State's lack of a budget for Arizona's Fiscal Year 2010. Ms. McLean explained that the program may be forced to begin laying off staff as a result of limited funding for the remainder of the Fiscal Year. Mr. Aubrey Godwin informed the MRB that the Arizona Legislature was planning to meet in a special session in the coming weeks. During the special session, the Arizona Radiation Regulatory Agency (the Agency), which administers the Agreement State program, could be awarded sufficient funds to allow the program to operate through the end of Arizona's fiscal year, which ends on June 30, 2010. Mr. Virgilio asked Mr. Godwin how the layoffs would affect the Agreement State program and what plan does the Agency have to ensure that public health and safety will continue to be adequately protected after the layoffs. Mr. Godwin responded that the Agency would maintain a skeleton crew but would be able to keep the licensing and inspection programs going. Mr. Godwin informed the MRB that the State does not have any plans to give the Agreement back. Mr. Steve Reynolds expressed concern that the Agency still needs to address the weaknesses identified during the 2008 IMPEP review and that the layoffs would impede any further progress on addressing the weaknesses. Mr. Godwin explained that there are ways that the Agency could gain efficiencies in the Agreement

State program, such as adopting NRC's inspection frequencies and/or moving to a 10-year license renewal. The MRB collectively expressed the need for assurance that the program can continue to adequately protect public health and safety. Mr. Virgilio suggested, and the MRB unanimously agreed, that NRC send a letter of support to the Arizona Governor to remind the Governor of the State's responsibilities under the Agreement with NRC and to request adequate resources for the program. Mr. Virgilio encouraged the program to seek assistance from other Agreement States

3. **Adjournment.** The meeting was adjourned at approximately 3:00 p.m.