

October 26, 2010

MEMORANDUM TO: Michael F. Weber
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Bradley W. Jones, Assistant General Counsel
for Reactor and Materials Rulemaking
Office of the General Counsel

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

Elmo Collins, Regional Administrator
Region IV

FROM: Karen N. Meyer, IMPEP Administrative Coordinator */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: TRANSCRIPT: October 5, 2010 SPECIAL MANAGEMENT
REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on October 5, 2010, to discuss periodic meeting held with the Ohio Agreement State Program and the Orientation meeting held with the New Jersey Agreement State Program. If you have comments or questions, please contact me at (301) 415-0113.

Enclosure: Cover Page and Transcript of the
Management Review Board Meeting

cc w/encl.: James McNees, Alabama
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF OCTOBER 5, 2010

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

In person at U.S. Nuclear Regulatory Commission (NRC) Headquarters in Rockville, Maryland:

Michael Weber, MRB Chair, DEDMRT
Brad Jones, MRB Member, OGC
Robert Lewis, FSME
Joan Olmstead, OGC
Cynthia Carpenter, FSME

Charles Miller, MRB Member, FSME
Karen Meyer, FSME
Duncan White, FSME
Nicole Coleman, FSME

By videoconference:

David Lew, Region I
Steven Reynolds, Region III
Art Howell, Region IV
James Lynch, Team Leader, Region III

John Kinneman, Region I
Elmo Collins, MRB Member Region IV
Donna Janda, Team Leader, Region I
Aaron McCraw, Region III

By telephone:

James McNeese, OAS Liaison, AL
Jennifer Goodman, New Jersey
Catherine Biel, New Jersey
Steve Helmer, Ohio
Robert Owen, Ohio

Patricia Gardner, New Jersey
Richard Peros, New Jersey
Michael Snee, Ohio
Chuck McCracken, Ohio

1. **Convention.** Mr. Duncan White convened the meeting at 10:00 a.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. Michael Weber, Chair of the MRB. Introductions of the attendees were conducted.

2. **Periodic Meetings Discussions:**

Periodic Meeting with the Ohio Agreement State Program

Mr. James Lynch led the discussion of the results of the periodic meeting with Ohio (ADAMS Accession Number: ML102310145). The meeting was held in Columbus, Ohio, on August 4, 2010. Mr. Lynch indicated that the last Integrated Materials Performance Evaluation Program (IMPEP) was conducted in October 2008, and the review team found the Ohio Agreement State Program to be satisfactory for all performance indicators reviewed. The MRB concluded that the next IMPEP review of the Ohio Program, should take place, as currently scheduled, in Fiscal Year 2012.

Orientation Meeting with the New Jersey Agreement State Program

Ms. Donna Janda led the discussion of the results of the orientation meeting with New Jersey Agreement State Program (ADAMS Accession Number: ML102360417). The meeting was

held in Trenton, New Jersey, on June 24, 2010. Ms. Janda indicated that New Jersey had become the 37th Agreement State on September 30, 2009. The MRB concluded that the first IMPEP review of the New Jersey Agreement State Program should take place, as currently scheduled, in Fiscal Year 2011.

Comments. Mr. White restated the MRB's decisions to maintain the next IMPEP reviews for Ohio and New Jersey as currently scheduled.

- 3. Precedents/Lessons Learned.** The MRB established no new precedents to be applied to the IMPEP process during this meeting.
- 4. Adjournment.** The meeting was adjourned at 10:35 a.m.

FTS NUCLEAR REGULATORY COMMISSION

Moderator: Karen Meyer

October 5, 2010

12:00 pm CT

Coordinator: This is the conferencing coordinator. Today's conference is being recorded. If you have any objections, you may disconnect at this time. You may begin.

Karen Meyer: Thank you.

Duncan White: For those of you on the phone; we'll be starting soon. We're trying to establish that everyone who needs to be here is here.

Karen Meyer: Is anyone on the line right now?

Duncan White: Yes, three other people. No. If you're on the phone line, could you identify yourselves please?

Patricia Gardner: Yes, this is Patricia Gardner from the State of New Jersey.

Duncan White: Hi Pat.

Patricia Gardner: Hi.

Duncan White: Anyone else?

Janine Katanic: Janine Katanic, FSME.

Karen Meyer: Janine is Elmo with you by chance?

Janine Katanic: No they may be calling in from somewhere differently than me.

Enclosure

Duncan White: Good morning, who just joined the call?

James McNees: Jim McNees, State of Alabama, (Unintelligible).

Duncan White: Hi James.

Patricia Gardner: This is Patricia Gardner, there's other people from New Jersey joining me. Do you want me to give you their names or?

Duncan White: Not right now.

Patricia Gardner: Okay.

Duncan White: We'll get into formal introductions as we commence the MRB meeting.

Patricia Gardner: Okay, thank you.

Duncan White: Thank you Pat. Who just joined the call please?

Robert Owen: This is Robert Owen, State of Ohio.

Duncan White: Hi Bob.

Robert Owen: Hi.

Duncan White: We'll be starting shortly.

Robert Owen: Okay.

Elmo Collins: I was fumbling with the controls. So I'm not proficient on these devices.

Mike Weber: Well you're coming through loud and clear now Elmo.

Elmo Collins: All right thank you.

Duncan White: Good morning everybody. This is a Special Management Review Board Meeting to discuss the results of the periodic meeting from the State of Ohio and the orientation meetings held with the State of New Jersey...

Duncan White: Start this again. Good morning. This is a Special Management Review Board meeting to discuss the results of the periodic meeting held with the State of Ohio and the orientation meeting held with the State of New Jersey. We'll be also finishing today the review of the self assessment of the MPEP program.

This is a public meeting. If there are members of the public listening in, could you please identify yourself? Hearing none, I'm going to turn the meeting over to Michael Weber, the Chair of MRB.

Michael Weber: Okay, thanks Duncan. Welcome to all our participants this morning. My name is Mike Weber and I'm the Deputy EDO for Materials Waste Research State, Tribal and Compliance Programs here at the NRC.

As Duncan's described, we're meeting as a Special Management Review Board today to review the results of the recent periodic meeting held with the Ohio Agreement State Program and the orientation meeting with the New Jersey Agreement State Program.

At the most recent MPEP review at the Ohio Agreement State Program which was back in October of 2008, the MRB found the Ohio program was adequate to protect public health and safety and compatible with NRC's program.

And I believe that was the third successive clean finding like that for the Ohio Agreement State Program which is quite a distinction.

New Jersey became the 37th Agreement State back on September 30, 2009 a little more than a year ago. And initial indications are that the State of New Jersey's program has also had a strong start. So the MRB has received and reviewed the summaries of these meetings and we'll discuss the results of those meetings with the cognizant participants.

And then at the end of this MRB, the Special MRB, we will take a quick break and we will commence the follow-up discussion on the MPEP self-assessment from a MRB meeting occurred originally on September 13. And for those of you who may have joined us later, this is a recorded line and it's being recorded to prepare a transcript of the MRB meetings.

So let's begin with the Special MRB meeting in Ohio and New Jersey Agreement State Programs. I'd like to introduce the members of this Management Review Board.

I chair the Board. Bradley Jones is here from the NRC's Office of the General Counsel where he is the Assistant General Counsel. And Charles Miller who is the Director of the Office of Federal and Safe Materials and Environmental Management Program and Elmo Collins has joined us.

Elmo's the Regional Administrator from our Region IV Office. And Jim McNees has also joined us. Jim is with the State of Alabama and is also the Organization of Agreement State Liaison.

And now I believe James Lynch, if you could introduce the MPEP staff members who will discuss the results of the Ohio Periodic meeting.

James Lynch: Thank you Mike. This is James Lynch from Region III. I have with me Aaron McCraw. Aaron was also on the periodic meeting in Ohio and Steven Reynolds is here as well.

Michael Weber: Okay.

James Lynch: The...

Michael Weber: Hold on; I was going to do introductions before we start. Are there others on your team Jim who you'd want to introduce?

James Lynch: No that's it.

Michael Weber: Okay. And we do have Donna Janda on from Region I here?

Donna Janda: Yes Mike I'm here.

Michael Weber: Okay. Do you want to introduce your team?

Donna Janda: Sure. I'm Donna Janda. I'm the Region I Regional State Agreements Officer. And next to me is David Lew who is our Deputy Regional Administrator and John Kinneman, Division Director of DNMS in Region I.

Michael Weber: All right.

Donna Janda: And that's it.

Michael Weber: Okay. We'd like to welcome our agreement state officials from the States of Ohio and New Jersey. If we could start with Ohio, could you introduce who you have on line?

Robert Owen: Okay. From Ohio State, I have Michael Snee, Steve Helmer and Chuck McCracken, as well as myself, Bob Owen.

Michael Weber: Okay. And Bob we understand you're planning to leave the State later this year?

Robert Owen: Yes.

Michael Weber: So it's a pleasure to have you on the call today.

Robert Owen: Thank you.

Michael Weber: And from the State of New Jersey, could you introduce yourself Pat?

Patricia Gardner: Yes. This is Patricia Gardner. Also with me are Richard Peros, Catherine Biel and Jennifer Goodman.

Michael Weber: Okay thank you. And other participants here in Rockville, if you could introduce yourself?

Robert Lewis: This is Rob Lewis from FSME.

Duncan White: Duncan White, FSME.

Cynthia Carpenter: Cynthia Carpenter, FSME.

Joan Olmstead: Joan Olmstead, Office of the General Counsel.

Karen Meyer: Karen Meyer, FSME.

Michael Weber: And others who have joined us on the phone if you've not already been identified?

Okay, well let's proceed then with the presentation of the results for the periodic meeting with the State of Ohio. Jim.

James Lynch: Thank you Mike. The periodic meeting with the State of Ohio occurred August 4 of this year. As you mentioned earlier, the Ohio program has been a very strong program really since their agreement back in 1999.

This meeting confirmed the program is still strong and on course. During the 2008 MPEP review, one recommendation was identified. And that was for the training and qualification program. Karen and I during our periodic meeting determined that that issue had been taken care of. And there were no additional issues for that particular area.

This is, as I mentioned, this is a very strong, experienced staff. There is a lot of buy-in for the program from the managers. Congratulations to Bob Owen on his retirement.

Bob has run a very good program for a number of years. And it really shows in these reviews.

The State does have some issues with budget and out-of-state travel. We discussed those issues in some detail. There are limitations for the staff to limit out-of-state travel to 12 days a year. That prohibits certain training for the state staff members. But they've been able to work around it for the most part.

During the review, we did not identify any overdue inspections. No significant overdue licensing actions. Everything was right on target. Our communication with the State of Ohio is very good. We spend a lot of time talking to them. And the relationship between Ohio and the Region III office is outstanding.

The staff recommends that the next MPEP review for the State of Ohio occur in two years, in late 2012 as scheduled. That's our report.

Michael Weber: Okay. Charlie any questions or comments?

Charles Miller: Yes. I just had a clarifying question and then a comment. Jim either you or the State of Ohio can respond to this. The limitation on travel of 12 days a year, did that include travel for which we're paying also? In other words is that a tight restriction regardless of who's picking up the tab?

Robert Owen: This is Bob Owen. Yes. It applies to all type of travel regardless of who's paying.

Charles Miller: So that limits your ability then to be judicious with regard to participation and MPEP evaluations of other states and participating in working groups with us and the annual AS meeting?

Robert Owen: It's...I think 12 days is probably more a rule of thumb. We can, you know, at any time, appeal to Caesar so to speak. And we've been able to get folks to the training that they need so far. You know, cross my fingers, toes and everything else.

But, you know, thus far it hasn't really limited us from that. It has limited us from attending some other types of things like a conference or whatever. But so far, you know, for NRC training, I think we've been able to accomplish that.

Charles Miller: Great. The comment I wanted to make was when we were looking at the ISMP effort to upgrade the licensing tracking system as the first step, the State of Ohio stepped forward and allowed us to use the system that you had developed as the beginning of a foundation.

And I just wanted to thank you for that effort and a very good system for us start to building from. And appreciate your leadership in that regard. I think that it's a very

good indication of the cooperation between NRC and Agreement States. So I'd like to thank you Ohio for your efforts in that regard.

Robert Owen: Well you're quite welcome; glad to do it.

Charles Miller: Great thanks. Brad?

Bradley Jones: I just had a question if with the budget restrictions and the unpaid cost-savings days per year that the state employees are taking, is that going to make recruiting replacement folks particularly difficult when Bob leaves?

Robert Owen: I think more of an issue for us as far as filling vacancies whether there's going to be possibly a new governor, I don't know. At this juncture, you know, after Election Day there's always a hiring freeze across the board. So we'll be looking at several months if not longer on that kind of thing.

But we've been fortunate to gain a 20% fee increase. And then over time, our office and budget management has allowed us to fill vacancies. At one time in the Bureau, they numbered ten. And, you know, that's a significant amount when you only have about 60 some odd folks onboard.

So but we've been able to whittle that down and effectively we have, I think, it's only one remaining vacancy in the materials program right now.

Bradley Jones: Okay, that's all I have.

Michael Weber: Okay thanks, Elmo?

Elmo Collins: Good morning Mike. I don't have any other questions. The topics that I did want to explore a little bit have already been explored. So Ohio obviously has a strong program, strong management. And it would seem that they have good cognizance

of the challenges and dynamics that they're facing in the State. So thank you very much, Bob for your program.

Robert Owen: Well thank you for your comments. And I'd like to say, you're well on point when you said that we have some fine staff. They're professional, very knowledgeable and experienced. And Ohio is very fortunate in that regard.

Michael Weber: Okay and Jim McNees, any comments or questions for the State of Ohio and the periodic meeting?

James McNees: No. Except congratulating Bob on taking retirement; I'm sure he's looking forward to it. They have an excellent program.

Michael Weber: Okay, thank you. I had one question. I guess in the write-up that we received there was feedback on the NRC's program. And the point was made that the state desires more interactions with our Region II office particularly around the USEC facility in Piketon.

And I was wondering if you could just expand a little bit on what the objectives are? That would help us back here to make certain that we're being responsive to your request.

Robert Owen: Okay, this is Bob Owen. Ohio currently is engaged in a joint inspection observation program with the NRC per formal agreement for the nuclear power plants within the State of Ohio. And since the, you know, USEC exists in Ohio, we wished to have an analogous program at that location which has always been our understanding that we can certainly do so.

But somehow we seem to be at every time seem to be coming against a brick wall as far as accommodation from NRC. Given that this is, you know, not a Region III issue. Almost all such facilities have been delegated to Region II I believe.

Michael Weber: Yes.

Robert Owen: And, you know, Region II has just been virtually nonresponsive in that regard. It's -- I don't think -- but maybe it's in their interest to accommodate Ohio. Ohio is not in their region. I don't know. I don't know what the issue is.

But this is not first time that Region III has tried to go to bat for us and that hasn't materialized anything for us. So I don't know. We even utilized our NRC liaison officer within NRC who's in another agency

And regardless of what we use; it doesn't seem to get us anything. It doesn't buy us anything.

So we continue to want to do that. We've had discussions with one NRC staff member versus another. And it seems to be, you know, a positive response during that particular contact. But, you know, nothing beyond.

Michael Weber: Okay. I'm clear. I'll do some talking to some folks and we'll what we can do to get you all connected.

Robert Owen: Thank you very much.

James Lynch: Mike this is Jim Lynch. After this issue was identified by the State of Ohio, we did discuss with our liaison's staff here in Region III and asked them to communicate with the Region II office.

And they are in the process of doing that. So I think have a path forward there as well.

Michael Weber: Great. Well let's make it happen. The team has recommended that the next MPEP review be held as currently scheduled in late 2012. Charlie, do you agree with that recommendation?

Charles Miller: I agree with that.

Michael Weber: Okay. Brad?

Bradley Jones: I agree.

Michael Weber: Elmo?

Elmo Collins: I agree.

Michael Weber: Jim McNeese?

James McNeese: I agree.

Michael Weber: All right. It sounds like we're on a success path for that. Bob, any additional comments or perspectives you wish to share with the Board today?

Robert Owen: I don't know that I have anything additional. Team here, anybody else have anything? We don't have anything.

Michael Weber: It sounds like a very strong program; keep up the good work.

Robert Owen: Thank you very much.

Michael Weber: Thank you. Now we have to get four in a row with a clean review.

Michael Snee: Yes, well. I wouldn't be surprised if we did. But we will be without Bob so.

Michael Snee: A challenge there.

Robert Owen: I'll leave my pinky dust behind.

Michael Weber: All right, well thank you very much. Donna let's continue with the orientation meeting for the State of New Jersey.

Donna Janda: Okay thanks Mike. Good morning everyone. New Jersey became the 37th Agreement State on September 30, 2009 and this meeting took place approximately nine months after the signing of the agreement.

It's not a formal evaluation but the orientation meeting is a good forum to discuss the challenges that they face and to discuss the success that the program has had so far.

The New Jersey Agreement State Program is located in the Bureau of Environmental Radiation in the New Jersey Department of Environmental Protection. One of the strengths of the program is coming into the agreement; they had a very experienced and well trained staff already. They had eight of their staff members with advanced degrees and well over 20 years of experience each.

So they have maintained that staff since the agreement. Their management support including upper management is very good. They're very supportive of the program and the program did note that adopting NRC regulations by reference, and really taking a good look at licensing fees that they both contributed to the successful start of their Agreement State Program.

One of the problems or I guess one of the challenges we should say that the program faced was in populating their electronic license file database which included also licensing information we sent. We sent them hard copies.

And they needed to populate the database with that. And it required significant resources to accomplish that. It took more time than they thought to merge the files. And this is something we've heard from Pennsylvania also. So they knew going into it that it would take time. But it actually took even more than they thought.

And they needed to adapt the database then to their needs. Another area they found that was a challenge was their Website which they needed to update with their Agreement State related information.

And they did do that. And recently I know I saw an email that they have the list server setup so licensees can actually maintain program announcements and correspondence. So Pat correct me if I'm wrong, but I think you guys are onboard now with that?

Patricia Gardner: That's correct.

Donna Janda: Okay. Good. In terms of feedback on NRC's program, one of the issues that the state did come up with is with our general license tracking system. And this was not a surprise. But the database was found to contain inaccuracies.

We've known the challenges with that system for quite a while. They did send a letter to NRC with some of the issues they identified. And we have looked at those general licensing systems and have come up with basically those particular companies, you know, where in that database, you know, we were and I'll follow up.

So I know we can't say these have been closed out because some of these licensees really couldn't be found. So in terms of resolving the issues, we can just let them

know where we were. And at the least, we are - have been, you know, talking to New Jersey with that.

And Pat, I guess you could give us more feedback on that if you would like at this point?

Patricia Gardner: I guess I think we actually sent a second letter now. I think there's like two issues. The first one has to do with the registration side of it. When reached out to the folks that had to register each year, you know, there's maybe ten or so out of 100 that we weren't able to find.

So one of the issues is last year they had done the accountability with the NRC, you know, prior to us getting the list of licenses, they should have been handled. So some of the things we're sending back are ones that the people lost track of before September 30 of 2009. So they would not really have been under the authority of New Jersey at that time.

And the second part is just the actual, the large database was just hundreds or so of sources that, you know, I don't think we'll ever be able to find. So we're struggling with how we document that. So that, you know, it's not something even in New Jersey we'll look out for them if they're found in New Jersey. But we're not really responsible for them.

Donna Janda: Right. And I guess that's ultimately the reason for sending the list to us, was because you feel those are for our follow-up and not yours. Is that correct?

Patricia Gardner: That's correct.

Donna Janda: Okay. And I did receive a copy of your latest letter. That just came recently.

Patricia Gardner: That's correct.

Donna Janda: Okay. More feedback on the NRC's program related to the overall relationship and communication with the NRC being good. And New Jersey obviously welcoming NRC funding of training, the Webinar on NSTS that was conducted by (Sidney) and the IC inspection training that Region I provided a one-day overview for their New Jersey staff on what they consider to be good initiatives.

And one item that the state brought up which I think is interesting is for in med training maybe doing it by Webinar if possible. Because I know states are very interested in in-med training and it's not always easy to get that scheduled each year. There's so many course they're going to do in a year.

And it might be something to pursue with the In med coordinator and we'll follow up on that one with them.

In terms of the Agreement State staffing, the program is fully staffed with 12 STEs, technical STEs. And the staffing level again, was a challenge at the beginning when they were spending a lot of resources on their files.

However, the staffing level is adequate for normal workflows. And there is support for training in the program. And one thing the state has expressed concerns with is they weren't successful in getting their staff into two of the NRC Medical Qualification courses.

So they do keep notes of them. Trying, you know, when they put in for their training and of course they try to get on the job training as they can. But they do want to make note of the fact that it is a struggle still to get some of their inspectors into courses.

In terms of the inspection program, there are no overdue inspections. There were none completed overdues. Since New Jersey got the agreement, they do maintain

a database for tracking their inspections. And the supervisors have begun conducting that annual inspection accompaniment.

The state has a very active reciprocity program. And New Jersey actually has taken state enforcement actions against two licensees at least at the time of the meeting who did not file for reciprocity within the state. So they're staying very aware of licensees coming into their state.

In terms of licensing, there was no licensing backlog. The program has approximately 650 active radioactive materials licenses. And they have a very busy licensing program. They've processed several hundred licensing actions even at the time of our meeting.

And they do use the pre-licensing checklist and conduct licensing visits.

There have not been any legislative changes or proposals that affected the program. They do adopt NRC regulations by reference with a few exceptions. And their regulations are subject to sunset laws. And I do the sunset next summer.

New Jersey, the program is 100% budget by Ts and it is a restricted fund. It's available only to the program. And the program sheet did note that there were no furloughs or layoffs of staff members expected in the upcoming year.

They did have some furloughs in the previous year. And their working on transferring the financial assurance for the 23 licensees that require it. Once they've accepted; they notify us at the Region and then we send back the previous financial assurance to the licensee.

In terms of reporting events, New Jersey's been reporting events as appropriate. At the time of the meeting, there were three events reporting to the NRC. They conduct program follow-up, ongoing onsite investigations when necessary. And

also they have conducted appropriate allegation follow-ups when necessary. And we discussed the general license program already.

In terms of security, the program is very aware of relevant security issues. We did discuss finger printing requirements and security of both shielded radiators and they do conduct their IC's inspection in conjunction with their routine safety inspections.

And on that note, we found that the New Jersey Agreement State Program appears to be a capable and stable agreement state program. They have good managerial support. They have had consistent staffing and full staffing since the implementation of the agreement and they're a very well-trained and experienced staff.

And we would recommend that the initial MPEP review be conducted as scheduled which is tentatively scheduled March 2011. Thank you.

Michael Weber: Okay thank you. Charlie, questions, comments?

Charles Miller: Yes I just wanted, if I could, ask Pat a question about the concern about getting inspectors in courses. Were the limitations on getting inspectors into courses especially in the medical area prohibiting their qualification or is this just enhanced training.

Patricia Gardner: It's actually both. There are a couple of inspectors that are in the medical section that are some of the newer employees. And for one person it took them I mean this is their second year of trying to get into regular therapy.

And even though I left them a scheme, like the primary one, they didn't get in this year. So eventually it will become a problem.

Charles Miller: Okay. I mean I want to pay particular attention to areas where federal qualifications is at risk. Because we want to make sure that those types get high priority for getting into our training. And we try to be fair and equitable with Agreement States in that regard.

If you could identify where there's cases like that...

Patricia Gardner: Okay.

Charles Miller: ...it really helps us to prioritize Pat.

Patricia Gardner: And I have to say New Jersey, I mean, we did get special consideration the first couple of years. So I know that we got in. You know, a lot of folks had to attend the training, you know, at the expense of some of the other states.

So, you know, we appreciate that it's not always, you know, you're not going to get into every class. But I will make a note of the folks for this year because now we have a schedule for next year.

Charles Miller: All right. Thank you.

Michael Weber: Anything else Charlie?

Charles Miller: Do you currently have any travel restrictions, state travel restrictions?

Patricia Gardner: We haven't seen any as far as someone is, you know, as long as someone is paying for it. We all have like a set number of days and we certainly have had folks that have been out of the office, you know, the first couple of years like training like maybe 30 to 35 days a year.

So we don't have any of those kinds of requirements.

Charles Miller: All right thank you. That's all.

Michael Weber: Okay, Brad?

Bradley Jones: No questions.

Michael Weber: Elmo Collins, Jr.?

Elmo Collins: Good morning. And thank you Mike. I would just like to get a little more insight with Pat if that's okay Mike in a couple of areas. One, that the report with Donna was very thorough but I just wanted to hear from Pat and the State of New Jersey what's your experience been at a high level with enforcement?

It talked about the reciprocity cases. But just on the routine inspection results, what's your experience been with your enforcement of the receptiveness of licensees to it, their ability to implement corrective actions?

Patricia Gardner: We haven't noticed that there are any issues. I mean because we've already...Most of the licensees know us already so they're familiar, you know, with our enforcement procedures. And we really didn't make...We just made minor modifications, you know, when we became an Agreement State.

The only folks that we had a little bit of trouble with would be the first couple for reciprocity where, you know, they had an NRC license. They never got a New Jersey license when we became an Agreement State. And they acted like it was a surprise to them, you know, that we were actually going to issue an enforcement action.

So since that time, you know, they all came into compliance. They all either got a license with New Jersey or they filed for reciprocity. So we haven't had any outstanding cases that have been a problem.

Elmo Collins: Okay thank you. So similarly with incidents and an event of follow-up, and event reactive inspections, I see that the report indicates you have procedures in place. Have you had the experience yet in the first year of your program where you needed to see someone out on a very short notice to an incident or a event?

Jennifer Goodman: A portable gauge incident when it got damaged.

Patricia Gardner: Yes, we did have one where a portable gauge was damaged. So we did have to send someone right out to that site.

Jennifer Goodman: And they were, yes, they were cooperative. It was fine. They didn't question our person or anything like that. They cooperated.

Elmo Collins: That's all I have Mike, thank you.

Michael Weber: Okay, James McNees.

James McNees: What I'd like to follow-up with a comment on the training. In our state supporting state training is really the key to having this Agreement State regulatory partnership be successful. Like I said, I believe it's the most important in our state to do.

And it looks like New Jersey is on their way to being another strong agreement state.

Michael Weber: Great, thank you Jim, anything else? All right, Donna, I just wanted to compliment you on your thorough brief. I really appreciated you're going through systematically and addressing all the different areas.

That's going to be helpful as we prepare for the MPEP review if it is conducted early next year. It sounds like you're well on your way to having in place what you need to support that review.

The question I wanted to ask is on lessons learned. And New Jersey as being one of the recent agreement states, did you try to compile lessons learned as you prepared for and then transitioned on your new agreement program?

My thought here is if you had and if you shared that back with the OAS or with the NRC it would be helpful especially if new states aspire to become agreement states that we provide that kind of information.

Patricia Gardner: I guess I think there's like two parts maybe to your question. The first part would be, you know, as we were, you know, had decided to become an agreement state, I did look at all MPEP reports and lessons learned, and talked to the last few agreement states to try to use what they learned to help us have an easier transition.

So, you know, it allowed us to take materials that were prepared by other people and just, you know, change them for New Jersey. So I do think there's a lot of information out there already that is very helpful. And in our case, we really tried very hard to be able to, you know, when I read the MPEPs it looked like it was staffing and regs, and training.

So once we were able to get our regs to be adopted by reference, we were able to get dedicated funds. You know, and we were able to come up with a pretty

aggressive fee schedule. You know, I thought that would be like a good cornerstone to our program to allow us to, you know, to continue each year.

So I have to thank, there's a lot of people I could thank, you know, Pennsylvania, Ohio, I even looked at their application. So as far as once we got it, I would think that again it was really the paper files. If there's some way to do that electronically that would have been a big help.

And the fact that we have database to capture a lot of the same information as the one you were showing at OAS. It just looked different. So I think we would have maybe been able to maybe do something a little bit, when we developed ours, maybe to make it look a little bit more like the other one would have been helpful so.

And I just think you have to be able to have a good relationship with your region which I felt we did and also with headquarters. And I think it was very helpful.

Michael Weber: Okay thanks Pat. Donna, did you want to add anything to that?

Donna Janda: No I just agree with Pat that we had, you know, very good communications leading up to the agreement. We did do some our lessons learned from Region III and from previous agreements in Region I. You know, we did three of those within 18 months so we had a good track record by New Jersey.

So I think it did go pretty smooth. And we do still maintain a very close relationship and I think that's very important especially in the first three years of an agreement so. And I just want to thank her staff for all their help.

Michael Weber: All right. So the team is recommending that the initial MPEP review be conducted in the current Fiscal Year and around March 2011 timeframe. Charlie?

Charles Miller: I support that.

Michael Weber: You support that?

Charles Miller: The first one.

Michael Weber: Brad?

Bradley Jones: Yes.

Michael Weber: Elmo?

Elmo Collins: Yes I support that, thank you Mike.

Michael Weber: Sure. Jim?

James McNees: Yes.

Michael Weber: Okay. Sounds good; we're on a roll. Any additional comments from the State of New Jersey?

Patricia Gardner: No.

Michael Weber: Pretty clean right? Keep up the good work; you're on a strong, strong start.

Patricia Gardner: Thank you.

Michael Weber: Any process, insights, gained either from the Ohio periodic or the New Jersey orientation meetings? I guess from the state perspective? Anything we should do differently in terms of the orientation meeting?

Patricia Gardner: I don't see anything, no.

Michael Weber: Okay. Bob Owen, from Ohio's perspective, any process changes?

Duncan White: Maybe they dropped off.

Michael Weber: Okay. Donna, from the team's perspective?

Donna Janda: No. I think, you know, we should follow the procedures and it's very thorough. So it gives us good indication of how a program is doing.

Michael Weber: Very good.

John Kinneman: Mike?

Michael Weber: Go ahead John.

John Kinneman: Mike, if I could just add that two things. One is we actually have been in concert with this meeting having some discussions with (Joe Ollinshon)'s group about whether there's anything we can do to improve electronic transfer of files in the future and that is a difficult problem. But we'll continue to pursue that and see if there's anything we can do there.

And we will take as a lessons learned that if we do another agreement state transfer and we need to do a better job of managing the general license transfer. We keep kind of a running list of issues that (Donna) referred to and we'll add that to it.

Michael Weber: Okay thanks John. And I think Donna introduced the new Deputy Regional Administrator in Region I. I'm not sure that's been announced publicly. But it is now on this call. So congratulations Dave.

Donna Janda: He's still acting so I apologize for that so.

Michael Weber: Okay.

David Lew: I'm David Lew the Deputy Regional Administrator.

Donna Janda: Yes.

David Lew: The heir apparent.

Donna Janda: There you go.

Michael Weber: All right.

Donna Janda: I jumped the gun.

Michael Weber: Just like somebody else on your end there. Okay. Unless there's additional discussion for the Ohio periodic meeting and the New Jersey orientation meeting, I think this brings to a close this part of the MRB meeting and this MRB.

I want to thank Jim for your support as the OAS liaison from the State of Alabama.

James McNees: You're welcome.

Michael Weber: And also thank the States of New Jersey and Ohio as well as the other MRB members, Brad, Charlie, and Elmo and finally the teams, Donna for the New Jersey orientation meeting and James Lynch for the team review for the Ohio periodic meeting.