

OCT 02 1998

MEMORANDUM TO: Management Review Board Members:

Hugh L. Thompson, EDO
Richard L. Bangart, OSP
Carl J. Paperiello, NMSS
Karen D. Cyr, OGC
Thomas T. Martin, AEOD

Original signed by:
K. S. Schneider

FROM: *for* Lance J. Rakovan, Health Physicist
Office of State Programs

SUBJECT: DRAFT MINUTES: KANSAS SEPTEMBER 9, 1998
MRB MEETING

Attached for your review and comment are the draft minutes of the Management Review Board (MRB) meeting held on September 9, 1998. If you have any questions, please contact Kathleen Schneider at 415-2320.

Attachment:
As stated

cc: Gary Mitchell, KS
Ron Hammerschmidt, KS
Vick Cooper, KS
Robert Quillin, CO

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 2, 1998

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FROM: Lance J. Rakovan, Health Physicist
Office of State Programs

SUBJECT: DRAFT MINUTES: KANSAS SEPTEMBER 9, 1998
MRB MEETING

Kathleen J. Schneider
for Lance J. Rakovan

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF SEPTEMBER 9, 1998

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

Hugh Thompson, MRB Chair, DEDR
Thomas Martin, MRB Member, AEOD
Carl Paperiello, MRB Member, NMSS
Vick Cooper, KS
Jenny Johansen, Team Member, NMSS
Lance Rakovan, Team Member, OSP
Linda Howell, RIV
Fred Combs, NMSS
Brenda Usilton, OSP

Richard Bangart, MRB Member, OSP
Karen Cyr, MRB Member, OGC
Ron Hammerschmidt, KS
Jack Hornor, Team Leader, RIV/WCFO
Jared Thompson, Team Member, AR
Linda McLean, RIV
Paul Lohaus, OSP
Tom O'Brien, OSP
John Thoma, EDO

By telephone:

Robert Quillin, OAS Liaison to the MRB, CO
Tomas Conley, KS

Gary Mitchell, KS
Pam Watson, KS

1. **Convention.** Hugh Thompson, Chair of the Management Review Board (MRB), convened the meeting at 10:00 a.m. Introductions of the attendees were conducted.
2. **New Business. Kansas Review Introduction.** Jack Hornor, RIV/WCFO, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Kansas review.

Mr. Hornor discussed how the review was conducted. Preliminary work included a review of Kansas' response to the IMPEP questionnaire. The onsite review was conducted June 15-19, 1998. The onsite review included an entrance interview, detailed audits of a representative sample of completed licensing actions and inspections, and follow-up discussions with staff and management. Following the review, the team issued a draft report on July 22, 1998; received Kansas' comment letter dated August 20, 1998; and submitted a proposed final report to the MRB on August 28, 1998.

Common Performance Indicators. Ms. Johansen discussed the findings for the common performance indicator, Status of the Materials Inspection Program. Her presentation corresponded to Section 3.1 of the IMPEP report. The review team found Kansas' performance with respect to this indicator "unsatisfactory," and made three recommendations as documented in the report. Ms. Johansen stated that the team's recommendation for an "unsatisfactory" rating for this indicator was due to the number of overdue inspections completed over the review period. The State is currently up to date on all inspections. The State commented that the new database tracking system should be fully operational by 10/1/98, and that increased management oversight will prevent another inspection backlog problem from forming. After a brief discussion on inspection priorities, the MRB found Kansas' performance met the standard for a

"satisfactory with recommendations for improvement" rating for this indicator. The MRB also directed that existing guidance for reviewing the Status of Materials Inspection Program common performance indicator be evaluated and revised, as necessary. The final report should note the State's identification of overdue inspections prior to the IMPEP review and Kansas actions taken to eliminate the inspection backlog.

Ms. Johansen discussed the findings for the common performance indicator, Technical Quality of Inspections, which are summarized in Section 3.2 of the report. The team found that Kansas' performance on this indicator was "satisfactory," and made three recommendations and one suggestion, as documented in the report. The MRB, the State and Ms. Johansen discussed the unusually small number of violations documented in Kansas inspection files. Mr. Cooper stated that Kansas has a good rapport with their licensees. The MRB and the State discussed the importance of root cause training for inspectors. After a brief discussion on the recommendations in Section 3.2 of the report, the MRB directed these recommendations be revised to reflect NRC's policy for inspectors and include mention of the current management oversight of the inspection program. The MRB reached a consensus that Kansas' performance met the standard for a "satisfactory" rating for this indicator.

Mr. Rakovan presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 3.3 of the IMPEP report. The team found that Kansas' performance with respect to this indicator was "satisfactory with recommendations for improvement," and made one recommendation and one suggestion. The MRB, the team, and the State discussed the cost of training, the State's fee system, and the cooperation between the EPA and State's laboratory. The MRB and the State discussed the current staffing level of the Kansas program. The State commented that they are concerned about long-term stability and mentioned a proposal that would bring fees directly into the program. The MRB directed that the language of the report be revised to properly reflect the tasks of staff members at the time of the review. The MRB also directed that the report include language stating that Kansas staffing levels are below those of NRC regions. Mr. Rakovan explained the recommendation involving Kansas' training qualification form, and Mr. Cooper and the MRB discussed the State's future training plans. The MRB directed that the recommendation in Section 3.3 be revised to mention the "NRC/OAS Training Working Group Recommendations for Agreement State Training Programs." The MRB agreed that Kansas' performance met the standard for a "satisfactory with recommendations for improvement" rating for this indicator.

Mr. Jared Thompson presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions. He summarized the findings in Section 3.4 of the report. The IMPEP team found Kansas' performance to be "unsatisfactory" for this indicator and made five recommendations. The State and the review team discussed the two cases reviewed by the team that had potential health and safety concerns. Mr. Cooper stated that no potential health and safety issues resulted from the licenses, and that all of the documentation missing from the licensing files during the review was found in-house. Mr. Hornor commented that this documentation was not provided to the review team during the review. The MRB and the State discussed the unusually small number of deficiencies in Kansas licenses, and some of the casework

reviewed by the IMPEP team. The State commented that it is not policy to complete pre-licensing visits, and the MRB directed that the report be revised to reflect this. The MRB reached consensus that Kansas' performance met the standard for a "satisfactory with recommendations for improvement" rating for this indicator.

The common performance indicator, Response to Incidents and Allegations, was the final common performance indicator discussed. Mr. Hornor led the discussion. As discussed in Section 3.5 of the report, the team found Kansas' performance relative to this indicator to be "satisfactory with recommendations for improvement." Four recommendations were made. Mr. Hornor stated that the State has sent in all incident close-out information as requested in the report. The MRB and Mr. Hornor discussed the "satisfactory with recommendations for improvement" rating for this indicator. The MRB discussed the general handling of allegations with the State. The MRB reached consensus that Kansas' performance met the standard for a "satisfactory" rating for this indicator.

Non-Common Performance Indicators. Mr. Rakovan led the discussion of the non-common performance indicator, Legislation and Program Elements Required for Compatibility, which is summarized in Section 4.1 of the report. The team found Kansas' performance relative to this indicator to be "satisfactory," and made two recommendations. After a brief discussion on the radiographic equipment rule, the MRB agreed that Kansas' performance for this indicator met the standard for a "satisfactory" rating.

Mr. Hornor led the discussion of the non-common performance indicator, Sealed Source and Device Evaluation Program, summarized in Section 4.2 of the report. The State does not have an active SS&D program at this time, and thus the IMPEP team did not review this indicator.

MRB Consultation/Comments on Issuance of Report. Mr. Hornor summarized that Kansas' program was rated "satisfactory" on the three performance indicators and "satisfactory with recommendations for improvement" for three performance indicators. The MRB found the Kansas program to be adequate, but needs improvement and compatible with the NRC program. The IMPEP team recommended that a follow-up review take place approximately one year from this review. MRB directed that the next IMPEP review for Kansas be a follow-up review focusing on the State's licensing actions, and be conducted in one year. The timing of the next full IMPEP report will be decided at that time.

Comments from the State of Kansas. Mr. Cooper requested that the Kansas RSAO and Agreement State Project Officer visit the Kansas program before the next review. Mr. Hammerschmidt thanked the IMPEP team for their efforts. He commented that a Kansas internal review was being scheduled, and requested aid from the Office of State Programs on the scope and focus of that review. Mr. Mitchell thanked the team for identifying areas that need attention.

Comments from IMPEP Team Members. Mr. Jared Thompson stated that participating on an IMPEP team is a difficult and rewarding task. He also commented that IMPEP operates well and is a positive approach. Mr. Hornor stated that this review was his 11th, and final acting as a team leader. He stated that States should be made aware of recommendations that appear to be common to many programs.

3. **Status of Remaining Reviews.** Mr. Rakovan briefly reported on the status of the current and upcoming IMPEP reviews and reports.
5. **Adjournment.** The meeting was adjourned at approximately 12:05 p.m.