

NOV 6 1998

MEMORANDUM TO: Management Review Board Members:

Hugh L. Thompson, EDO
Richard L. Bangart, OSP
Carl J. Paperiello, NMSS
Francis X. Cameron, OGC
Thomas T. Martin, AEOD

FROM: Thomas J. O'Brien, Health Physicist
Office of State Programs

Original signed by:
Thomas J. O'Brien

SUBJECT: DRAFT MINUTES: NEW MEXICO SEPTEMBER 28, 1998
MRB MEETING

Attached for your review and comment are the draft minutes of the Management Review Board (MRB) meeting held on September 28, 1998. If you have any questions, please contact Kathleen Schneider at 415-2320.

Attachment:
As stated

cc: Ed Kelley, NM
William Floyd, NM
Richard Ratliff, TX

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New Mexico File

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DCD (SP01)
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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 6, 1998

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A handwritten signature in cursive script, appearing to read "Th. J. O'Brien", is written over the typed name and title.

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF SEPTEMBER 28, 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
Torre Taylor, Team Member, NMSS
Ed Kelley, NM
Paul Lohaus, OSP
Tom O'Brien, OSP

Richard Bangart, MRB Member, OSP
Francis Cameron, MRB Member, OGC
John Thoma, EDO
William Floyd, NM
Mark Shaffer, RIV
Fred Combs, NMSS

By videoconference:

James Lynch, Team Leader, RIII

By telephone:

Richard Ratliff, OAS Liaison to the MRB, TX
Benito Garcia, NM
Jack Hornor, Team Member, RIV/WCFO

Geoffrey Sloan, NM
Walter Medina, NM
Linda Howell, RIV

1. **Convention.** Hugh Thompson, Chair of the Management Review Board (MRB), convened the meeting at 2:30 p.m. Mr. Thompson expressed NRC's regrets at the death of former Environment Department Secretary Weidler and noted that his commitments to obtain adequate resources for the New Mexico Agreement State program were key to the improvements noted in the report. Introductions of the attendees were conducted.
2. **New Business. New Mexico Review Introduction.** Mr. Lynch, Region III State Agreements Officer (RSAO), led the Integrated Materials Performance Evaluation Program (IMPEP) team for the New Mexico follow-up review.

Mr. Lynch discussed how the follow-up review was conducted. He indicated that an Agreement State individual was not on the team because the review was a follow-up to the 1997 IMPEP review. The onsite follow-up review was conducted July 7-10, 1998. Mr. Lynch explained that because of the large number of suggestions and recommendations evaluated, the follow-up review was nearly equivalent to a full IMPEP review. The comprehensive scope of the follow-up review established the basis for the team's recommendations to make new findings for each indicator and to make new overall program findings. Mr. Lynch stated that the 29 recommendations and suggestions from the previous 1997 IMPEP review could be described in three areas of concern as noted below. Following the review, the team issued a draft report on August 6, 1998; received New Mexico's comment letter dated August 18, 1998; and submitted a proposed final report to the MRB on September 8, 1998.

Common and Non-Common Performance Indicators.

Mr. Lynch presented the team's findings collectively in lieu of discussing each individual indicator. Mr. Lynch discussed the issues surrounding the following three areas of concern:

1. Number of staff and availability of resources.
2. Technical quality of staffing and lack of staff training.
3. Level of management support and oversight.

The MRB also discussed the availability of New Mexico's training funds and identified that NRC has approved up to \$12,000 of interim funding assistance for training and related travel only for FY 99. The New Mexico program has requested funds for staff training from their legislature, beginning in FY 2000.

Based on the team's in-depth follow-up review, Mr. Lynch stated that the New Mexico program has vastly improved in all program areas. He stated that the team recommends New Mexico be found adequate to protect public health and safety and compatible with NRC's program. Mr. Lynch also requested that 28 of the 29 recommendations and suggestions made in the 1997 IMPEP review be closed out. The remaining recommendation, concerning the promulgation of regulations, will be evaluated at the next periodic meeting in approximately one year. The State indicated that the appropriate license conditions are now in place and that the regulations are being finalized for submission to the hearing board.

The MRB commended New Mexico for their progress and efforts since the 1997 review and further noted the State's thoroughness in a recent reciprocity inspection. During the inspection, the New Mexico inspector identified significant safety and health concerns resulting from poor radiation safety practices by the licensee.

MRB Consultation/Comments on Issuance of Report. Mr. Lynch summarized that New Mexico's program was rated "satisfactory" for all performance indicators. The MRB found the New Mexico program to be adequate to protect public health and safety and compatible with NRC's program. The IMPEP team recommended that a periodic meeting be conducted in approximately one year and that the next IMPEP review take place in the summer of 2000. After discussion, the MRB directed that the next IMPEP review for New Mexico be conducted in three years with the understanding that, as a result of the periodic meeting, the three-year time frame could be extended or reduced if needed.

Comments from the State of New Mexico. Mr. Kelley thanked the IMPEP team for their efforts, noted their professionalism, and stated that New Mexico has viewed the IMPEP review process as constructive and helpful.

Comments from IMPEP Team Members. Ms. Taylor also noted the significant improvements made in the State's program.

3. **Status of Remaining Reviews.** Mr. O'Brien briefly reported on the upcoming MRBs.
4. **Adjournment.** The meeting was adjourned at approximately 3:10 p.m.