

June 6, 2003

MEMORANDUM TO: Management Review Board Members:

Paul H. Lohaus, STP  
Martin J. Virgilio, NMSS  
Karen D. Cyr, OGC

FROM: Osiris Siurano, Health Physicist */RA/*  
Office of State and Tribal Programs

SUBJECT: FINAL MINUTES: DECEMBER 3, 2002  
OREGON MRB MEETING

Attached are the final minutes of the Management Review Board (MRB) meeting held on December 3, 2002. If you have comments or questions, please contact me at 415-2307.

Attachment:  
As stated

cc: Terry Lindsey, OR  
Roland Fletcher, MD

## Management Review Board Members

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## MINUTES MANAGEMENT REVIEW BOARD MEETING OF DECEMBER 3, 2002

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

Paul Lohaus, MRB Chair, STP  
Martin Virgilio, MRB Member, NMSS  
Karen Cyr, MRB Member, OGC  
Mary Lynn Scott, STP  
Richard Struckmeyer, NMSS  
Kathleen Schneider, STP  
Lance Rakovan, STP

James Myers, Team Leader, STP  
Linda McLean, Team Member, RIV  
Anthony Kirkwood, Team Member, NMSS  
Terry Lindsey, OR  
Brian Smith, OEDO  
Osiris Siurano, STP

By teleconference:

George Johns Jr., Team Member, IA  
Robert Johnson, OR  
Kevin Siebert, OR  
Ed Wright, OR

Justin Spence, OR  
Daryl Leon, OR  
Roland Fletcher, OAS Liaison, MD

1. **Convention.** Paul Lohaus, Chair of the Management Review Board (MRB) convened the meeting at 10:03 a.m. Introductions of the attendees were conducted.
2. **New Business. Oregon Review Introduction.** Mr. James Myers, STP, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Oregon review.

Mr. Myers summarized the review and noted the findings. Preliminary work included a review of Oregon's response to the IMPEP questionnaire. The onsite review was conducted August 26-30, 2002. 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 October 16, 2002; received Oregon's comment letter dated November 14, 2002 and submitted a proposed final report to the MRB on November 21, 2002. Mr. Myers noted that the recommendations from the previous IMPEP review were closed. The MRB discussed the present status of Recommendation 6 from the previous IMPEP review with Mr. Lindsey. Mr. Lindsey noted that in November 2002, final rules were filed before the Department of State for immediate effectiveness. The MRB directed the report be revised to include the present status of these rules. Mr. Myers highlighted the efforts the Section has made in hiring new personnel to overcome management and staff turnover since the last IMPEP review.

### **Common Performance Indicators.**

Ms. Linda McLean reviewed the Status of Materials Inspection Program. Her presentation corresponded to Section 3.1 of the IMPEP report. The review team found Oregon's performance with respect to this indicator "satisfactory." It was noted that due to a loss and turnover of management and staff during the review period, not all

inspections were conducted at the required frequency. However, Section management, aware of the backlog of inspections, took mitigating actions and the Section fully recovered from the loss of staff by September of 2001. The actions taken by the Section were effective in that there were no overdue inspections at the time of the review. The MRB complimented the Section for their efforts to effectively address the loss and turnover of management and staff. The MRB directed that the language in the second paragraph, page 4, regarding exceeding inspection frequencies be clarified. The MRB agreed that Oregon's performance met the standard for a "satisfactory" rating for this indicator.

Ms. McLean also presented the common performance indicator Technical Quality of inspections. Her presentation corresponded to Section 3.2 of the report. The team found that Oregon's performance was "satisfactory" for this indicator and the MRB agreed.

Mr. Myers presented the findings regarding the common performance indicator Technical Staffing and Training. His presentation corresponded to Section 3.3 of the report. The team found that Oregon's performance with respect to this indicator to be "satisfactory" and made one recommendation involving programming staff. The MRB advised the team to redraft their recommendation to focus on completing development of the program management software and continuing to maintain capability in this area. The MRB also directed the team to revise the third paragraph in Section 3.3 to clarify the information regarding the number of staff within the Section. The State requested that on page 6 "Section Manager" be changed to "management." The MRB agreed that Oregon's performance met the standard for a "satisfactory" rating for this indicator.

Mr. George Johns, Jr., presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions. His presentation corresponded to Section 3.4 of the report. The team found Oregon's performance with respect to this indicator to be "satisfactory" and made one recommendation to formalize a procedure for advanced authorizations for the use of radioactive materials. The MRB discussed their concerns regarding this practice and whether or not it was a legal practice under current regulations. Mr. Lindsey clarified that such authorizations had been made in the past based upon evaluation of the applications, the necessity of the material and the qualifications of the applicant. He also stated that after the IMPEP team's recommendation during this year's review, the Section has started formalizing the procedure for advanced authorizations. The MRB directed that the team's recommendation be revised to indicate that the Section discontinue this practice until a complete legal review is performed. The MRB agreed that Oregon's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Anthony Kirkwood presented the findings regarding the final common performance indicator, Response to Incidents and Allegations. His presentation corresponded to Section 3.5 of the report. Mr. Kirkwood noted that the finding in the proposed final report was incorrect. The team found Oregon's performance with respect to this indicator to be "satisfactory." It was noted that there has been some problems in transmitting data to NMED. Such problems seem to be due to differences between the software used by the Section to transmit the data and NMED software, since the Section uses custom designed software instead of NMED to satisfy the reporting requirements

for the Section. In addition, initial lack of experience of the new staff on using the system may have contributed to the NMED data transmission problems. The MRB directed the team to include a recommendation in the IMPEP report that NRC staff work together with State staff to solve NMED reporting problems including closing and completing. The MRB agreed that Oregon's performance met the standard for a "satisfactory" rating for this indicator.

#### **Non-Common Performance Indicators.**

Mr. Myers led the discussion of the non-common performance indicator Legislation and Program Elements Required for Compatibility. His discussion corresponds to Section 4.1 of the report. The team found Oregon's performance to be "satisfactory" for this indicator. The team made no recommendations. The MRB agreed that Oregon's performance met the standard for a "satisfactory" rating for this indicator.

#### **MRB Consultation/ Comments on Issuance of Report.**

Mr. Myers concluded, based on the discussion and direction of the MRB, that Oregon's Program was rated "satisfactory" for all performance indicators. The MRB found the Oregon Radiation Control Program was adequate to protect public health and safety and compatible with NRC's program. The IMPEP team recommended that the next IMPEP review be conducted in four years. The MRB agreed.

#### **Comments.**

Mr. Lindsey thanked the IMPEP team for their work and professionalism and for the opportunity for feedback and learning during the process. Mr. Johns gave thanks for the opportunity to participate in this IMPEP review and sharing of technical expertise which may be useful to his State. The MRB thanked the team and Oregon for their efforts.

#### **3. Status of Current and Upcoming Reviews.**

Mr. Rakovan briefly reported on the status of current and upcoming IMPEP reviews. He noted that the Nebraska MRB is scheduled for December 16, 2002.

#### **4. Precedents.**

No precedents that will be applied to the IMPEP process in the future were established by the MRB during this review.

#### **5. Adjournment.** The meeting was adjourned at approximately 12:15 p.m.