

December 10, 2004

MEMORANDUM TO: Management Review Board Members:

Paul H. Lohaus, STP  
Margaret V. Federline, NMSS  
Karen D. Cyr, OGC

FROM: John Zabko, Health Physicist */RA/*  
Office of State and Tribal Programs

SUBJECT: MINUTES: NOVEMBER 1, 2004 NORTH CAROLINA MRB  
MEETING

Attached are the minutes of the Management Review Board (MRB) meeting held on November 1, 2004. If you have comments or questions, please contact me at 415-2308.

Attachment:  
As stated

cc: Walter L. Cox, III, Manager  
Radioactive Materials Branch

Pearce O'Kelley, SC  
OAS Liaison to the MRB

Management Review Board Members

December 10, 2004

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## MINUTES: MANAGEMENT REVIEW BOARD MEETING OF NOVEMBER 1, 2004

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

Paul H. Lohaus, MRB Chair  
Karen D. Cyr, MRB Member, OGC  
John Zabko, STP  
Walter L. Cox, III, NC

Margaret V. Federline, MRB Member, NMSS  
James Myers, Team Leader, STP  
Osiris Siurano-Perez, Team Member, STP  
Isabelle Schoenfeld, EDO

### **By videoconference:**

Duncan White, Team Member, NRC-RI  
Sattar Lodhi, Team Member, NRC-RI

### **By teleconference:**

Beverly Hall, NC  
Marion Eaddy, NC  
George Accattato, NC  
Dr. Cliff Harris, NC  
Joshua Daehler, Team Member, MA  
Pearce O'Kelley, SC, OAS Liaison to the MRB

1. **Convention.** Mr. Paul Lohaus, Chair of the Management Review Board (MRB) convened the meeting at 3:45 p.m. He summarized the meeting's proceedings. Introductions of the attendees were conducted.
2. **North Carolina IMPEP Review.** Mr. James Myers, NRC STP, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the North Carolina IMPEP review.

Mr. Myers summarized the review and noted the findings. The team reviewed North Carolina's response to the IMPEP questionnaire. Inspector accompaniments were performed on August 10-11, 2004. The onsite review was conducted August 16-20, 2004. The review included an entrance meeting, review of applicable North Carolina statutes and regulations, analysis of quantitative information from the State's licensing and inspection database, technical evaluation of selected licensing and inspection actions, field accompaniments of four Branch inspectors, and interviews with staff and management to answer questions or to clarify issues. The team issued a draft report on September 21, 2004; received North Carolina's E-mail/Memorandum response from W. Lee Cox on October 11, 2004; and submitted a proposed final report to the MRB on October 22, 2004. Mr. Myers noted that seven recommendations from the September 2000 IMPEP review were closed at this review. Mr. Myers provided background information on the Program's staff turnover, management changes and the status of the Radioactive Materials Branch (Branch) at the time of the review. He commented on a self audit performed by the Branch, which had self-identified several of the findings identified during this IMPEP review. He noted that the Branch was implementing an action plan developed as a result of the findings of the Branch's self audit.

**Common Performance Indicators.** Mr. Myers presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation

corresponded to Section 3.1 of the proposed final IMPEP report. The team found North Carolina's performance with respect to this indicator to be "satisfactory" and made no recommendations. A discussion on the source of North Carolina's training funds was held. Mr. Cox explained that the State had dedicated revenue reserved from last year's budget that will be used to send staff to training based on a staff needs analysis performed by the State. The MRB agreed that North Carolina's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Duncan White presented the findings regarding the common performance indicator, Status of Materials Inspection Program. His presentation corresponded to Section 3.2 of the proposed final IMPEP report. The review team found North Carolina's performance with respect to this indicator to be "satisfactory" with a recommendation that the Branch develop and implement a reliable and comprehensive licensing and inspection database to serve as an effective planning, tracking and management tool. The team found that the overdue inspections were performed from seven days to one year late. Overall, the team found that 9.6 percent of the Branch's 355 core inspections, which includes new and Priority 1, 2 and 3 licenses, were performed overdue. A discussion on the cause of the late inspections was conducted. Mr. Cox explained that there was a short term and a long term plan to fix the problems with the database. The short term plan is to assign one staff member to correct the errors in the database that currently exist and ensure that required inspection frequencies are met. Mr. Cox explained that the long-term solution is to develop a new and integrated database using other Agreement State's databases as models. The MRB agreed that North Carolina's performance met the standard for a "satisfactory" rating for this indicator.

Mr. White also presented the findings regarding the common performance indicator, Technical Quality of Inspections. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team found North Carolina's performance with respect to this indicator to be "satisfactory" and made no recommendations. A short discussion was held on the team's findings that no supervisory accompaniments were performed during 2001. This deficiency was self-identified by management and corrected. Subsequently, in 2002 and 2003, each material inspector was accompanied by the Branch Manager on an annual basis. Mr. White noted that inspector accompaniments for 2004 have been scheduled for the fourth calendar quarter. The MRB agreed that North Carolina's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Sattar Lodhi presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions. His presentation corresponded to Section 3.4 of the proposed final IMPEP report. The team found North Carolina's performance with respect to this indicator to be "satisfactory" and had one recommendation. The review team recommended that the Branch assess their licensing quality control process and tools to improve the accuracy and consistency of licensing actions. A discussion on the Branch's use of templates for generating licenses was held. Mr. Lodhi pointed out that the review team found some errors in cutting and pasting, poor proofreading and use of old versions of the licenses associated with the use of the templates. Mr. Cox explained that they have spoken to the staff about this problem and have developed a system of supervisory reviews to prevent these errors in the future. Mr. Lohaus asked for a clarification of the wording in the last sentence of paragraph 6 of this section in the

report. Mr. Myers explained that the team intended to convey that the Branch had discussed revising applicant training and experience requirements for specific isotopes to ensure potential licensees have the training commensurate with the isotope and use requested on the license. The MRB requested that a clarifying change to the report be made to reflect the team's intention more clearly. The MRB agreed that North Carolina's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Osiris Siurano-Perez presented the findings regarding the common performance indicator, Technical Quality of Incident and Allegation Activities. His presentation corresponded to Section 3.5 of the proposed final IMPEP report. The review team found North Carolina's performance with respect to this indicator to be "satisfactory" with no recommendations. The MRB agreed that North Carolina's performance met the standard for a "satisfactory" rating for this indicator.

**Non-Common Performance Indicators.** Mr. Siurano-Perez led the discussion of the non-common performance indicator, Compatibility Requirements. His discussion corresponds to Section 4.1 of the proposed final IMPEP report. Mr. Lohaus asked for a clarification of the wording concerning the Branch's overdue amendments from this review period. Mr. Siurano-Perez explained that the Branch had promulgated, and submitted for NRC review, a rule package on September 9, 2004, and this had effected the findings of this section. A discussion of the current status of past due amendments was held. Based on information from this discussion, the MRB requested that this section of the report be updated to reflect the submission of the aforementioned rule package by the Branch. In addition, Mr. Cox added that there would be a one month delay in the adoption of the final rule package mentioned in the IMPEP report, and the new expected completion date would be December 2004. The MRB requested that this be indicated in the IMPEP report. The team found North Carolina's performance to be "satisfactory" and made no recommendations. The MRB agreed that North Carolina's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Joshua Daehler led the discussion of the non-common performance indicator, Sealed Source and Device Evaluation Program. His discussion corresponds to Section 4.2 of the proposed final IMPEP report. The team found North Carolina's performance to be "satisfactory" for this indicator and made one recommendation that is consolidated with the recommendation made by the team in Section 3.2. The review team recommended that the Branch develop and implement a reliable and comprehensive SS&D product evaluation, licensing and inspection database to serve as an effective planning, tracking and management tool. The MRB agreed that North Carolina's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Myers led the discussion of the non-common performance indicator, Low Level Radioactive Waste Disposal Program. There are no plans for a LLRW disposal facility in North Carolina. Accordingly, the review team did not evaluate this indicator.

**MRB Consultation/Comments on Issuance of Report.** Mr. Myers concluded, based on the discussion and direction of the MRB, that the North Carolina Program was rated "satisfactory" for all performance indicators. Accordingly, the review team recommended, and the MRB concurred, in finding the North Carolina Agreement State

Program to be adequate to protect public health and safety and compatible with NRC's program. Based on the results of the current IMPEP review, the review team recommended and the MRB agreed that the next full review should be in approximately four years.

**Comments.** Mr. Myers thanked the review team for their hard work and commitment to the review and the Branch for its cooperation during the review. Mr. Cox thanked the team and the MRB for their professionalism and cooperation. Mr. Daehler and Mr. Lodhi thanked the MRB for the opportunity to participate in the onsite review. The MRB highlighted North Carolina's initiatives to self-identify their Program's weaknesses and the development, and implementation, of an action plan to correct performance issues.

3. **Status of Current and Upcoming Reviews.** Mr. Zabko briefly commented that the Ohio IMPEP review will take place during the week of October 25-29, 2004. He also commented that a teleconference had been scheduled with California to discuss the Program Improvement Plan.
4. **Precedents/Lessons Learned.** No precedents that will be applied to the IMPEP process in the future were established by the MRB during this review.
5. **Good Practices.** No good practices were identified during this review.
6. **Adjournment.** The meeting was adjourned at approximately 4:30 p.m.