

September 14, 2005

MEMORANDUM TO: Management Review Board Members:

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

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

SUBJECT: MINUTES: AUGUST 25, 2005 NEW MEXICO MRB MEETING

Attached are the minutes of the Management Review Board (MRB) meeting held on August 25, 2005. If you have comments or questions, please contact me at 415-2307.

Attachment:  
As stated

cc: Edgar Bailey, OAS Liaison, CA  
John Parker, NM

Management Review Board Members

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## MINUTES: MANAGEMENT REVIEW BOARD MEETING OF AUGUST 25, 2005

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

Martin J. Virgilio, DEDMRS, MRB Chair  
Karen D. Cyr, MRB Member, OGC  
John Zabko, Team Leader, STP  
Richard Struckmeyer, NMSS  
Osiris Siurano, STP

Paul H. Lohaus, MRB Member, STP  
Jack Strosnider, MRB Member, NMSS  
Jennifer Tobin, STP  
Harry Felsher, EDO

### **By videoconference:**

Linda McLean, Team Member, RIV  
Christi Maier, RI

### **By teleconference:**

Edgar Bailey, CA, OAS Liaison  
James Harris, Team Member, KS  
John Parker, NM  
Walter Medina, NM

1. **Convention.** Mr. Zabko convened the meeting at 1:06 pm. He noted that this MRB meeting was open to the public. However, no members of the public attended this meeting. He then transferred the lead to Mr. Martin Virgilio, Chair of the Management Review Board (MRB). Introductions of the attendees were conducted.
2. **New Mexico IMPEP Review.** Mr. Zabko, team leader, introduced the discussion by expressing thanks to the State for hosting the review team and for their professionalism during the review. He provided updated information regarding changes to recommendations made by the review team. He also noted that these were to be discussed in further detail at a later time during the team's presentation.

Mr. Zabko summarized the review and noted the findings. The onsite review was conducted June 6-10, 2005. The review team's general approach for the conduct of this review consisted of: (1) examination of New Mexico's response to the IMPEP questionnaire; (2) review of applicable New Mexico's statutes and regulations; (3) analysis of quantitative information from the Division's licensing and inspection databases; (4) technical review of selected files; (5) field accompaniments, by a review team member, of three New Mexico inspectors during the week of May 9-13, 2005; and, (6) interviews with staff and management to answer questions or clarify issues. The team evaluated the information that it gathered against the IMPEP performance criteria for each common and non-common performance indicator and made a preliminary assessment of the New Mexico Agreement State program's performance. The review team issued a draft report on July 8, 2005, received New Mexico's factual comments by e-mail dated August 9, 2005, from Mr. Walter Medina, Program Manager, and submitted a proposed final report to the MRB on August 18, 2005. Mr. Zabko noted that one recommendation made during the June 2001 IMPEP review was closed at this review.

**Common Performance Indicators.** Mr. Zabko 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 New Mexico's performance with respect to this indicator to be "satisfactory" and made no recommendations. A short discussion on the State's efforts to increase its staffing level was held. The MRB agreed that New Mexico's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Christi Maier presented the findings regarding the common performance indicator, Status of Materials Inspection Program. Her presentation corresponded to Section 3.2 of the proposed final IMPEP report. The review team found New Mexico's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that New Mexico's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Linda McLean presented the findings regarding the common performance indicator, Technical Quality of Inspections. Her presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team found New Mexico's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that New Mexico's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Zabko introduced the discussion on the common performance indicator Technical Quality of Licensing Actions. This presentation corresponded to Section 3.4 of the proposed final IMPEP report. Mr. Zabko introduced this discussion with a short discussion on proposed changes to one of the team's recommendations in the proposed final report. The review team made two recommendations under this performance indicator. The review team recommended that when license renewals are performed the Program reviews the license in its entirety to ensure an accurate representation of the licensee's radioactive materials program is on file. However, after further discussions, the team agreed that this recommendation was too prescriptive and proposed to change this recommendation as follows: the review team recommends that the Program develop and implement a process that ensures an adequate evaluation of license renewal information. The MRB inquired additional information on this change. It was concerned that the change may seem to reflect that the State's current approach was not adequate and asked the team for clarification. The team noted that the purpose of the recommendation was not to rate the State's current approach as not adequate but indicated that the State's license renewal process may be enhanced by ensuring that licensees submit complete information and the State evaluate, as appropriate, this information at the time of license renewals. The MRB agreed with the change to the recommendation and to section 3.4 and supported the team's recommendation.

Mr. James Harris continued presenting the remaining findings regarding the common performance indicator, Technical Quality of Licensing Actions (Section 3.4 of the proposed final report). The team found New Mexico's performance with respect to this indicator to be "satisfactory but needs improvement" and, as stated in the previous paragraph, made two recommendations. The team's second recommendation was that the Program retrain its staff with regard to following its established procedure for termination of radioactive material licenses and follow-up actions by the inspectors regarding closeout surveys or additional documentation to support the termination request. A short discussion on this recommendation was held. The MRB asked about

information on the current State procedures. The review team reported that the State procedures were adequate but were not appropriately followed. The team concluded that this was the root cause and, thus, the genesis for this recommendation. The MRB agreed with this recommendation and directed that all changes be addressed in the final report. The MRB agreed that New Mexico's performance met the standard for a "satisfactory but needs improvement" rating for this indicator.

Ms. Maier presented the findings regarding the common performance indicator, Technical Quality of Incident and Allegation Activities. Her presentation corresponded to Section 3.5 of the proposed final IMPEP report. The review team found New Mexico's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that New Mexico's performance met the standard for a "satisfactory" rating for this indicator.

**Non-Common Performance Indicators.** Mr. Zabko led the discussion of the non-common performance indicator, Compatibility Requirements. His discussion corresponds to Section 4.1 of the proposed final IMPEP report. The team found New Mexico's performance to be "satisfactory" and made no recommendations. The MRB agreed that New Mexico's performance met the standard for a "satisfactory" rating for this indicator.

**MRB Consultation/Comments on Issuance of Report.** Mr. Zabko concluded, based on the discussion and direction of the MRB, that the New Mexico Program was rated "satisfactory" for the following performance indicators: Technical Staffing and Training, Technical Quality of Inspections, Status of Materials Inspection Program, Technical Quality of Incidents and Allegation Activities, and Compatibility Requirements. The State was found satisfactory but needs improvement for the following performance indicator: Technical Quality of Licensing Actions. Accordingly, the review team recommended, and the MRB concurred, in finding the New Mexico 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 IMPEP review be in approximately four years.

**Comments.** The State thanked the review team and the MRB for their input on the status of their Program and expressed their satisfaction with the outcome of the review. Mr. Harris thanked the MRB for the opportunity of participating in this review and noted the input he gathers while participating in IMPEP reviews, which helps him in enhancing his own Program. Mr. Virgilio thanked the State for its cooperation and the review team for their work.

3. **Status of Current and Upcoming Reviews.** No information on the status of current and upcoming reviews was provided during this meeting.
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 1:43 p.m.