

December 7, 2005

MEMORANDUM TO: Management Review Board Members:

Martin J. Virgilio, OEDO
Janet R. Schlueter, STP
Joseph Gray, OGC

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

SUBJECT: MINUTES: NOVEMBER 2, 2005, NEW HAMPSHIRE MRB
MEETING

Attached are the minutes of the Management Review Board (MRB) meeting held on November 2, 2005. If you have comments or questions, please contact me at 415-2307.

Attachment:
As stated

cc: Craig Jones, OAS Liaison, UT
Dennis O'Dowd, NH

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF NOVEMBER 2, 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
Duncan White, RI, Team Member
John Zabko, STP, Team Leader
Jennifer C. Tobin, STP
Richard Struckmeyer, NMSS
Ashley Tull, STP

Janet Schlueter, MRB Member, STP
Margaret V. Federline, MRB Member, NMSS
Dennis Rathbun, STP
Aaron McCraw, STP
Harry Felcher, OEDO
Dennis O'Dowd, NH
Osiris Siurano-Perez, STP

By Tele-conference:

Craig Jones, OAS Liaison, UT
Alice Bruning, NH
Twila Kenna, NH

By Video-conference:

George Pangburn, NRC-RI
Sheri Minnick, NRC-RI

1. **Convention.** Mr. John Zabko convened the meeting at 1:05 p.m. He noted that this Management Review Board (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 MRB. Introductions of the attendees were conducted.
2. **New Hampshire IMPEP Review.** Mr. Zabko, team leader, lead the presentation of the New Hampshire Integrated Materials Performance Evaluation Program (IMPEP) follow-up review results to the MRB. He summarized the review and noted the findings. The onsite review was conducted July 26-27, 2005. This follow-up review was directed by the Management Review Board (MRB) based on the results of the June 21-25, 2004, IMPEP review. The MRB directed that a follow-up review of the Technical Staffing and Training and Compatibility Requirements indicators be conducted in approximately one year from the MRB meeting based on findings of satisfactory, but needs improvement and unsatisfactory for the aforementioned performance indicators. The review team's general approach for conducting this follow-up review consisted of: (1) examination of the heightened oversight information including status reports; (2) review of applicable New Hampshire statutes and regulations; (3) analysis of quantitative information from the Section's licensing and inspection data bases; (4) interviews with staff and management to answer questions or clarify issues. The review team evaluated the information gathered against the IMPEP performance criteria for the one common and one non-common performance indicators and made a preliminary assessment of the State's performance. The follow-up review also included evaluation of the actions taken by New Hampshire to address the four recommendations made during the 2004 IMPEP

review. Other aspects of the program not fully evaluated as part of the follow-up review, were discussed at a periodic meeting held in conjunction with the review.

The review team issued a draft report on August 26, 2005, received New Hampshire's factual comments by letter dated September 29, 2005, from Mr. Dennis O'Dowd, Chief, Radiological Health Section (the Section), and submitted a proposed final report to the MRB on October 14, 2005.

Common Performance Indicators. Mr. White presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 2.1 of the proposed final IMPEP report. The team found New Hampshire's performance with respect to this indicator to be "satisfactory" and made no recommendations. Mr. White noted that two recommendations made during the 2004 IMPEP review regarding this indicator were closed at this review. He also noted that two of the current staff have been promoted to higher positions within the Program. There are currently two technical and one administrative vacant positions within the Section. The Section is in the process of filling these positions. The MRB requested clarification on one of the team's conclusions regarding loss of senior or administrative staff and the effect of such staff on the licensing and inspection program. The team provided additional information to address the MRB's concerns. The MRB also requested additional information on the State's strategy for staff re-classification that created an extended career ladder to hire and retain staff. The State noted their success in hiring and retaining staff that this approach provides for staff progress within the Section. A short discussion on the State's SS&D Program was held. Mr. White noted that the State had taken action to close the recommendation to document and implement a SS&D training program. The State has trained a second SS&D reviewer with the assistance of Massachusetts Radiation Control Program. The MRB wanted to know if, given the few SS&D reviews that the Section has performed during the last two decades, has the Section considered returning this Program back to the NRC. The State noted that it has not considered this option since the Section is fully qualified to perform any anticipated SS&D reviews and the State has a written commitment from the Commonwealth of Massachusetts to the use their SS&D staff resources when needed. The MRB agreed that New Hampshire's performance met the standard for a "satisfactory" rating for this indicator.

Non-Common Performance Indicators. Mr. John Zabko presented the findings regarding the non-common performance indicator, Compatibility Requirements. His discussion corresponds to Section 3.1 of the proposed final IMPEP report. The review team found New Hampshire's performance to be "satisfactory but needs improvement" and made no recommendations. The review team noted that, since the 2004 review, the Section management, backed by support from the Bureau, has dedicated considerable staff time to bringing the State's rules up to date and compatible with NRC's rules. However, due to the fact that not all of the overdue rules have been finalized and made effective in the State at the time of the review, the review team did not recommend a satisfactory rating for this indicator. The State provided updated information on the adoption of regulations. The State noted that, as of the date of this MRB, the State had adopted, in final, all of the overdue regulations. The State noted that all final rules will be submitted for NRC's final review within the next several weeks.

A short discussion on the State's proposed legally binding requirements (LBRs) for the increased control of sources was held. Based on the discussions and the new information provided by the State, the review team changed its recommendation from "satisfactory but needs improvement" to "satisfactory." The MRB agreed and had no additional questions.

MRB Consultation/Comments on Issuance of Report. Mr. Zabko concluded, based on the discussion and direction of the MRB, that the New Hampshire program be rated "satisfactory" for the common performance indicator, Technical Staffing and Training, and for the non-common performance indicator Compatibility Requirements. Accordingly, the review team recommended, and the MRB concurred, in finding the New Hampshire Agreement State Program to be adequate to protect public health and safety and compatible with NRC's program. Based on the results of this follow-up IMPEP review, the review team recommended that the period of Heightened Oversight be discontinued. The review team also recommended that a periodic management meeting be conducted on an annual basis until the next full IMPEP review. The MRB requested additional information regarding the options for increased monitoring. Mr. Zabko briefly described the different options for follow-up with the State before the next IMPEP review. Mr. Pangburn indicated that Region I would like to see increased contact with the State prior to the next periodic meeting. The MRB concurred with the recommendation that periodic management meetings be conducted on an annual basis until the next full IMPEP review but added the modification to hold a conference call with the State in six months to assess the program performance at that time. The review team also recommended that the next full IMPEP review be in approximately three years since within this time the full 4 year cycle between full IMPEP reviews will be completed. The MRB agreed to all of these recommendations.

Comments. Mr. Virgilio thanked the team for a well done job and the State for its cooperation and commended the State for its efforts to improve their performance.

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 1:47 p.m.