

November 29, 2005

MEMORANDUM TO: Management Review Board Members:

Janet R. Schlueter, STP
Joseph R. Gray, OGC
Margaret V. Federline, NMSS
Dennis K. Rathbun, STP

FROM: Jennifer C. Tobin, Health Physicist **/RA/**
Office of State and Tribal Programs

SUBJECT: OCTOBER 19, 2005, SPECIAL MRB MEETING MINUTES

Attached are the minutes of the Management Review Board (MRB) meeting held on October 19, 2005. If you have comments or questions, please contact me at 301-415-2328.

Attachment:
As stated

cc: Jared Thompson, Organization of Agreement States Liaison, AR
Robert Walker, State Liaison Officer, MA
Mike Broderick, State Liaison Officer, OK
Dewey Crawford, State Liaison Officer, KY

Management Review Board Members

November 29, 2005

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF OCTOBER 19, 2005

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

Janet R. Schlueter, Chair of MRB, STP
Joseph R. Gray, MRB Member, OGC
John Zabko, STP
Richard Blanton, STP
Jennifer C. Tobin, STP

Margaret V. Federline, MRB Member, NMSS
Dennis K. Rathbun, MRB Member, STP
Aaron McCraw, STP
Andrea Jones, STP
Harry Felsher, OEDO

By Teleconference:

Jared Thompson, OAS Liaison, AR
Dewey Crawford, KY
Robert Walker, MA
Mike Broderick, OK

Bernie Bevill, AR
Matthew McKinley, KY
Salifu Dakubu, MA

By Videoconference:

Sheri Minnick, NRC-RI

Linda McLean, NRC-RIV

1. **Convention.** Mr. John Zabko convened the meeting at 1:08 pm. 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 Ms. Janet Schlueter, Chair of the MRB. Introductions of the attendees were conducted.

2. **New Business.**

- A. Periodic Meetings Discussion.

Periodic meeting with the State of Massachusetts. Ms. Sheri Minnick led the discussion of the results of the periodic meeting with the State of Massachusetts (ADAMS Accession Number: ML051360372). The meeting was held on April 20, 2005 and included four recommendations from the 2002 Integrated Materials Performance Evaluation Program (IMPEP) review. The recommendations concerning timely submittal of events, adoption of outstanding regulation amendments, consistency format of sealed source and device (SS&D) registry certificate evaluations and corrections to two registration certificates can all be closed at the next IMPEP review. Due to changes in State government, the Bureau of Environmental Health Assessment has become the Center for Environmental Health with the program receiving more support due to the change. Mr. Robert Walker noted that Massachusetts has secured three positions and will be conducting interviews within the month of November to fill those jobs. Additionally, one FTE has been funded through the Federal Center of Disease Control bioterrorism grant for Emergency Preparedness work. The program has reported no overdue core inspections and no overdue initial inspections. In the State, allegations, incidents and event reporting are all appropriately handled according to NRC guidance. Program strengths also include active involvement in staff assistance in IMPEP reviews, participation in multiple working groups and provision of staff member (Robert

Gallagher) to instruct the NRC Security Course. These efforts were applauded by all members of the MRB. Mr. Walker thanked the review team and the MRB for their time. No further questions or comments were raised. The MRB concurred on the team's findings, and found the Massachusetts program adequate to protect public health and safety and compatible with the NRC's program. The next IMPEP review will be performed in June 2006.

Periodic Meeting with the State of Oklahoma. Ms. Linda McLean led the discussion of the results of the periodic meeting with the State of Oklahoma (ADAMS Accession Number: ML052070544). The meeting was held on July 12, 2005. The discussion began with the one opened recommendation from the last IMPEP review. The recommendation involved the timely dispatch of inspection findings. Although some progress has been made in this area, the recommendation remains open to be reviewed at the next IMPEP. Program strengths include a highly capable and competent staff. The State has been able to send staff to NRC or other training courses. The State has had some staff turnover. It takes new staff about two years to become fully operational in the program. One staff member has already attended the NRC Security course and three others will be attending the training scheduled for November 2005. The MRB recognized Oklahoma's commitment to security.

The primary program weakness involves the backlog of licensing actions. The reduction in licensing actions is improving and is expected to be better once new staff has been trained in these activities. The program has three staff members over the age of 60 and thus succession planning is also being addressed. With regard to succession planning, Ms. Schlueter informed the State that NRC has instituted a policy in which retired employees may be re-hired as contractors, and perhaps the State could consider the same program. Mr. Mike Broderick noted that there is a similar program in effect at the State, and that his program has one individual in that category.

No inspection accompaniments were accomplished in 2004. However, the program director and senior staff have scheduled inspection accompaniments with the inspection staff for 2005. The State has recognized the importance of knowledge transfer to maintain a healthy program. With regard to regulations, the State adopts regulations by reference to the CFR and is currently caught up with one exception. The State found that they did not adopt 10 CFR 71.11. That regulation will be incorporated into the next rule cycle in the summer of 2006. Allegations, incidents and event reporting are all appropriately handled in accordance with NRC guidance. Mr. Broderick thanked the review team and the MRB for their time.

Mr. Broderick stated his appreciation for the recent NRC letter to the Governors concerning a possible increased workload due to the increased security measures. This letter helped to secure one FTE for Oklahoma's program. Mr. Dennis K. Rathbun echoed Mr. Broderick's concern regarding pay structures. Upper management within the State has been made aware of the pay discrepancies. The MRB concurred on the periodic meeting findings. The next IMPEP review will be performed in June 2006.

Periodic Meeting with the State of Kentucky. Ms. Minnick led the discussion of the results of the periodic meeting with the State of Kentucky (ADAMS Accession Number:

ML052130302). The meeting was held on July 14, 2005, and the review team found the program to be satisfactory for five performance indicators and "satisfactory, but needs improvement" for three indicators. Kentucky's program staff has had a high turnover ratio and has recently filled the one vacant position and two created positions that were open during the May review. To the State's advantage, the three new individuals do have backgrounds in health physics areas and are following specific training plans to become fully contributing members of the State's staff. One member of the staff continues to be deployed by the military overseas but otherwise the program is fully staffed. The Director of the program, Mr. Dewey Crawford, was installed in July after having been with the agency four years. At the time of the review, the team found the State's program to have 20 core licenses overdue by more than 25%; this statistic reflects a decline in timeliness of inspections since the last IMPEP. The database to schedule licensing has recently undergone amendment and will better organize licensing actions. Since the team's review, the database has been upgraded for initial inspections and new licensees, and prioritizes those items appropriately. However, the review team found both technical quality of inspections and licensing actions to be satisfactory. In the area of incident response, Kentucky submitted all events to Nuclear Material Events Database (NMED) according to NRC reporting standards but did not perform documentation concerning follow-up activities and responses to the incidents and allegations. Only one staff member has been trained to add and amend NMED entries, instruction will be provided to additional staff to improve this indicator in the future. The five overdue regulation amendments will be worked on in the future.

Kentucky's Mr. Matthew McKinley also stated the addition of 0.5 FTE for SS&D processing. Ms. Minnick reported that the Low-Level Radioactive Waste Disposal Program was found to be satisfactory. Mr. Crawford informed the MRB members that upper management has recently been responsive to requests for additional personnel and funding. Despite program improvements since the periodic review, Ms. Minnick requested that the State of Kentucky be put on a period of increased monitoring and explained that this status involves the use of quarterly phone calls similar to on-site periodic review. Mr. Crawford supported this recommendation in that the greater amount of NRC attention would increase the visibility of the program within the state and thus provide justification for the expenditure of more resources thereby leading to better performance. Mr. Rathbun inquired how Kentucky might react to a status of Heightened Oversight instead of Monitoring. The question yielded a discussion of the differences between the two levels of increased oversight. Ms. Schleuter showed support for the Monitoring option due to the significant improvement that the program has shown under Mr. Crawford's leadership in the last three months. Ms. Federline supported this position and added that Kentucky has outlined a plan for the program to become fully satisfactory. Mr. Joseph R. Gray favored monitoring as well and noted that Heightened Oversight was not justified by health and safety ramifications. Mr. Rathbun found Monitoring to be the most favorable method of program improvement. The MRB approved putting Kentucky on Monitoring and requested that NRC make calls in the December, February and May timeframes and requests a report of status after the February call. Mr. Crawford accepted the status and informed the MRB that significant program advances should be evident by the end of this calendar year. Additionally, he thanked the team and the MRB for their time and consideration. Ms. Schleuter thanked the State and the review team members for their cooperation and support.

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 meeting.
5. **Good Practices.** No good practices were identified during this meeting.
6. **Adjournment.** The meeting was adjourned at approximately 2:25 p.m.