

MAY 28 1997

MEMORANDUM TO: Management Review Board Members:

Hugh Thompson, EDO
Richard Bangart, OSP
Carl Paperiello, NMSS
Karen Cyr, OGC
Denwood Ross, AEOD

Original signed by:

FROM: Kathleen N. Schneider, Senior Project Manager
Office of State Programs

SUBJECT: FINAL MINUTES: MAY 2, 1997 MEETING

Attached are the final minutes of the Management Review Board (MRB) meeting held on May 2, 1997. If you have any questions, please contact me at 301-415-2320.

Attachment:
As stated

cc: Michael Mobley, TN
Ray Paris, OR

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 28, 1997

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Kathleen N. Schneider

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Attachment:
As stated

cc: Michael Mobley, TN
Ray Paris, OR

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF MAY 2, 1997

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

Richard Bangart, OSP
Malcolm Knapp, NMSS
James Myers, OSP
Kathleen Schneider, OSP
Sally Merchant, NMSS

Karen Cyr, OGC
Ray Paris, OR
Catherine Haney, NMSS
Michael Mobley, TN
Josie Piccone, NMSS

By phone:

William Passetti, FL
L. Edward Nanney, TN
Robert Young, TN
Elizabeth Flanagan, TN

Charles Hosey, RII, NRC
Johnny Graves, TN
Barbara Davis, TN
Debra Schults, TN

1. **Convention.** Richard Bangart, Director, OSP, Acting Chair of the Management Review Board (MRB), convened the meeting at 2:00 p.m. Introductions of the attendees were conducted.
2. **Old Business. Approval of the Louisiana MRB Minutes.** The Louisiana draft MRB minutes were offered for the MRB approval by Mrs. Schneider. No comments were offered and the MRB approved the minutes.
3. **New Business. Tennessee Review Introduction.** Mr. James Myers, OSP, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Tennessee review.

Mr. Myers discussed how the review was conducted. Preliminary work included review of Tennessee's response to the IMPEP questionnaire. The onsite review was conducted December 2-6, 1996. The onsite review included an entrance interview, detailed audits of a representative sample of licensing and inspection files, and follow-up discussions with staff and management. The onsite portion of the review concluded with exit briefings with Tennessee management. Following the review, the team issued a draft report on March 11, 1997; received Tennessee's comment letters dated April 10, 1997; and submitted a proposed final report to the MRB on April 24, 1997.

Common Performance Indicators. Mrs. Haney discussed the findings for the common performance indicator, Status of the Materials Inspection Program. Her presentation corresponded to Section 3.1 of the IMPEP report. The review team found Tennessee's performance with respect to this indicator "satisfactory," and made two recommendations and one suggestion, as documented in the report. The MRB discussed the problems with the State process for timely issuance of inspection reports. The MRB also discussed criteria for reciprocity inspections

established in Manual Chapter (MC) 1220 and the linkage with MC 2800. Mr. Mobley indicated that Tennessee was not previously aware the IMPEP review teams had used the MC 1220 guidance to evaluate the number of reciprocity inspections performed. In several previous MRBs, a similar comment on MC 1220 had been made. The MRB directed OSP to send notification to the Agreement States that MC 1220 will be used to evaluate the State's performance for reciprocity inspections. The MRB reached consensus that Tennessee's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Myers presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 3.2 of the IMPEP report. Mr. Myers reported that the IMPEP review team found that Tennessee's performance with respect to the indicator to be "satisfactory." No recommendations were made pertaining to this indicator. The MRB discussed the State's training program with the State. Mr. Mobley discussed the number of positions in Tennessee's organization and the State's effort to fill the positions. The MRB concluded that Tennessee's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Passetti presented the finding regarding the common performance indicator, Technical Quality of Licensing Actions. He summarized the findings in Section 3.3 of the report, where the review team found Tennessee's licensing actions to be generally thorough, complete, consistent, and of acceptable quality with health and safety issues properly addressed. The IMPEP team found Tennessee's performance to be "satisfactory" for this indicator. No recommendations were made pertaining to this indicator. The MRB discussed with Mr. Mobley the State's practice for extension of license renewal for several different categories of licensees. Following this discussion, the MRB reached consensus that Tennessee's performance met the standard for a "satisfactory" rating for this indicator.

Mrs. Haney discussed the finding for the common performance indicator, Technical Quality of Inspections, which is summarized Section 3.4 of the report. The team found that Tennessee's performance on this indicator was "satisfactory," and made one suggestion, as documented in the report. Following this discussion, the MRB reached consensus that Tennessee's performance met the standard for a "satisfactory" rating for this indicator.

The common performance indicator, Response to Incidents and Allegations, was the final common performance indicator discussed. Mr. Myers led the discussion in this area. As discussed in Section 3.5 of the report, the team found Tennessee's performance relative to this indicator to be "satisfactory" and made one suggestion and one recommendation, as documented in the proposed final report. The MRB discussed the review team's recommendation for the State to revise their definition of "significant event" to be consistent with the definition provided by NRC. Mr. Mobley indicated that it is the State's intent to report the incidents in the same

fashion as outlined in the NMED Handbook document. Based on the discussion with the review team and State, the MRB directed the recommendation be changed to a suggestion. Mr. Mobley raised a concern regarding the use of the NMED database to capture NARM and non NRC AEA material incidents. He stated that Tennessee has been told not to forward those reports and believes there is a need for a national system for this information which NMED could provide. The MRB noted that OSP would follow up on this item and respond separately to Mr. Mobley. Following this discussion, the MRB reached consensus that Tennessee'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 indicator, Legislation and Regulations, which summarized Section 4.1 of the report. The review team found Tennessee's performance relative to this indicator to be "satisfactory," and made two recommendations, as documented in the proposed final report. The review team discussed with the MRB the rationale provided by the State as to why they did not adopt the rule, "Decommissioning Recordkeeping, Documentation of Restricted Areas and Spills." In the draft report, it was noted that Tennessee did not adopt NRC's rule believing the State has an effective combination of mechanisms in place that exceed NRC's requirement, but did not have the documentation supporting their decision. The review team recommended in the draft report that the State document the rationale supporting their decision and what legally binding requirements are used in place of an amendment to the Tennessee regulations. The State had submitted a portion of the rationale prior to the issuance of the proposed final report. After NRC staff review, a copy of license conditions implementing requirements that are equivalent to NRC's rule were requested. A copy of a license condition had been submitted after the proposed final report had been issued and was reviewed by the review team and OGC staff. The MRB asked the review team to specifically identify where any gaps or omissions to the regulations were not addressed through other mechanisms within the Tennessee program. The MRB directed the review team to identify this item in connection with OGC review and recommend any additions necessary in the final report.¹ The MRB reached consensus that Tennessee's performance met the standard for "satisfactory" rating for this indicator.

Mr. Myers led the discussion of the non-common indicator, Sealed Source and Device Evaluation Program (SS&D), which was based on Section 4.2 of the report. The team found Tennessee's performance relative to this indicator to be

¹Based on further review by the review team and OGC staff, the review team and OGC staff believe that the rationale explains that Tennessee's license application, application review, inspection, license termination process, environmental monitoring procedures and record retention requirements provide a performance-based equivalent to NRC's requirement. Based on information Tennessee submitted and further explanation provided by Mr. Mobley at the MRB meeting, a need does not exist for DRH to adopt a requirement similar to NRC's 10 CFR Part 30.35 (g) (1) and (2). The Final IMPEP report was revised to state that the MRB's determination is that the State's procedures give adequate assurance that the intent of NRC's requirement will be met in this area.

"satisfactory" and made one recommendations, as found in the report. The MRB requested clarification as to the need to reference the approved SS&D registration numbers on the manufacturer's license after discussion with the Tennessee staff. The review team was directed to coordinate this recommendation with Mr. Baggett, NMSS and inform the MRB on the rationale for this recommendation.² The MRB reached consensus that Tennessee's performance met the standard for "satisfactory" rating for this indicator.

Mr. Myers stated that the non-common indicator, Low-Level Radioactive Waste (LLRW) Disposal Program, was not reviewed. Although Tennessee has low-level radioactive waste disposal authority, NRC has not required the State to have a program for licensing a low-level radioactive waste disposal facility until such time as the State has been designated as a host State for a low-level radioactive waste disposal facility.

4. **MRB Consultation/Comments on Issuance of Report.** Mr. Myers concluded, based on the discussion and direction of the MRB, that Tennessee's program was rated "satisfactory" on the five common performance indicators and "satisfactory" for the two non-common performance indicators. The MRB found the Tennessee program to be adequate to protect public health and safety and compatible. The team recommended and the MRB agreed that the next IMPEP review for Tennessee be conducted in four years.
5. **Comments from the State of Tennessee.** Mr. Mobley stated that he thought the IMPEP process was effective and that he appreciated the opportunity to meet with the MRB. He believes the IMPEP process was valuable to him as a manager. Tennessee has had a number of team reviews in the past, but IMPEP team reviews are better. He had two suggestions for NRC. He recommended that the review teams identify prior to the reviews any additional information that the teams will need to review when on site, such as computer printouts of inspections conducted. Also, Mr. Mobley recommended that it might be helpful to let the program manager attending the MRB know prior to the meeting the structure of the meeting.
6. **Status of Remaining Reviews.** Mrs. Schneider reported on the status of the remaining IMPEP reviews and reports. Status charts were distributed to the MRB.
7. **Adjournment.** The meeting was adjourned at approximately 3:50 pm.

²In consultation with Mr. Baggett, the review team has deleted this recommendation from the Final Report. NRC does not list the approved SS&D registration number on manufacturer's licenses.