

JUN 17 1997

MEMORANDUM TO: Management Review Board Members:

Hugh Thompson, EDO  
Richard Bangart, OSP  
Carl Paperiello, NMSS  
Karen Cyr, OGC  
Frank Congel, AEOD

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

Original signed by:  
K. N. Schneider

SUBJECT: DRAFT MINUTES: CALIFORNIA JUNE 5, 1997 MRB MEETING

Attached are the draft minutes of the Management Review Board (MRB) meeting held on June 5, 1997. Any comments on the draft minutes will be discussed at the State of Illinois MRB meeting scheduled for July 2, 1997. If you have any questions, please contact me at 301-415-2320, or Lance Rakovan at 301-415-2589.

Attachment:  
As stated

cc: Edgar Bailey, CA  
Roland Fletcher, MD

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20565-0001

June 17, 1997

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Office of State Programs *Kathleen N. Schneider*

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cc: Edgar Bailey, CA  
Roland Fletcher, MD

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JUNE 5, 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  
Carl Paperiello, NMSS  
Roland Fletcher, MD  
Jack Hornor, RIV  
John Thoma, EDO  
Steven Baggett, NMSS  
Paul Lohaus, OSP  
Lance Rakovan, OSP

Frank Congel, AEOD  
Karen Cyr, OGC  
Craig Gordon, RI  
Frederick Combs, NMSS  
Lloyd Bolling, OSP  
Edgar Bailey, CA  
Kathleen Schneider, OSP

By phone:  
Allen Grewe, TN

1. **Convention.** Richard Bangart, Acting Chair of the Management Review Board (MRB), convened the meeting at 10:40 p.m. Introductions of the attendees were conducted.
2. **New Business. California Review Introduction.** Mr. Lloyd Bolling, Health Physicist, OSP, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the California review.

Mr. Bolling discussed how the review was conducted. Preliminary work included a review of California's response to the IMPEP questionnaire. The onsite review was conducted October 21- 25, 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 California management. Following the review, the team issued a draft report on March 11, 1997; received California's comment letter dated May 5, 1997; and submitted a proposed final report to the MRB on May 28, 1997. Mr. Bolling noted that all findings from the previous review were closed or tracked as new recommendations.

**Common Performance Indicators.** Mr. Hornor discussed the findings for the common performance indicator, Status of the Materials Inspection Program. His presentation corresponded to Section 3.1 of the IMPEP report. The review team found California's performance with respect to this indicator "satisfactory," and had no comments. The MRB agreed without comment that California's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Bolling presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 3.2 of the IMPEP report. Mr. Bolling reported that the IMPEP review team found that California's performance with respect to the indicator to be "satisfactory." One

recommendation, establish a collective staff training record, was made pertaining to this indicator. The MRB discussed with Mr. Bailey and the IMPEP team the process used by the State to qualify inspectors to conduct inspections independently. Mr Bailey also commented on his disappointment that NRC does not continue to fund training for Agreement States. Following this discussion, the MRB concluded that California's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Gordon presented the findings 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 California's licensing actions to be generally thorough, complete, consistent, and of acceptable quality with health and safety issues properly addressed. The IMPEP team also mentioned California's disagreement with the NRC position to hold the State responsible for pre-AEC terminated sites. The IMPEP team found California's performance to be "satisfactory" for this indicator, and made no comment. The MRB agreed that California's performance met the standard for a "satisfactory" rating for this indicator with no comment.

Mr. Hornor discussed the findings for the common performance indicator, Technical Quality of Inspections, which are summarized in Section 3.4 of the report. The team found that California's performance on this indicator was "satisfactory," and made one recommendation, regarding the contract for instrument calibration, as documented in the report. The MRB asked the IMPEP team if they believed that California's use of a "review alert form" (Form 2033), a document that communicates inspection findings to licensing staff, was a "good practice." The IMPEP team stated that the use of such a form was a good practice. The MRB also discussed California's use of a "user's declaration form," a form that allows a licensee to voluntarily sign an agreement to take immediate action, including cease and desist. The MRB and IMPEP team identified the use of this form as a good practice. Mr. Bailey stated that he would provide copies of both forms and possibly implementation procedures that could be shared. The MRB discussed with Mr. Bailey the problems with instrument calibration, as well as the California funding process, and the potential for fee reductions for California licensees. After this discussion, the MRB reached consensus that California'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. Grewe led the discussion in this area. As discussed in Section 3.5 of the report, the team found California's performance relative to this indicator to be "satisfactory" and made no comments. The MRB also had no comments, and agreed that California's performance met the standard for a "satisfactory" rating for this indicator.

**Non-Common Performance Indicators.** Mr. Bolling led the discussion of the non-common indicator, Legislation and Regulations, which summarized Section 4.1 of the report. The team found California's performance relative to this indicator to be "unsatisfactory" due to outstanding regulations yet to be adopted by the State that

are necessary for compatibility. The team made one recommendation, to promulgate rules within 3 years, as documented in the report. The MRB questioned the IMPEP team on the impact of the regulations not adopted by the State, as well as when the regulations would be adopted. The IMPEP team stated that the regulations missing involved the reporting of incidents under 10 CFR 30, 40, and 70, and the definitions of land disposal and waste site QA program. These regulations are currently scheduled for adoption by October 1, 1997. The MRB discussed that the lack of these regulations did not create any conflicts, duplications or gaps or other conditions that jeopardized an orderly pattern in the regulations of agreement material. Because of the progress to date in the promulgation of these rules and the expected adoption date of October 1, 1997, the MRB determined that a sufficient basis did not exist to support a finding of unsatisfactory for this indicator. Mr. Bailey indicated that a hearing was scheduled for California regulations, including this rule, for June 9, 1997. He also stated that he would send a copy of the proposed rule to NRC to review on his return to California. Based on this discussion, the MRB reached the consensus that California's performance met the standard for a "satisfactory" rating for this indicator and noted that this indicator could be "revisited" if significant delays in rule adoption occur or if California adopts rules that are not compatible with equivalent NRC regulations.

Mr. Baggett led the discussion of the non-common indicator, Sealed Source and Device Evaluation Program. The findings for this indicator are summarized in Section 4.2 of the report. The team found California's performance to be "satisfactory with recommendations for improvement," and made eleven recommendations, as stated in the report. The MRB discussed the recommendation involving the Cindi neutron device. Following this discussion, the MRB agreed that California's performance for this indicator met the standard for a "satisfactory with recommendations" rating.

Mr. Bolling led the discussion on the final non-common indicator, Low-Level Radioactive Waste (LLRW) Disposal Program. The findings for this indicator are summarized in Section 4.3 of the report. Mr. Bolling stated that the team used a "forward look" approach to this indicator, and that the team found California's performance relative to this indicator to be "satisfactory" and made one recommendation, regarding records of staff training, as documented in the report. The MRB questioned the IMPEP team about the adoption of inspection procedures. The MRB reached consensus that California's performance met the standard for a "satisfactory" rating for this indicator.

3. **MRB Consultation/Comments on Issuance of Report.** Mr. Bolling concluded, based on the discussion and direction of the MRB, that California's program was rated "satisfactory" on the five common performance indicators and two of the three non-common performance indicators, and "satisfactory with recommendations" for the Sealed Source Device Evaluation Program non-common performance indicator. The MRB found the California 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 California be conducted in three years, primarily based on the

performance of the State in the Sealed Source and Device Evaluation Program indicator. Mr. Bangart noted that annual meetings will also be occurring, and that information discussed during those meetings could result in a recommendation to reschedule that next IMPEP review.

4. **Comments from the State of California.** Mr. Bailey thanked the IMPEP team for their work in the review. He stated that he would prefer having an IMPEP review every year. Mr. Bailey also discussed setting up an organizational SS&D unit in California to speed up the process of licensing SS&D licensees.
5. **Old Business.** There was no old business.
6. **Status of Remaining Reviews.** Mrs. Schneider briefly reported on the status of the remaining IMPEP reviews and reports.
7. **Adjournment.** The meeting was adjourned at approximately 12:00 pm.