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January 29, 2001

Frederick C. Combs, Deputy Director
Office of State and Tribal Programs
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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OSP

Dear Mr. Combs,

This letter responds to your December 27, 2000 letter request for updated information about Wisconsin's agreement state program development.

There has been continuing positive activity in the development of the radioactive materials program. Recent events include:

- The initial two staff nuclear engineers have attended, (or are scheduled to attend), approximately 50% of the required NRC core courses for conducting license reviews and inspections. Mr. Jason Hunt has attended Licensing, Industrial Radiography and is scheduled for the Inspections course in March. Mr. Paul Caleb has attended Licensing, Diagnostic and Therapeutic Nuclear Medicine, and is scheduled for the Inspections course in March. In addition, Mr. Caleb attended Introductory Health Physics and both staff attended the Inspecting for Performance course in December.
- The materials program supervisor, Ms. Cheryl Rogers, started working on January 4, 2001.
- The administrative assistant, Ms. Priscilla Sarow, has been assigned to the radioactive materials program, (.75 FTE).
- Two additional nuclear engineers have been assigned to assist in program development activities, (.50 FTE each).
- HFS 157, the draft rule, has been forwarded and is under review by the Department of Health and Family Services (DHFS) Rules Coordinator.
- The second annual 36% surcharge fee invoice was sent to all WI NRC licensees, excluding nuclear power plants, federal facilities, and fee exempt licensees. Program development revenue continues to meet projections.
- Statutory changes required to address NRC comments as described in letter dated March 29, 1999 have been submitted as part of State Fiscal Year 2002-2003 biennial budget.

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The following activities are planned for the first half of CY 2001:

- March or April, 2001-Submittal of proposed radiation protection rules (HFS 157) to NRC for review and comment at the same time the rule-making process begins. DHFS will send proposed rule to Legislative Reference Bureau and once approved, public hearings will be set. NRC should have at least 90 days to review the draft regulations. NRC comments will be incorporated into the rule draft following the 45-60 day public comment period. It is anticipated that the HFS 157 will be implemented by January-March, 2002, although the specific parts of the rule pertaining only to radioactive materials will not be in effect until Wisconsin becomes an Agreement State in 2003.
- Complete training for two staff nuclear engineers through attendance of remaining NRC core courses-subject to the courses being offered in this time period. Staff will accompany NRC on inspections/investigations and shadow NRC license reviewers (one week in the Region III office). Announced courtesy reviews will be conducted for Wisconsin NARM registrants and may also be performed for NRC General Licensees.
- March, 2001-Develop a detailed management plan corresponding to SA-700 outlining all the tasks and milestones necessary to submit a draft Agreement State application. Tasks include development of: WI Regulatory Guides modeled on the NUREG 1556 series, Inspection checklists and reports, and Radioactive Materials Program Procedures.

Review of the timetable attached to your letter indicates only three months between review of the draft application and submittal of the final application by the Governor. In order to make any necessary updates to the application as a result of the completeness review, the proposed schedule is as follows:

March, 2002:	Notification of proposed submittal of draft application in 60 days.
May, 2002:	Submit draft agreement state application for NRC review.
October, 2002:	Submit formal request for agreement from Governor to NRC.
July, 2003:	Wisconsin becomes an Agreement State.

I look forward to the continued interaction with your agency as we pursue becoming an Agreement State. Please contact Cheryl Rogers (608-266-813 or rogerck@dhfs.state.wi.us), the Materials Program Supervisor, for routine information requests and status of the development of the radioactive materials program.

Sincerely,



Paul Schmidt, Chief
Radiation Protection Section

cc: Tom Sieger