

August 23, 2001

MEMORANDUM TO: IMPEP Working Group Members:

Kathleen Schneider, Co-Chair, STP
William Silva, Co-Chair, TX
Charles Cox, NMSS
Terry Frazee, WA

FROM: Lance J. Rakovan, Health Physicist */RA/*
Office of State and Tribal Programs

SUBJECT: MINUTES: JULY 31 - AUGUST 2, 2001 IMPEP LESSONS
LEARNED WORKING GROUP MEETING

Attached are the minutes of the IMPEP Working Group meeting held July 31-August 2, 2001. If you have comments or questions, please contact me at 415-2589.

Attachment:
As stated

cc: J. Lynch, RIII
M. Sitek, NMSS

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MINUTES: IMPEP LESSONS LEARNED WORKING GROUP
MEETING OF JULY 31-AUGUST 2, 2001

The Working Group held its first public meeting from July 31, 2001 to August 2, 2001, in Rockville, Maryland. During their deliberations, the Working Group considered the Working Group Charter (ML011930478), draft survey results (Attachment 1), summary of directives from MRB meetings (Attachment 2), comparison of periodic meetings versus IMPEP findings (Attachment 3), Management Directive and Handbook 5.6, and STP procedures for IMPEP implementation as found on the STP homepage.

The Working Group members attending were as follows:

Kathleen Schneider, Co-Chair, STP
Lance Rakovan, STP
Charles Cox, NMSS (Absent 8/1/01)

William Silva, Co-Chair, TX
Terry Frazee, WA

The following resource representatives were present:

James Lynch, NRC RIII (Absent 8/2/01)

Mark Sitek, NMSS

These minutes are presented in the same general order as the items were discussed in the meeting.

DAY ONE

Charter Item #5 - OGC's position is that there has been no additional changes or information to impact the original 1995 OGC position that OAS Liaisons can not be voting members of the MRB. The working group plans to report the overwhelming response from the survey supporting the vote for OAS liaisons, but notes that there is no legal basis to allow this. The working group also notes that the MRB Liaisons felt that they were not treated differently than other members of the MRB, regardless of whether they are considered "official voting members" or not. The working group will recommend that this issue be reconsidered if the legal basis changes due to the recommendations of the National Materials Program Working Group.

Charter Item #2 - SECY-01-0105 dealt with strategic and performance goals and specified that there should be no changes this time. The results from a survey of Agreement States also supported this decision. The guidance involving incidents (STP Procedure SA-105) should be expanded for reviewers to ensure that NMED data is used along with the specific incident responses in selecting casework. Also, the guidance should address if the State/Region uses NMED information in preparation to respond to a specific incident under their jurisdiction. Criteria in MD 5.6 will not be modified due to this issue. The working group recommends that the use of NMED and case selection be emphasized during IMPEP reviewer training.

Enforcement actions are implicit as a tool to support inspection programs. Neither the survey results nor results from past IMPEP reviews support any changes to MD 5.6 to include enforcement actions as a performance indicator. The language in STP Procedure SA-102 should be revised to include more guidance to IMPEP reviewers on incorporation of enforcement actions into the performance determination under the indicator for Technical Quality of Inspections.

The working group and survey results support clarification of the name of the “Satisfactory with Recommendations for Improvement” to eliminate the confusion that a team can make recommendations, but a State/Region can still be found “Satisfactory.” The working group recommends that during the next revision of MD 5.6, the finding “Satisfactory with Recommendations for Improvement” should be renamed “Satisfactory, But Needs Improvement.”

Based on the examination of MRB directed changes during the first cycle of reviews, it was noted that IMPEP teams have been directed to make recommendations that are performance based versus prescriptive (i.e., specific recommendations for attendance at training courses where no performance issue was identified are inappropriate). Direction from the MRB has reduced the number of recommendations when an indicator is found “Satisfactory.” The working group believes that the need to make recommendations performance-based should be reemphasized during IMPEP reviewer training.

Charter Item #3 - The working group discussed periodic meetings. The survey results as well as the working group supported this as a valuable interaction between States and NRC. There appears to be some uncertainty as to the role of the ASPOs and the RSAOs. Mr. Lynch agreed to gather additional information from the other RSAOs on the effectiveness of the ASPO program. The working group recommended that training be provided by STP to the RSAOs and ASPOs on their respective duties and responsibilities involving interactions and communications with States between IMPEP reviews, including uniformity of periodic meetings.

The working group discussed STP Procedure SA-116 and recommended that it be revised to focus the periodic meetings to include the following enhancements:

- Greater flexibility should be allowed in how long the meetings can last (as a function of program size and complexity).
- The MRB should be provided with the results of periodic meetings.
- In preparation for the periodic meetings, the State should be sent a copy of their questionnaire from the previous IMPEP review (possibly a simplified version) and they should update it. (The working group noted that this would require a revision to the existing OMB clearance for the IMPEP questionnaire.)

The working group supported the clarification that the common performance indicator “Response to Incidents and Allegations” be renamed “Technical Quality of Incident and Allegation Activities” during the next revision of MD 5.6. The change would eliminate some confusion that only the initial response is evaluated and also be a parallel name consistent with “Technical Quality of Inspections” and “Technical Quality of Licensing Actions.”

DAY TWO

Charter Item #1 and questionnaire - The working group recommends that STP Procedure SA-107 be revised to include additional guidance based on the experience to date on the implementation of the policy statement on compatibility and the significance of regulations that have not been adopted.

The working group supports the clarification that the non-common performance indicator “Legislation and Program Elements Required for Compatibility” be renamed “Compatibility

Requirements” during the next revision of MD 5.6

Based on comments from the survey, the working group discussed revision of the SDMP non-common performance indicator. Based on the history of this program (as directed by the Commission), the working group is not recommending any changes in this indicator.

Except for STP-107, the working group noted that there were no internal procedures/guidance for the non-common performance indicators. Several responders from the survey supported the need for guidance similar to that developed for the common performance indicators. The working group recommends that guidance for the remaining non-common performance indicators be developed so that reviews can be conducted in a performance based manner, and so that States will have advanced understanding of how their programs will be reviewed.

The working group recommends that NRC should consider expanding IMPEP to include all NRC licensing functions (such as sealed source and device, general and exempt licensing, etc.) conducted in headquarters to ensure all material program are audited in a consistent manner as the Regional and Agreement State programs.

The working group discussed the radiography certification program, generally licensing programs, and other licensing initiatives. The working group recommended that a discussion on these types of programs should be highlighted during the IMPEP training to ensure that team members are focusing on any issues connected with these programs during reviews. Guidance on these topics should be included in STP Procedure SA-104 on Technical Quality of Licensing Actions.

The working group revisited including the status of the licensing program to the common performance indicators. Based on the development of the IMPEP criteria during 1993-1995 and the experience to date with the first round of reviews, the working group agreed that there was no need to add this as an additional performance indicator.

Risk informed assessments were discussed as they relate to how the reviews are conducted and Agreement State/Region programs are implemented. The working group agreed that though it is not specifically mentioned in any of the IMPEP guidance, IMPEP teams do select the more significant casework from a risk standpoint. The working group is recommending additional guidance be developed and additional training be given to reviewers to select the more significant actions undertaken from a risk standpoint. However, as far as program implementation, if a State wishes to conduct inspections at a more frequent cycle than what NRC has determined necessary for the risk involved with that specific use, that is acceptable. The working group did not support any changes in MD 5.6 based on risk.

Several survey responders identified concerns/morale issues when the MRB disagrees with a IMPEP teams finding and directs changes to the final report. The working group believes that this issue should be addressed in the IMPEP reviewer training as well as roles and expectations of both the team members and the MRB members.

The working group discussed the several cases involving the Status of Materials Inspection Program indicator when during the review period, a State had a number of overdue inspections that under a strict reading of MD 5.6 would lead to an unsatisfactory or satisfactory with

recommendations for improvement finding. In cases where the backlog of inspections was addressed by the State and all inspections conducted by the time of the IMPEP review, the MRB found the program's performance to be at a higher rating, such as satisfactory. The working group recommends that the guidance in SA-101 be revised to reflect this option.

In response to the survey, most responders indicated the MRB make up was effective. The working group noted that STP Procedure SA-106 already includes the flexibility to request additional MRB members from other NRC offices as appropriate. The working group recommends that guidance should be extended to include additional OAS Liaisons, as needed for backup as well as for broader representation on a particular MRB.

The working group discussed the make up of IMPEP teams including having more than one Agreement State representative on a team. The working group noted that there was no restriction to having more than one state team member. The working group recommends that the guidance in STP-100 be revised to clarify the flexibility in the team makeup. Survey results supported these observations and recommendations.

The working group revisited the issue of having a state team member act as team leader and noted that similar to the voting issue of the OAS Liaison, a State team member could not act as team leader due to FACA considerations.

In discussions on communications, the working group noted that in a recent review, the review team did not provide preliminary findings for one indicator at the close of the onsite review. Also, there were several comments from the survey on changes in the preliminary findings after the review team left the State and prior to the issuance of the draft report. Both of these issues are covered in the existing guidance. The working group recommends that communications be reemphasized during the IMPEP reviewer training. This should include providing preliminary findings for all indicators and communicating changes to preliminary findings to the State/Region as soon as possible.

In review of casework conducted during IMPEP reviews, there were several instances where team members exceeded the recommended number of files and there had been no performance issues identified to warrant such a large number of cases. The working group recommends that the issue of performance versus guidance on the number of reviewed casework be discussed during the IMPEP reviewer training.

From the responses to the survey, it appears that several team members were not aware that IMPEP reviews could be extended to properly deal with unexpected deficiencies or felt that they were pushed to complete their work in one week. The working group recommends that this issue also be covered in the IMPEP refresher training.

Based on the comments from the survey, the working group recommends revising STP Procedure SA-102 to clarify guidance for IMPEP reviewers to provide feedback during inspector accompaniments to both the inspector and the State/Regional program management.

Based on the survey response and experience to date, the working group believes no changes are necessary to the 104-day IMPEP timeline, including the 30 day comment period for the draft report.

The survey overwhelmingly supported the four-year frequency for IMPEP reviews where no performance issues have been identified. Although several responders suggested extending the frequency to five years, the working group notes that several programs have experienced programmatic changes affecting performance in the four year period. The working group supports no change to the frequency of IMPEP reviews at this time.

The working group again discussed guidance and training needed on some of the non-common performance indicators, such as sealed source and devices and uranium recovery program (Note previous recommendation in this area early during the day).

The working group discussed the suggestion of having IMPEP team members observe an IMPEP review before participating on a team. Due to the use of resources, attention to IMPEP team balancing, and the lack of problems dealing with new members, the working group believes that this is not necessary.

The working group recommends that establishing the IMPEP toolbox on the web should be a priority to aid in the effectiveness and efficiency of IMPEP teams. This will also assist in facilitating communications to the programs under review as a central source of information on IMPEP guidance and policy.

The working group supports the continued refresher training on travel policies and restrictions of different NRC offices and States for IMPEP team members.

The working group examined the comments and suggestions on the IMPEP questionnaire. Although there were several comments that the questionnaire was too long, the questionnaire recently went through the OMB process and was reduced. During that period, the questionnaire was revised by STP based on the experience to date and comments received. Given that the questionnaire needs to be reevaluated for the OMB approval every three years, the working group supports no change to the IMPEP questionnaire at this time.

The working group discussed the STP web page containing reviews and the ease of retrieving past questionnaire responses. Questionnaire responses should be clearly identified on the web. If an update/modified questionnaire is adopted to focus the periodic meetings, these updates and the periodic meeting summaries should also be posted on the STP web page.

DAY THREE

Charter Item #4- The working group reviewed existing procedures, questionnaire responses and discussed procedures on selecting complex or unusual licensing issues (clearance, potentials for significant release, waste processors, emerging technology, significant manufacturers, nuclear laundries, etc.). The working group recommends that the guidance for IMPEP reviewers on the selection of this types of casework be revised and covered during the IMPEP reviewer training. IMPEP team makeup may need to be structured to ensure that the appropriate expertise is used for these types of licensing issues. NRC's emphasis on these types of issues should be clearly communicated to the States.

The working group supported a comment that a version of the IMPEP orientation/training for potential OAS Liaisons should be tailored and presented at a future OAS meeting.

Guidance should be enhanced and focused on direction for IMPEP team members in dealing with the handling and communication of controversial topics, including how to deal with the timing of the reports and the MRB meetings.

The working group again discussed the criteria in MD 5.6 including written training programs, procedures for incidents and allegations, and the need to make the criteria for each indicator more parallel. Based on the survey results, experience in past IMPEP and the working group's discussions, we believe that there was no need to revise the criteria for the common performance indicators in MD 5.6 at this time.

The working group discussed NRC Regional non-common performance indicators and noted that they appear more prescriptive in use than those for the other common performance indicators. Based on continuing experience with these indicators after IMPEP reviewer guidance is completed, the working group believes that NMSS should reexamine the criteria in the Handbook 5.6 to reflect performance based experience and to be consistent with the other indicators.

The working group recommends that the SA-119 Follow-up IMPEP Procedure be completed based on the experience to date and finalized to provide consistent guidance for conducting follow-up IMPEP reviews.

The working group discussed the use of self-audits. The working group did not support the inclusion of self-audits as a common or non common indicator in the IMPEP process. However, the working group believes that self-audits have value. The working group proposes that in revising the procedure to conduct periodic meetings with Agreement States, the inclusion of a self-audit or an updated questionnaire should be explored as a mechanism to focus both the meetings and communications between NRC and the Agreement States. The working group discussed the proposals that NMSS is developing for the between-IMPEP review interactions, which includes self-audits. The working group also discussed that any changes to information gathering, such as requiring a self-audit or an updated questionnaire, will require a revision to the OMB clearance for the Agreement State program as an additional burden.

The working group did not support the recommendation from INMS dated 12/14/99, that the scope of IMPEP reviews be expanded to include the review of radiation safety programs for Federal or State employees in either NRC Regional or Agreement State reviews. The NRC audit of its radiation safety programs should be done as an independent audit outside of the IMPEP process and more often than every 4 years.

The working group decided to follow the format for the Event Reporting Working Group for their report.

WORK ASSIGNMENTS AND SCHEDULE

The following is the working group's division of tasks and the schedule proposed to meet the Charter's completion date:

1. Preparation of meeting minutes and issuance to working group members and steering group.

Assignment: L. Rakovan
Due: 8/24/01

2. Initial drafting of recommendations from meeting. Transmittal to working group for initial ranking against NRC strategic goals.
Assignment: L. Rakovan/K. Schneider
Due: 8/10/01 (completed 8/10/01)
3. Initial draft writeup of Task #2 from Charter for report.
Assignment: C. Cox
Due: 8/17/01 (completed 8/10/01)
4. Preparation of initial draft of working group report and transmittal to working group.
Assignment: K. Schneider
Due: 8/24/01
5. Initial comments from Working group.
Assignment: Working Group
Due: 8/29/01
6. Transmittal of draft report to Steering Committee for meeting on 9/6/01.
Assignment: K. Schneider/L. Rakovan
Due: 8/31/01
7. Revision of draft report based on working group meeting/comments from Steering Committee.
Assignment: TBD
Due: 9/12/01
8. Transmittal to Steering Committee for 1 week period for review and comment.
(Comments/concurrence requested by 9/21/01)
Assignment: K. Schneider
Due: 9/14/01
9. Preparation of OAS presentation, New Mexico, schedules for 10/8/01.
Assignment: K. Schneider/W. Silva
Due: 9/21/01
10. Issuance of a final report.
Assignment: K. Schneider/W. Silva
Due: 10/01/01

Attachments:
As stated

DRAFT WORKING GROUP SURVEY RESULTS

NRC Responses: 25

Agreement State Responses: 30

1. Describe your overall impression of the IMPEP program, including any strengths or weaknesses.

Trends:

NRC	STATE	
<u>20</u>	<u>20</u>	Overall impression is positive
<u>0</u>	<u>3</u>	Overall impression is negative
<u>5</u>	<u>7</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. Not enough time to get ready for a review – too much everyday work intrudes in the time we need to get ready for an IMPEP.
2. Presumption on reviews seems to be that the threshold for making a finding or recommendation is very high, and the burden of proof is on the reviewer.
3. Some findings appear to be too high when they should not be satisfactory. MRBs tend to give the States the benefit of the doubt.
4. The program is most useful in evaluating the administrative issues and is perhaps less useful in assessing the technical ability and quality of the inspectors/reviewers.
5. The results of findings appear to get watered down during the team leader/management review phase. Perhaps this is necessary in light of good relations with the states.
6. Costs much time and money both for the evaluation team and the State being evaluated. There may be means to lower the costs of evaluation.
7. Material licensing (exempt distribution), decommissioning, and uranium recovery activities are reviewed at the State level, but should also be reviewed in NMSS.
8. Perhaps STP should be responsible for coordinating the NRC Regional reviews including providing experienced Team Leaders.
9. There should be more accompaniment of State personnel in their activities and less review of records. Some records could be reviewed before the on-site review.
10. The current system is impacted too heavily by who performs the reviews. Improving consistency and minimizing differences between reviewers, could be enhanced.
11. IMPEP team results are still highly dependent on the tenacity of the individual reviewers.
12. The program would have more meaning and real impact if reviewer findings and recommendations could be better “enforced” on the IMPEP’d program.
13. Too many time constraints placed on reviews.
14. The periodic meeting process as currently implemented is not fully effective in identifying negative performance trends before the conduct of an IMPEP review.

15. The periodic meetings procedure should be reviewed to identify a more effective mechanism of evaluating the performance of the state.
16. The middle IMPEP finding, "Satisfactory with Recommendations for Improvement" should be changed to "Satisfactory with Areas Needing Improvement."
17. More staff is needed to adequately review all of the sub-indicators for several of the non-common performance indicators.
18. There seems to be an unstated goal for the team not to find any problems. This puts a team member into a very difficult position if he finds deficiencies in the program.
19. Conducting mini-reviews between IMPEP reviews would provide better feedback to the States/Regions in addressing problem areas before they became major issues.
20. The MD 5.6 needs updating to include the new guidance for SS&D reviews
21. The common indicators should be arranged as follows: Technical Staffing and Training; Technical Quality of Licensing Actions; Status of Materials Inspection Program, Technical Quality of Inspections, and Response to Incidents and Allegations.
22. All of the SA-procedures needed for IMPEP need to be updated on an annual basis.
23. We need to reengineer the questionnaire and design it to obtain only the information needed to evaluate the specific indicator(s).
24. Assigning inspector accompaniments to a State team members could potentially create problems. Also, it is more efficient and cost effective for a Regional inspector to perform accompaniments in their Region.
25. If review information was complete and available at the start of the review, the team could evaluate, summarize, and document their findings and recommendations, including the casework while on site. The Team Leader could then take the information and jointly work with STP in the formulation of a report within a few days.

Agreement State

1. The review must be performance-based. Items that are not performance-based should be addressed using another venue.
2. State staff should be involved in evaluating the non-common indicators.
3. Reviews should clearly indicate that this is "partnering vs oversight."
4. Agreement States should review the draft report for accuracy prior to the report being mailed.
5. Some reviewers seem to fall back into the old, familiar routine of looking at the paper trail rather than observing staff performance to determine program adequacy.
6. If the same number of case files are reviewed in smaller states as in larger states is that fair to either state?
7. When NRC staff review the non-common performance indicators, their focus is too narrow and they seem to lack good general inspection experience.
8. The review team is hampered when there is lack of management support either by the reviewing agency or the agency being reviewed.
9. IMPEP still requires considerable time and labor to participate. It is still very dependent upon sound and reasonable judgement on the part of the review team.
10. The performance Indicators are more geared to NRC guidelines. There needs to be more flexibility for Agreement State programs.
11. The licensing portion tends to be less focused on performance than the inspection portion. The SS&D portion is not focused on performance and needs the most work to move to a performance based approach.
12. IMPEP teams do not apply MD 5.6 criteria uniformly. Words like "most", "many" and "few" are used in the manual to further cause subjectivity.

13. Team members sometimes expect very strict interpretations of regulatory guidance documents in certain functional program areas.
14. The program is dependent upon interpretations of performance/risk based guidance based on personal opinion rather than uniform policy.
15. Many Agreement States have years of experience and have developed a level of trustworthiness and competency that should be taken into consideration by NRC.
16. It is overly intrusive for the NRC to treat a State program like an NRC region. IMPEP should be scaled back to reduce the level of detail and time spent in Agreement States.
17. The program is unnecessarily lengthy, detailed, and burdensome. It could be handled more efficiently by self-reviews and sharing of database information prior to the review.
18. The program leaves reviewers little room for judgement with any judgement left to the MRB. The IMPEP program should only bring to the MRB any major issues that cannot be resolved.
19. Any role taken by the federal government greater than that of providing support, advice, or assistance in radiological health matters could be construed as intrusion into a matters that should be primarily of concern to the state government.
20. The program is only as good as the people who participate on the IMPEP teams. From this standpoint, it may be preferable to seek less turnover of state personnel.

2. How could the pre-review process, including the IMPEP questionnaire, be improved?

Trends:

NRC	STATE	
<u>1</u>	<u>4</u>	Questionnaire should be shorter
<u>6</u>	<u>5</u>	Questionnaire is fine
<u>0</u>	<u>0</u>	Questionnaire should be longer
<u>18</u>	<u>21</u>	No mention of questionnaire or no response

Suggestions and Opportunities for Improvement:

NRC

1. Team members need more time to prepare—meaning that they truly are relieved of the everyday jobs that intrude in the days preceding a review to get ready.
2. Questionnaire needs to be shortened to minimize the burden on the States/Regions.
3. Need to have team member input early so that records can be reviewed prior to the actual site visit.
4. The team could evaluate much beforehand provided the program gave much of the back up material described in the questionnaire.
5. Hold a conference call before the on-site review between the team and the agency for introductions and to discuss logistics, the needs of the team, etc.
6. The questionnaire could be standardized for all of the common indicators. In addition, the questionnaire could be issued in electronic (preferably CD) format.
7. For NRC Regions, much of the questionnaire should be answered by NRC HQ through readily available data, and the Regions could just update/change the HQ answers.
8. Ask for a self evaluation of the common and non-common indicators from the program as to improvement, status quo, or decline since the last IMPEP or last questionnaire.
9. Establish a formal three to five working day preparation period, and adopt improved specific guidance on preparation for the review by indicator. The improved guidance should capture the "institutional" knowledge of experienced team members.
10. The team member responsible for licensing actions should get a list of completions during the review period and request files to be reviewed at least 1 week in advance.
11. An abbreviated questionnaire could be considered for the periodic meetings which provides more quantitative and qualitative information on the status of the program.
12. NRC Regions should only be asked for data that cannot be obtained in headquarters.
13. For the licensing indicator, it would be simpler for the reviewer to identify the files that should be reviewed if the questions were constructed to identify types of actions (new, renewal, amendment), type of licensee (broad scope, industrial, academic, etc.) and the reviewer who completed the action.
14. All members of the team should be involved in developing the questionnaire.
15. The reviewer of the "Technical Quality of Inspections" indicator needs a copy of the State's inspection procedure manual.
16. The data needed to evaluate the Status of the Inspection Program indicator should be provided via the questionnaire, then verified by the team while on-site.

Agreement State

1. The questionnaire should use the RATS system to supply the appropriate information rather than requesting the State to duplicate.
2. Less is always better. NRC tracks state rulemaking and providing this information again could be redundant.
3. Consideration should be given to send the questionnaire to additional staff so that those responsible for answering various questions will have sufficient time to respond.
4. Although I have no major problems with the pre-review process, I still would like to see the questionnaire shortened.
5. It would be helpful to include a conference call with NRC and all state program staff members involved, to discuss the goals and objectives of the upcoming IMPEP review.
6. If the previous IMPEP is reviewed and some of the items have not changed since the previous IMPEP, the manager should not have to answer the questions again.
7. More clarification that only changes from the time of the previous review need to be provided. Some of the statistics do not add benefit to the review process. Place less emphasis on format as long as the necessary information is provided.
8. The IMPEP questionnaire could be sent to the Program earlier. Give the Program more time to collect information to give a better understanding of the program.
9. More emphasis on reporting the licenses issued and inspections performed during the review period in relation to the previous inspection.
10. Doing a self audit is vital!
11. Explanation or reference in the pre-review document to how the document will be used is appropriate.
12. Are multiple accompaniments absolutely necessary?
13. The questionnaire is too detailed in nature. Most of the information needed can be handled through the periodic meetings with STP and RASOs.
14. Simplify the questionnaire (as well as the entire IMPEP program for Agreement States) to include only broad program items.
15. Eliminate compatibility items from IMPEP. It is unproductive to take up time during IMPEP to compare state regulations and criteria with NRC regulations.
16. Include information already available to NRC staff from routine contacts with the State.
17. The IMPEP questionnaire is far too long, and takes as much time to respond to as the questionnaire utilized prior to IMPEP.
18. All questionnaires should be provided 90 days prior to the review with a minimum of 60 days to complete and return to NRC.

3. Is the length of current on-site IMPEP reviews (approximately 1 week plus accompaniments) appropriate? If not, how should it be altered?

NRC STATE

<u>17</u>	<u>19</u>	Length of current on-site reviews is appropriate
<u>6</u>	<u>5</u>	Length of current on-site reviews is <u>not</u> appropriate
<u>2</u>	<u>6</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. Because of the strict time-line for the draft report, there is currently no ability to take technical work back for evaluation with familiar references and tools.
2. Need to have team member input early so that records can be reviewed prior to the actual site visit.
3. Some time may be able to be shaved off provided the program provided more documentation with the questionnaire or queries could be conducted before arriving.
4. The policy for conducting reviews of Agreement State programs with more than one agency should be established.
5. The length of time does not enhance sitting and thinking and developing questions. A split on-site review might be more effective in this respect.
6. For decommissioning program reviews, one week is not long enough for the reviewer to thoroughly look at the many aspects of the program.
7. I found it difficult to perform a sufficient SDMP review in ~4days.
8. Should be more flexible to allow more in-depth reviews, if warranted.
9. One week is grossly inadequate for reviewing an important program such as LLW. Either extend the review for such large program areas or increase the size of the team.

Agreement State

1. Do senior inspectors need to be accompaniments each time? Also, It might be appropriate to occasionally choose a less difficult licensee such as a gauge licensee.
2. There may also be "less qualified" inspectors who can comfortably conduct less difficult licensee inspections that could benefit from an NRC accompaniment.
3. For the larger programs, there was sometimes not enough time to fully visit with staff and conduct thorough investigations into root cause issues of problems identified.
4. I have observed some reviewers being challenged to complete the number of case reviews expected.
5. Don't see how an IMPEP team of 4-5 or more for a week can be justified for audits of programs with staff numbers of 4-5 or less, nor how only a week by 4-5 in the largest of programs can also be considered adequate? Would suggest some rules of thumb for ratios of staff time per licenses, etc.
6. Reviews of smaller programs can easily be accomplished in 2 or 3 days, while the time and resources focused on larger programs (NY) is unnecessary.
7. Shortened to two or three days.
8. With a team of 3-5 people, one would think that the time allotted to carry out an IMPEP review would be less than reviews conducted prior to the implementation of IMPEP.
9. It is possible that for larger state programs and NRC programs more time should be allowed.

4. IMPEP uses five “common” performance indicators: Status of Materials Inspection Program; Technical Quality of Inspections; Technical Staffing and Training; Technical Quality of Licensing Actions; and Response to Incidents and Allegations. Should any of these indicators be altered or deleted? Are there any other indicators that should be added?

NRC STATE

<u>12</u>	<u>18</u>	No change necessary
<u>9</u>	<u>5</u>	Suggested revisions
<u>4</u>	<u>7</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. Technical Staffing and Training should be deleted in light of a performance based inspection philosophy.
2. A chronic problem in the States is funding for staff, i.e., salaries. If the team evaluated the budget, some impetus may be given the State to improve the salaries of staff.
3. The Status of Materials Inspection indicator should be deleted and the important aspects combined into the Technical Quality of inspection indicator.
4. SS&D and decommissioning should be considered common indicators since some or all of the elements are found in Agreement State programs in addition to the NRC's.
5. Re-consider whether Status of Licensing program should be added.
6. Consider splitting Incidents/Allegations into two indicators.
7. "Status of Materials Inspection Program" should be changed to "Status of Materials Regulatory Program" incorporating both inspections and licensing actions. Technical quality should be reflected in the status determination (i.e., poorly conducted or documented inspections or licensing actions should not be fully credited).
8. Maybe the "Status of Materials Inspection Program" should be combined with "Technical Quality of Inspections."
9. If there are areas of emphasis that need to be assessed, such as NMED data entry and status of terminated site reviews, these could be identified in advance. The IMPEP questionnaire letter may be the appropriate vehicle to request information on these areas. There may be a need for some process to identify areas of emphasis and to obtain agreement on those areas.
10. Recommend changing the title of indicator 5 from "Response to" to "Technical Quality of Incident and Allegation Activities."
11. Licensing timeliness would be an appropriate item for the IMPEP team to review, at least for Regional reviews.
12. We should require programs to document their functions, processes, and references to guidance, which can be utilized by future managers and staff in the program.
13. The Handbook 5.6 is virtually silent on the subject of Risk.
14. Each indicator should be specific as to the NRC criteria in which the performance is evaluated with respect to manual chapters, directives, and reports. Some of the NRC guidance needs to be reevaluated as to the applicability to State programs.
15. Handbook Part III should have the review criteria presented in a bullet fashion for the specific criteria needed under each indicator.

Agreement State

1. Add licensing timing.
2. "Status of Materials Inspection Program" is a summary, not technically an indicator as the others. It is at least partially redundant of "Technical Quality of Inspections".
3. The "Response to Incidents and Allegations" indicator should be expanded to include ALL "events" that a state decides to respond to.
4. There is little need to review Technical Quality areas in established agreement states unless new staff are introduced or insufficient staffing results from staff shortages.
5. More flexibility should be allowed in terms of the specific criteria that have no interstate commerce and uses ramifications.

5. **IMPEP uses six “non-common” performance indicators: Legislation and Program Elements Required for Compatibility; Sealed Source and Device Evaluation Program; Low-Level Radioactive Waste Disposal Program; Uranium Recovery Program; Regional Fuel Cycle Inspection Program; and Site Decommissioning Management Plan (SDMP). Should any of these indicators be altered or deleted? Are there any other indicators that should be added?**

NRC STATE

<u>14</u>	<u>13</u>	No change necessary
<u>6</u>	<u>8</u>	Suggested revisions
<u>5</u>	<u>9</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

- Perhaps there should be consideration to adding the HQ fuel cycle program.
- The only interesting area to probe would be the interaction of the AEA program with the remainder, e.g., x-ray and emergency response.
- SS&D and decommissioning should be common indicators.
- Rename the SDMP indicator as decommissioning.
- The Regional Fuel Cycle Inspection Program indicator should be part of the Uranium Recovery indicator.
- Is there really a need to separate out the uranium recovery, LLRW and decommissioning inspection and licensing activities from materials?
- Consider one, common indicator for decommissioning.
- It's unclear how much of the non-common areas to address in the review of the common indicators and how much to address in the review of the non-common indicators.
- SDMP should be modified to address all of the decommissioning work being done, while still emphasizing SDMP sites and the more complex sites.
- Remove the "legislation" from "Legislation and Program Elements Required for Compatibility." The criteria related to laws should evaluate the program's authority to perform.
- Change the name and focus of the SDMP indicator to reflect completion of the original NRC SDMP and its replacement by the ongoing license termination and site decommissioning activities.

Agreement State

- It might be of more value for the states with the LLRW (and Uranium recovery) facilities to get together with the NRC and try to form a "worthwhile" evaluation process using state staff familiar with operations of a low-level radioactive waste facility.
- Consider adding Industrial Radiographer Certifying Entities to the Non-common Indicators.
- As more states do industrial radiography certification, this area might be considered.
- Another non-common indicator that should be added is Radioactive Waste Processors.
- Flexible criteria and clear guidance needs to be provided for the SS&D Program evaluation. Reviews are not always handled in a performance based manner.
- Specific emphasis could be added involving decommissioning.

7. LLRW Disposal Program should not be separate from other materials licensing and enforcement activities. Other complex licensing activities not separated out.
8. De-emphasize SS&D since it is just one area of licensing.
9. Areas such as compatibility can be handled by STP reviewers off-site.
10. The benefits of the LLRW Disposal Program may be suspect especially for closed sites.

6. Are the performance indicators used in a performance-based manner, when appropriate?

NRC STATE

<u>14</u>	<u>17</u>	Yes
<u>4</u>	<u>6</u>	No
<u>7</u>	<u>7</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. There is inconsistent application across various IMPEP reviews by different team members.
2. Starting to be.
3. A good deal of the IMPEP review is review of records, not observing the inspectors/reviewers doing work and interviewing them.
4. More emphasis needs to be placed here if we want consistent regulatory oversight.
5. A reviewer's experience and knowledge will account for most of the variation and differences experienced between reviews.
6. The SS&D performance indicators are too prescriptive and need revision.
7. Difficult to apply "performance-based" to records review. More interaction with a cross-section of licensees might help.
8. The performance indicators should be reviewed against changes to the materials program resulting from risk-informing the regulatory process.
9. There are still some inconsistencies in application. This is an area that requires constant vigilance.
10. This issue should be reinforced by the IMPEP Team Leader and in IMPEP training.
11. More emphasis should be placed on the performance-based inspection process in the IMPEP training.
12. All indicators are being used in a performance-based manner except that there is some misunderstanding on what constitutes "performance."

Agreement State

1. There is some unnecessary bean counting or interpretations of how to bean count (e.g., reciprocity inspections) and at times it appears that certain members of IMPEP review teams are acting more like "licensee inspectors" instead of "review team members."
2. Reviewers have had trouble remaining performance-based and not becoming too subjective during root cause investigations.
3. An unfortunate experience with an IMPEP team member who didn't appear to realize the performance-based concept of the review has been the only exception.
4. Initial comments on SS&D reviews were limited to one or two examples, not the overall program and its performance.
5. Too much attention is spent looking at written documentation in support of performance, and not enough attention is spent on observing performance itself.
6. Revision to the SS&D criteria has enabled this indicator to be evaluated in a performance-based manner, like the others.
7. Yes, except for some SS&D portions of some reviews.

8. The licensing portion could have some additional emphasis—perhaps with additional interview time with staff and discussion on how particular situations are managed.
9. There is a mighty struggle to achieve this end for most indicators. It has not been quite the case with SS&D evaluations. Proposed changes appear to address this problem.
10. Reviewers do not have a unified understanding and interpretation of "performance based," or, "risk based," as applied to program evaluation.
11. I do not think that uniformity can be achieved until the new regulations and regulatory guides are completed.
12. They are too prescriptive and detailed in several instances such as inspection frequency for reciprocity licenses.
13. The required number of inspections of a particular priority could be conducted for the four-year evaluation period but not in a single year.
14. IMPEP should be able to note when something appears to be not be reasonable even if this tends to be prescriptive in nature.

7. Are IMPEP review team communications to State/Regional management adequate during reviews and at the appropriate management level?

NRC STATE

<u>21</u>	<u>20</u>	Yes
<u>1</u>	<u>3</u>	No
<u>3</u>	<u>7</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. There tends to be a bit too much concern to not find fault with State's program.
2. The only problems occur with late findings and/or management delegation.
3. There often seems to be a disconnect between what program management heard during the exit, and what is documented in the report or brought to the MRB.
4. Consider a generic IMPEP review communications plan covering when, how, to whom, and what information should be transmitted.
5. Exit interviews with Agency Heads are unnecessary. They force the teams to reach conclusions prior to deliberating over their findings; program staff can relay information to their boss; and programs have an opportunity to comment on draft reports.

Agreement State

1. Team leader must cover all critical items that may be mentioned in the final report. The state/region should be made aware of changed to initial conclusions at the earliest possible time. Negative findings developed after the exit meeting are unacceptable.
2. Teams need to continue to communicate more with Agency Directors on Agreement State reviews.
3. Initial and final communications should be with an administration representative, thereafter, all technical communications should be with the program director.
4. Too cumbersome with both the MRB meeting in addition to the on-site visit. One meeting would be enough in any case.
5. Preliminary findings expressed at the management close-out are downgraded while preparing the draft IMPEP report letter.

8. IMPEP teams typically have one Agreement State member. Is this adequate representation? If not, is your program willing to provide additional staff for the teams (States only)?

NRC STATE

<u>11</u>	<u>14</u>	Representation is adequate
<u>0</u>	<u>6</u>	Representation is <u>not</u> adequate or otherwise not appropriate
<u>14</u>	<u>10</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. An additional Agreement State member may be beneficial for large programs.
2. There is no reason why a review team can't have multiple State staff participation as long as the team leader is an NRC staff person.
3. If I represented an Agreement State, I would want more representation to serve as training for the State personnel.
4. One State member is sufficient, although more-than-one would be better.
5. The makeup of IMPEP teams should reflect the large majority of materials licenses in the States.

Agreement State

1. As time passes, the make-up of IMPEP teams may have to change to maintain a team that has experience in Agreement State functions.
2. Consider allowing an Agreement State member serve as IMPEP team leader.
3. It seems only appropriate that an IMPEP team more truly reflect the regulatory distribution of radioactive material licenses in the nation.
4. IMPEP reviews have proven beneficial to those staff who have had the training and, more importantly, the experience of participating on an IMPEP team.
5. State representation on review of certain non-common indicators might be useful. An additional representative might be beneficial for the common indicators.
6. Add a representative from the CRCPD in addition to the Agreement State member.
7. A large State might require one more AS member on the team.
8. Perhaps there needs to be more State personnel used on NRC Regional reviews and some of the larger Agreement State Programs.
9. One is adequate – two might be better.
10. Use more state personnel.
11. Certainly 20%-25% Agreement State representation on each team is reasonable.
12. At the exit briefing, it might make sense to have an Agreement State manager from a different program present as well.
13. It is not adequate because NRC staff provides the oversight and decides on most issues. States would be willing to provide staffing for more informal reviews in which the states were evaluating each other.
14. Two or more State members would bring unique experiences to the review which would be beneficial.
15. There should probably be two state team members. This is an excellent way for states to learn about other state programs.

9. Typical IMPEP review frequency is four years. Is this frequency appropriate? If not, is your program willing to provide additional staff for more frequent reviews?

NRC STATE

<u>14</u>	<u>17</u>	Four-year frequency is appropriate
<u>3</u>	<u>6</u>	Four-year frequency is <u>not</u> appropriate
<u>8</u>	<u>7</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. License renewals have been extended for good performers, why not IMPEP reviews?
2. Frequency is too long for a state which revises program(s) every two or three years.
3. With no other internal reviews between IMPEP reviews, it may not be sufficient. Limited reviews or focused reviews in the other years seem appropriate.

Agreement State

1. A five-year frequency seems appropriate.
2. There should be less frequent IMPEP reviews for exceptional performers to focus resources on those programs most in need.
3. I think it should be on a five-year frequency if the state was found adequate at the last review, unless a state program specifically requests to have reviews more often.
4. Complex uncommon indicators such as LLRW and Uranium Recovery Program, should receive more frequent inspections featuring appropriate NRC staff.
5. Extend reviews for Agreement States found satisfactory to once every 5 years.
6. Probably too much. Perhaps topical reviews could be performed in areas where there is a need. This could be left to the program to establish the areas it needs.
7. IMPEP reviews should take place every five years, and actual support and assistance roles should be provided on at least an annual basis by RSAOs.

10. The Management Review Board (MRB) is made up of several senior NRC managers and one Agreement State senior manager. Is this makeup effective?

NRC STATE

$\frac{17}{1}$	$\frac{18}{5}$	MRB makeup is effective
$\frac{7}{7}$	$\frac{7}{7}$	MRB makeup is <u>not</u> effective
		Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. When do regional technical managers get involved?
2. The MRB should include an NRC Regional manager for all reviews to provide a program perspective that is similar to the program being reviewed.
3. A second Agreement State perspective would be desirable, perhaps the OAS Chair?
4. For MRBs involving Agreement States, the make up should be more representative of Agreement States (maybe 1-2 more additional State managers).

Agreement State

1. As with the IMPEP team, the composition of the MRB should reflect the make-up of the group being audited. TWO Agreement State representatives should be involved.
2. An NRC or Agreement State inspector or license reviewer should serve on the MRB as a consultant. No voting or decision making authority, but a resource and reality check.
3. See Agreement State response 3 to question number 8. The same responses apply to the make-up of the MRB.
4. As long as the Agreement State representative's views are accepted with equal weight to the other participants.
5. There should be at least two Agreement State senior managers on the MRB.
6. Since the Agreement State representative does not have a vote I cannot say the makeup is effective.
7. Maybe there should be more Agreement State Managers available for Region and Large Agreement State reviews.
8. A group of two or three persons from NRC or States doing this closer to full-time might improve performance and better utilize NRC staff.
9. Greater State participation would be desirable.
10. There should be at least two State members.

11. Should the Agreement State member of the Management Review Board be a voting member?

NRC STATE

<u>20</u>	<u>21</u>	Yes
<u>0</u>	<u>3</u>	No
<u>5</u>	<u>6</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. If FACA considerations can be accommodated.
2. Achieving voting rights for the Agreement State liaison is less important than maintaining the key role of that liaison in the MRB proceedings.
3. Would a vote by the Agreement State member of the MRB have determined the decision of the Board? If not, the voting status of the A/S member may be moot.

Agreement State

1. Yes. This is "Evaluation with Representation."
2. Poll the Agreement State MRB Liaisons to get their opinions.
3. We would prefer if the state member was a voting member, but we have not experienced any problems in our input to the MRB deliberations.

12. Is the current IMPEP timeline, including the amount of time allotted for State/Region feedback on the draft report and issuance of the final IMPEP report within 104 days of the on-site review, adequate?

NRC STATE

<u>19</u>	<u>20</u>	Current timeline is adequate
<u>2</u>	<u>1</u>	Current timeline could be altered
<u>4</u>	<u>9</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. Allowance on issuing the final report should be made if the MRB meeting is delayed due to scheduling difficulties.
2. With the exception of occasionally wanting additional time to perform technical reviews, the timeline is acceptable to me as a team member.
3. Establish 104 days as a target, with a cap of 128 days in all cases.
4. The timeline should be revisited at the end of round two.

Agreement State

1. Is there any way to cut back the time the report spends at NRC headquarters going through review?
2. If something unusual or complex comes up, the time frame may have to be extended to something like 4 to 6 months, or 130 to 190 days.
3. The state should take as much time as it needs to respond fully whether the time meets someone's time line or not.
4. It is an unnecessary burden on staff and on the states. If reviews and reporting was less detailed, it would be acceptable.

13. Are Periodic Meetings valuable? If not, what other method could be used to evaluate programs between IMPEP reviews? How do you propose we pay the cost of other methods?

NRC STATE

<u>9</u>	<u>17</u>	Periodic meetings are valuable
<u>1</u>	<u>3</u>	Periodic meetings are <u>not</u> valuable
<u>15</u>	<u>10</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. Possibly standard questionnaire that could be sent by e-mail could be used.
2. Same methods used to evaluate licensees.
3. Yes, provided they do not turn into mini reviews which would deviates from the spirit and intent of a periodic meeting. Should the MRB be appraised of periodic meetings?
4. Consider using advanced Information Technology (video conferencing, internet, etc.) in lieu of increasing the frequency of meetings
5. Significant negative trends in programs must be identified during the meetings.
6. I suggest increased standardization and including sending out a list of discussion items, and requesting a response prior to the meeting.
7. Periodic meeting reports should address outstanding adequacy and compatibility issues, any NRC staff concerns regarding material events or allegations, etc.
8. Recommend increasing the geographic areas of responsibility for ASPO's to include States in more than one Region.
9. It is not acceptable for NRC to come with their hand out to the states as the question implies.
10. There is little value for the ASPO to attend Periodic Meetings.
11. Other issues, in particular the follow-up of previous recommendations through verification of files/documents/internal status reports should be addressed.
12. The meetings need not be limited to one day.
13. Periodic meetings have been ineffective in identifying problems.

Agreement State

1. Little can be accomplished during a one-day meeting and this policy impedes open dialogue with the NRC.
2. If the purpose of a periodic meeting is to review and close out findings from the last IMPEP review, it may be of value.
3. To evaluate programs between IMPEP reviews, the state could perform a detailed interim review of itself and submit findings.
4. Periodic Meetings would be helpful if there have been major changes, in a program or if there were particular problems with the program.
5. NRC fee revenue from Agreement State reciprocity in NRC jurisdiction could/should be used to cover the cost.
6. Mid-way meetings should focus on evaluating weaknesses from the last inspection and the overall effectiveness of the program on a larger scale.
7. Not in their present form. Not much comes of sitting around a table and talking. More active participation is needed.

ADDITIONAL QUESTIONS FOR IMPEP TEAM MEMBERS

1. **Is training adequate for IMPEP team members? Do you feel that you have sufficient resources and assistance to participate on IMPEP teams?**

NRC STATE

<u>17</u>	<u>11</u>	Yes
<u>1</u>	<u>0</u>	No
<u>7</u>	<u>18</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. Could use more time to get ready.
2. Other than getting material to review before hand, yes.
3. Having the IMPEP toolbox on the STP web site will be beneficial.
4. Provide reviewers with a list of phone numbers of individuals in the NRC (and State?) to call if they need a quick question answered or clarification on an issue during a review.
5. Personnel should participate in at least one IMPEP review as observer/trainee before acting as team member.
6. Training should be supplemented with a one time team accompaniment.
7. The ad hoc, last-minute training for substitutions has not been adequate. We should ban last-minute substitutions of people that never had the formal training.
8. More guidance is needed for the SDMP non-common indicator.
9. Consider allowing new members to travel with a team as an observer for a day or two.
10. We need to capture and disseminate team members' institutional knowledge.
11. Comprehensive review information should be on CD-ROM for use by team members.
12. More emphasis should be placed on the performance-based approach.
13. Team leaders should orient team members immediately prior to a review on program updates for each revised area.
14. NRC review team members should be senior technical staff (GG-14/15).
15. More training on preparation of reports is needed.
16. I would suggest a STP/IMPEP tool box be created that can be downloaded to a CD for emergency use.

Agreement State

1. Training should be at least annual.
2. The important "training" is for the Team Leader in assuring consistency between IMPEPs for the various states. It was not clear how this was accomplished.
3. A periodic refresher sheet for team members with examples of letters and findings would be useful.

2. Did anything impede your effectiveness as an IMPEP team member? If so, how could these issues be resolved?

NRC STATE

<u>9</u>	<u>5</u>	Nothing got in the way
<u>12</u>	<u>5</u>	Room for change and/or improvement
<u>4</u>	<u>19</u>	Indeterminate answer or no response

Suggestions and Opportunities for Improvement:

NRC

1. Other workload demands make participation a challenge.
2. Need better up-front communication on review policies; perhaps an e-mail list.
3. Procedures are needed for the review of SS&D, LLRW and uranium recovery indicators.
4. The final report, the questionnaire, all correspondence between the State and the NRC from the previous review should on the web site, as well as periodic meeting summaries.
5. The 5 work day turnaround time on developing the draft report for Regional IMPEPs is not reasonable.
6. Senior staff should lead teams, not managers.
7. Time constraints.
8. Observing an IMPEP prior to fully participating would be beneficial.
9. Access to information can be a challenge. Perhaps CDs could be used for each team?
10. The questionnaire could be used to identify files that should be included in the review.
11. Perhaps file reviews could be performed before the on-site review week.
12. Not providing immediate feedback to the inspectors I accompanied.
13. NRC managers' participation during the on-site review should be at an appropriate level and should not impair the work of the team.

Agreement State

1. NRC policy as to what Agreement State members cannot review should be specified.
2. Getting a rental car approved for accompaniments should not be so difficult.
3. Agreement State members should be treated the same as NRC team members.
4. Did not always get the questionnaire information timely enough to adequately prepare for the review.
5. There needs to be agreement up front that review staff issues take priority over day-to-day issues of program staff.
6. Allow normal travel rules for State staff to apply.

DIRECTIVES RESULTING FROM MRB MEETINGS

STATES

ALABAMA

July 8, 1998

The MRB directed that:

1. The team revise the recommendation to note that notification was occurring, but had not been timely.
2. The team revise the text of the report to note that rule-making during the review period was delayed due to the State's reorganization and to delete the characterization in the existing text.
3. The team revise the report to reflect that although the State does not currently have a branch dedicated to perform SS&D reviews, it does have the authority to collect the full cost of an evaluation, and to contract for a review by qualified persons.
4. The team include the State's self-audit as a good practice in the final report.

ARIZONA

April 28, 1998

The MRB directed that:

N/A

ARKANSAS

June 16, 1998

The MRB directed that:

1. The NRC delete the requirement to submit monthly reports to the NRC even though no events occur from the National Materials Events Database (NMED) Handbook.
2. The NRC resolve the software compatibility issue surrounding the use of NMED.
3. The team not rate the SS&D indicator if Arkansas requested NRC to reassert regulatory authority.

CALIFORNIA

December 20, 1999

The MRB directed that:

1. The process for evaluating, analyzing, and supporting a change in the inspection frequency for a class of licensees based on performance be included as a good practice in the report.

2. The team revise the report to note that events requiring immediate notification were promptly reported.

June 5, 1997

The MRB directed that:

The non-common indicator, Legislation and Regulations, could be “revisited” if significant delays in rule adoption occur or if California adopts rules that are not compatible with equivalent NRC regulations.

COLORADO

April 24, 2001

The MRB directed that:

The report include additional language to clarify the State’s reasons for not achieving the reciprocity inspection goals in Inspection Manual Chapter (IMC) 1220.

June 3, 1997

The MRB directed that:

1. The recommendation involving the short form be changed to a suggestion.
2. The report be revised to reflect that Colorado’s performance met the standard for a “satisfactory” rating for the non-common indicator, Legislation and Regulations, and that the IMPEP team revise the report to recommend that Colorado adopt the requirements of the missing section of 10 CFR 34.25 through legally binding requirements until the final regulations were promulgated.
3. OSTP ensure that the Colorado regulations corresponding to 10 CFR 40 Appendix A are compatible.

FLORIDA

May 20, 1999

The MRB directed that:

1. The team remove a recommendation involving transmitting field notes to the Tallahassee office from the report.
2. A recommendation involving the State’s incident and allegation procedures be revised to reflect the need for complete documentation in the State’s procedures.
3. The IMPEP review be placed on the FY 2000 IMPEP schedule as long as the State completes a sufficient number of SS&D evaluations prior to the IMPEP review.

GEORGIA

June 27, 2000

The MRB directed that:

Staff develop an All Agreement States letter informing the States of the trend involving findings regarding the implementation of the financial assurance requirements.

June, 21, 1996

The MRB directed that:

1. On page 2, first paragraph, a sentence should be added to the minutes from the MRB meeting held on May 14, 1996 to reflect the discussion at the MRB on resolution of previous items.
2. The IMPEP review team add a sentence under item 2.1 (1) that the recommendation is closed (the item was left open from the 1993 review).

ILLINOIS

May 21, 2001

The MRB directed that:

1. The issue involving the need for a written policy in terms of meeting the State's needs and objectives versus simply adopting something to be consistent with the NRC program be brought before the Organization of the Agreement States (OAS) for further evaluation.
2. The recommendation to establish a written training program be deleted.
3. A statement in the final report noting that Illinois legal staff review incident information prior to releasing it to the public be added.
4. The staff change the text of the final report to note that Uranium Program made inspector accompaniments in prior years, but omitted them recently due to inspector experience.

July 2, 1997

The MRB directed that:

1. The final report be altered to note that the usual practice of the State is to review SS&D sheets.
2. The fact that the differences between the NRC's and Illinois' definition of an "unannounced inspection" did not appear to impact inspection effectiveness be noted in the final report.
3. The suggestion involving the scheduling of an inspection in the absence of the site RSO be reworded to state that the review team suggests that Illinois evaluate whether the practice of deferring inspections due to licensee scheduling conflicts is being abused.
4. The final report note that all allegations received by the State are handled in accordance with the same procedures as those for allegations referred to the State by NRC.
5. The NRC review the compatibility classification for the declared pregnancy definition.
6. The IMPEP team add a suggestion to the final report stating the Illinois evaluate the review information supporting the registry sheets issued during this period to ensure there is no weakness in the review process.
7. Ed Bailey should be able to comment before the minutes were finalized.
8. The team remove the phrase indicating a weakness in the Illinois SS&D review process.

IOWA

November 9, 1999

The MRB directed that:

1. The follow-up review on the North Dakota program be conducted through correspondence and teleconference/video conference as needed.
2. The review team revise the report to delete this recommendation and make the appropriate changes to the final report.
3. The team revise the report to reflect the additional information that the review team proposed deletion of the paragraph on the deliberate misconduct rule since the Iowa staff informed Mr. Lynch that the State is able to adopt the rule. The proposed final report stated that the Bureau staff previously believed that this authority was reserved to the State Attorney General.
4. The team revise the report to remove the recommendation involving draft and final regulations submitted to NRC and to include language that NRC reviewed several final regulations and found them acceptable.

August 7, 1996

The MRB directed that:

The report will be revised to show that Iowa's incident files had been reviewed against a printout from the Nuclear Materials Events Database.

KANSAS

September 9, 1998

The MRB directed that:

1. Recommendations in Section 3.2 (Technical Quality of Inspections) of the report be revised to reflect NRC's policy for inspectors and include mention of the current management oversight of the inspection program.
2. The language of the report be revised to properly reflect the tasks of staff members at the time of the review.
3. The report include language stating that Kansas staffing levels are below those of NRC regions and the recommendation in Section 3.3 (Technical Staffing and Training) be revised to mention the "NRC/OAS Training Working Group Recommendations for Agreement State Training Programs."
4. The report be revised to reflect that it is not the State's policy to complete pre-licensing visits.
5. The next IMPEP review for Kansas be a follow-up review focusing on the State's licensing actions, and be conducted in one year.

KENTUCKY

October 24, 2000

The MRB directed that:

The team delete the phrase "due to rededication efforts" in Section 4.3.4.

July 17, 1996

The MRB directed that:

1. The report reflect that the Kentucky staff is managing the workload through overtime and postponement of leave and that the terms "excessive burdens" and "overburdened" be removed.
2. The IMPEP team revise the report to reflect the advantage to the State to adopt civil penalty policy.
3. The report reflect that it was the consensus of the MRB that it was not necessary for Kentucky to adopt the regulation involving the definition of land disposal and waste QA program.

LOUISIANA

May 31, 2000

The MRB directed that:

A decision on whether to grant a one year extension for the Maryland follow-up review be postponed until the findings of the June 27, 2000, Maryland periodic meeting have been reviewed.

April 10, 1997

The MRB directed that:

The report be revised to reflect that the MRB revised the team's recommendation to "satisfactory with recommendations for improvement" and recommended that the State implement the requirements in the draft regulation on "Decommissioning Recordkeeping, Documentation of Restricted Areas and Spills" through legal binding requirements on a case-by-case basis until the regulation is promulgated as final.

MAINE

December 1, 1998

The MRB directed that:

1. The report language be revised to specify the State's awareness of the overdue inspections and actions to eliminate them as the reasons for the "satisfactory with recommendations for improvement" rating for the common performance indicator, Status of Materials Inspection Program, and to stress the importance of the State maintaining current staff levels.
2. The report be revised to note that the new hire had been issued a qualifications journal.
3. The report include a suggestion that the State evaluate staffing needs to ensure its long term ability to address regulations and timely completion of inspections.
4. The team further investigate exactly how many incidents occurred in Maine during the review period, and which of these incidents should have been reported to NMED.
5. The report be revised to include clarifying language about the impact of the new hire and to include the full title of the Commissioner, Department of Health Services.

MARYLAND

June 22, 1999

The MRB directed that:

1. The final report include language detailing that health and safety issues were properly addressed in the inspection casework.
2. The follow-up review include the State's licensing program.
3. Guidance should be written as to how open recommendations from previous reviews should be handled during IMPEP reviews.
4. The final report include language detailing that health and safety issues were properly addressed in the inspection casework.

March 6, 1997

The MRB directed that:

1. The review team revise the report to indicate that the recommendation involving the State take action to ensure patient notification by the hospital is closed.
2. The team to revise the finding for the common performance indicator Technical Quality of Inspections to "satisfactory."
3. The team revise the recommendation that the State assess the adequacy of the program staff to maintain a program to complete pending regulation revisions to exclude the phrase "to protecting public health and safety."
4. Review team include in the report that NRC would continue to monitor the status of NPI's timely license renewal action.
5. The team revise the report to suggest that the State consider implementing a tracking system for allegations.

MASSACHUSETTS

April 6, 1998

The MRB directed that:

1. AEOD, OSTP, and the Commonwealth work together to bring the NMED system up to date on events that have taken place in Massachusetts.
2. NMSS and OSTP revise IMPEP guidance to reflect the "team" approach to SS&D reviews.
3. OSTP reconsider the current process of completing an IMPEP review for a new Agreement State within one year of the signing of the agreement.

MISSISSIPPI

May 14, 1997

The MRB directed that:

1. The review team include in the final report the discussion of the impact of staff turnover on the delay in some initial inspections.
2. The IMPEP team clarify the language of the recommendation pertaining to the common performance indicator, Technical Staffing and Training, in the final report.
3. The review team revise the recommendation on prompt responses to incidents to recommend that the State review their procedures for

responding to incidents in the public domain.

NEBRASKA

December 17, 1998

The MRB directed that:

1. That the recommendation on the common performance indicator, Technical Quality of Inspections, which are documented in the report, be changed to a suggestion in the final report.
2. The team revise the recommendation involving the inventory license condition to declare that the State should revise the applicable licenses within a year.
3. the team remove recommendations 7 and 8 in the final report, and to revise the report to reflect the current status of the LLRW program.

January 22, 1997

The MRB directed that:

The finding for Technical Staffing and Training be changed to "satisfactory, with recommendations for improvements" in view of the actions taken by the State and the commitments made by State management.

NEVADA

November 18, 1997

The MRB directed that:

1. The report reflect a discussion stating that the suggestion involving the NRC-OAS joint working group on training recommendations was no longer timely and that the suggestion be removed from the report.
2. The IMPEP team note that staff has already completed the task described in the recommendation for the common performance indicator, Response to Incidents and Allegations, in the final report and that no additional response would be required from the State on this recommendation.
3. The IMPEP team identify Nevada's policy of tying every new or renewed license through license condition to an attached cover letter which clearly explains the licensee's responsibilities when transmitting licenses as a good practice in the final report.

NEW HAMPSHIRE

November 13, 1997

The MRB directed that:

1. The IMPEP team remove the word "overdue" from the sentence identifying the number of core licenses in New Hampshire.
2. The IMPEP team revise the recommendation involving the effectiveness of monthly rotations to read: "The review team recommends that the State evaluate the number of staff needed to implement the program."
3. The IMPEP team remove the suggestion involving severity levels and civil penalties, a finding noted in a previous NRC review, from the final report.

NEW MEXICO

September 28, 1998

The MRB directed that:

1. The next IMPEP review for New Mexico be conducted in three years with the understanding that, as a result of the periodic meeting, the three-year time frame could be extended or reduced if needed.

October 23, 1997

The MRB directed that:

A final position on whether the State's program should be placed on probation be postponed until all of the indicators were discussed.

NEW YORK

August 18, 1998

The MRB directed that:

1. The team edit the report to reflect that due to NYCH's progress with the common performance indicator, Status of the Materials Inspection Program, NYCH's performance met the standard for a "satisfactory with recommendations for improvement" rating for this indicator change.
2. The team delete the suggestion involving the vacant Bureau Director position.
3. The team reassess the finding that NYCH's performance was "satisfactory with recommendations for improvement" for the common performance indicator, Technical Staffing and Training.
4. The team clarify the report to state that the recommendation(s) involving the notification of the NRC Operations Center within 24 hours for all significant events and the provision of complete follow-up documentation to NMED on all reportable events relates to the State's lack of reporting to the NRC Operations Center.
5. The team resolve an issue involving a discussion with NYSH on a possible discrepancy in the report dealing with regulation amendment.
6. The preliminary rating for the New York program be revised to be adequate to protect public health and safety, and compatible.

NORTH CAROLINA

December 8, 2000

The MRB directed that:

Additional language be added to the report detailing the State's actions in response to the recommendations for the non-common performance indicator, Sealed Source and Device Evaluation Program, and that the recommendation involving the Humbolt Scientific, Inc. sheet be removed.

March 20, 1996

The MRB directed that:

The letter to the State on the review document NRC's support for the State when there is significant staff turnover and the importance of training.

NORTH DAKOTA

June 30, 1999

The MRB directed that:

1. The report be revised to include a commitment stating that the Radiation Control Program (RCP) will immediately report all occurrences involving lost sources and then update the Nuclear Material Events Database (NMED) system as appropriate if and when the source is found.
2. The report be revised to reflect that the brachytherapy inspection observed was adequate, and that the recommended training would be an enhancement for the inspectors.

May 14, 1996

The MRB directed that:

1. The review team revise the report to indicated that an item involving the State's continuing to exercise regulatory attention to a single licensee with repeated compliance problems was considered closed.
2. The review team add "or notice" after "results" in Section 3.1 (Status of the Materials Inspection Program) of the final report and give the State the option of using some type of short form to provide licensees with inspection findings.
3. The team revise the second paragraph in Section 3.2 (Technical Staffing and Training, page 9) to indicate that out-of-State travel "can be" and not "is" an impediment to training.
4. The review team add to the report that the incidence of not conducting an exit meeting with high-level licensee managers was observed on only one of the inspection cases reviewed by the team.

OREGON

October 13, 1998

The MRB directed that:

1. The review team revise the report to state that Oregon's performance met the standard for "satisfactory" rating for the common performance indicator, Status of Materials Inspection Program.
2. IMPEP teams incorporate flexibility in the evaluation of the Status of the Materials Inspection Program.
3. The final report be revised to reflect the unique aspect of Oregon's approach for documenting and sharing the information with licensees.

RHODE ISLAND

October 19, 1998

The MRB directed that:

1. The team revise the text of the final report to reflect Rhode Island's rationale for the three-year inspection frequency is based on their experience with this specific licensee and the State's presence on site for other types of activities, such as x-ray inspections.
2. The review team revise the second paragraph in Section 3.4 (Technical Quality of Licensing Actions) to correct the number of licensing actions.
3. The text be revised to expand the description of the Rhode Island's allegation process.
4. The text on the timing for completion of the new regulations be revised to reflect that these regulations will be promulgated in the fall, 1998.

SOUTH CAROLINA

October 6, 1999

The MRB directed that:

1. The team revise the report to reflect the acceptability of written procedures to extend or reduce inspection performance based on performance.
2. The team revise the discussion on the computer database program to note that the State had recognized the errors in the data prior to the IMPEP review.
3. The report be revised to reflect that staff have been scheduled for the appropriate courses to provide training in the areas of medical brachytherapy and irradiator technology.
4. The review team revise the report to note that the team had not identified any safety issues associated with the existing HDR licenses.
5. The team delete the recommendation involving revising the State's incident and allegation procedures and to revise the report noting that the State had already revised their procedures to incorporate the appropriate elements following NRC guidance documents.
6. The team revise the report to reflect that NRC had reviewed several final regulations and had found them acceptable.
7. The team revise Section 4.2 (SS&D) of the report to note that the reviews performed were concurrence reviews.

TENNESSEE

November 7, 2000

The MRB directed that:

1. The report reflect the progress the State has made in completing overdue inspections since the on-site review.
2. The report include a new recommendation that inspectors are properly trained in the Division's policies and procedures on the conduct of inspectors.
3. The report include language noting that the results from the separate review of the licensing actions for Manufacturing Sciences Corporation

performed prior to the IMPEP review were considered in the determination of the State's performance for this indication.

4. A program improvement plan be submitted in addition to the responses to the recommendations found in Section 5 of the final report, that a follow-up review be conducted within one year, that bimonthly conference calls take place with Tennessee staff, and that written progress reports be submitted two weeks prior to each call.

May 2, 1997

The MRB directed that:

1. OSTP send notification to the Agreement States that MC 1220 will be used to evaluate the State's performance for reciprocity inspections.
2. The review team identify where any gaps or admissions to the regulations were not addressed through other mechanisms within the Tennessee program in connection with OGC review and recommend any additions necessary in the final report.

TEXAS

September 22, 1997

The MRB directed that:

1. The review team revise Section 4.3 (LLRW Disposal Program) to clearly identify that NRC has reviewed the Texas program from the national program perspective and to remove any suggestions that the low-level waste site in Texas was not suitable based on the performance assessment.
2. The staff share the revision of Section 4.3 with the State for comments.
3. Texas' performances for the non-common performance indicator, Sealed Source and Device Evaluation Program, are revised to meet the standard for a "satisfactory" rating.

UTAH

February 1, 1999

The MRB directed that:

1. The report be revised to include more language involving the quality of Utah's performance in handling brachytherapy and irradiator inspections and licensing actions, and the possibility of using alternative methods of training.
2. The recommendation involving brachytherapy and irradiator training be changed to a suggestion in the final report.

WASHINGTON

November 16, 1999

The MRB directed that:

1. The report be revised to reflect a discussion involving the Division's policy of hand delivering initial licenses and then completing two inspections over the next year and half and the MRB's deeming this practice to be a

- good practice.
2. The team revise the second paragraph in Section 3.2 (Technical Quality of Inspections) to reflect the program's overall performance for this indicator, including inspector accompaniments and interviews.
 3. The paragraph on the Environmental Specialist be deleted from the report.
 4. The final report be revised to reflect a discussion involving the status of the training program and the training comments made on the low-level radioactive waste program and uranium recovery program and that all three of the recommendations on training be removed from the report.
 5. The team delete a recommendation involving written notification to allegers and to revise the report accordingly.
 6. The review team delete a recommendation on implementing the training program established for the Waste Management Section and revise the report to reflect the discussion held at the MRB meeting.
 7. The review team delete the recommendation involving training and revise the report to reflect the discussion held at the MRB meeting.
 8. The team revise the recommendation to reflect that the State should develop additional specialized inspection procedures.

REGIONS

REGION I

June 5, 2001

The MRB directed that:

1. The final report reflect the updated status of overdue inspections.
2. The final report be revised in Section 2.0 to identify the courses discussed in the fourth recommendation.
3. The final IMPEP report clearly and factually note that the Government was not in a vulnerable position as the financial documents were executable and that Recommendations 1 and 2 be combined.

April 16, 1998

1. NMSS and OSTP take another look at the possible overlap of these reviews (one intended to focus primarily on procedural handling of allegations while the IMPEP reviews were designed to review the adequacy of regional technical responses to allegations), and develop the most resource-effective approach.
2. If requested, OSTP offer support to the States which may need additional administrative funding support to participate in future video conferences.

June 10, 1996

No MRB minutes found.

REGION II

April 23, 1998

The MRB directed that:

1. The team add as a suggestion for RII in the final report that RII should do a better job in identifying the portions in the tie-down documents that are to be included or excluded in the license to prevent licenses from being unclear.
2. Consideration should be given to extend the period for the next IMPEP beyond two years considering the region's good performance.

July 11, 1996

The MRB directed that:

1. The report be clarified to recommend the importance of documenting the basis for a complex or unusual licensing action rather than noting in the IMPEP report that the specific records of the discussion were not retained.
2. NMSS should develop guidance on how often regional survey meters should be calibrated.
3. The IMPEP team should contact the Agency Allegation Coordinator before performing the biennial IMPEP review.
4. The team's recommendation to pursue use of industry-sponsored training include the Office of Analysis and Evaluation of Operational Data (AEOD), along with NMSS, in investigating and considering alternatives to the in-house classroom training.
5. Recommendation 5 be revised to instruct the Region to maintain close adherence to Management Directive 8.8 and OSTP guidance instead of "close oversight of allegations referred to Agreement States."
6. On future regional IMPEP reviews, the team should coordinate in advance with the Agency Allegation Coordinator regarding the scope and findings of the region's most recent allegation program audit.
7. The number of days since the IMPEP review was completed should be reported as total elapsed days since the end of the review.

REGION III

May 24, 1999

The MRB directed that:

1. NMSS consider the generic benefits of the recommendation involving RIII develop and implement a process to remove allegation material from the docket files and train the DNMS staff on what allegation language, if any, is acceptable for placing in the files, and to decide whether or not such training would be needed in each region.
2. There was a need to record and analyze Agency hours in a format consistent with the budget program areas.
3. NMSS re-look at the need to assess this non-common indicator in future IMPEP reviews to conserve resources, and avoid duplication, particularly since the new regional Operating Plans cover most of the same information.

July 15, 1997

The MRB directed that:

1. The staff include the new data with respect to inspection reports issued by RIII's Decommissioning Branch in the final version of the report.
2. The team delete the recommendation involving the need for RIII management to focus attention on staffing stability and qualification in the fuel cycle and gaseous diffusion area, and include it only as a suggestion in the body of the report.

REGION IV

June 16, 1999

The MRB directed that:

1. The team delete one confusing sentence in the third paragraph on page 4 of the proposed final report regarding the inspection frequencies in Inspection Manual Chapter 2800.
2. The IMPEP team use words explicitly stating that inspectors' performance was satisfactory to adequately assess the radiological health and safety of the licensees' programs, and include the proper mention of the program's focus on the most safety-significant issues, using a risk-informed, performance-based approach.
3. The recommendation to review the requirements and guidance for using Licensee Event Reports and the Nuclear Materials Events Database (NMED) when reporting materials events with the goal of cataloging all events in a timely manner be re-written to reflect that NMED is primarily a repository for event information more so than it is a system to track their closure, and to clarify the need to catalog the events in a timely manner.
4. A few changes to the wording on page 18 of the proposed final report be made. One of the changes related to the inclusion of text in this section to document the region's emphasis on safety-significant issues, and risk-informed, performance-based decision-making. Additionally, NMSS and OSTP were asked to continue to emphasize this in future IMPEP training sessions and quarterly IMPEP conference calls.
5. The team modify the wording of the recommendation on page 26 to more closely align with words from the top of page 11.

May 20, 1997

The MRB directed that:

1. A word be changed on page 23 of the proposed final report to make it more clear that the team's finding related to documentation rather than coverage.
2. The final report be modified to separate more clearly those recommendations pertaining to the region from those pertaining to the program office.

COMPARISON OF PERIODIC MEETINGS AND IMPEP

ALABAMA

Periodic Meetings

- March 8, 2001: No weaknesses identified.
- June 17, 1999: No performance issues identified during the meeting.

IMPEP

- April 23, 1998: Alabama's performance with respect to each of the performance indicators found satisfactory.

ARIZONA

Periodic Meetings

- January 30, 2001:
1. Minimal support in the budget for computer upgrades or replacement of survey equipment.
 2. Anticipated difficulty recruiting new staff as vacancies occur.
 3. No funding for training of staff.
- February 18, 1999:
1. Minimal staffing level and difficulty in getting funds for training, equipment, and computer upgrades.
 2. Telecommuting requirement may result in lost office space requiring inspectors to share desks and equipment.

IMPEP

- February 13, 1998: Arizona's performance with respect to each of the performance indicators found satisfactory.

ARKANSAS

Periodic Meetings

- December 12, 2000:
1. Existing resources continue to be challenged by increasing responsibilities and requests.
 2. Regulation revision process is cumbersome and lengthy.
 3. Improved but limited training opportunities for technical staff because of reduced funding for training.
 4. Radioactive materials licensing guidance, applications and checklists are outdated and need to be revised to reflect current practices.
 5. Systemic process weakness causes a significant backlog in license renewals.

- May 25, 1999:
1. Regulation revision process is cumbersome and lengthy.
 2. Division operation procedures and administrative processes and practices are outdated.
 3. Limited training opportunities for professional staff because of reduced funding for training.
 4. Staff resists the adoption of a questioning attitude and changing its approach in identifying and solving problems.
 5. Existing resources are challenged by a wide variety of responsibilities, including radiological and non-radiological energy response.

IMPEP

March 27, 1998: Arkansas' performance with respect to each of the performance indicators found satisfactory.

CALIFORNIA

Periodic Meetings

- March 23, 1999:
1. The adoption of regulations is a laborious process.
 2. Other potential weaknesses are not having administrative penalties available, not having a LLRW site within their compact and the State's laborious hiring process.

March 4, 1998: The State has lengthy and complicated budget and regulation adoption processes and cumbersome personnel hiring policies have hindered the ability to hire staff in a timely manner.

IMPEP

October 8, 1999: California's performance with respect to each of the performance indicators found satisfactory.

COLORADO

Periodic Meetings

July 8, 1999: RCD is experiencing staff losses which are not likely to be filled.

April 8, 1998: No program weaknesses are evident except for budget constraints and the state thus far has been able to maintain the effectiveness of their regulatory program.

IMPEP

February 9, 2001: Colorado's performance with respect to each of the performance indicators found satisfactory.

FLORIDA

Periodic Meetings

June 1, 2000: No performance type weaknesses were identified by the NRC during the meeting.

February 12, 1998: No performance type weaknesses were identified by the NRC during the meeting.

IMPEP

February 26, 1999: Florida's performance with respect to each of the performance indicators found satisfactory.

GEORGIA

January 15, 1998: No performance type weaknesses were identified by the NRC during the meeting.

ILLINOIS

Periodic Meetings

November 17, 1999: Illinois Radiation Control Program appears to be a strong, stable Agreement State program.

June 9, 1998: Illinois Radiation Control Program appears to be a strong, stable Agreement State program.

IMPEP

March 9, 2001:

1. Illinois' performance with respect to seven of the performance indicators found to be satisfactory.
2. The non-common performance indicator Legislation and Program Elements Required for Compatibility was found satisfactory with recommendations for improvement.

IOWA

Periodic Meetings

April 7, 1998: Iowa Radiation Control Program appears to be a stable Agreement State program but, if needed, training is limited because of out of state travel restrictions.

November 14, 2000: No weaknesses identified. IDPH staff is concerned about their ability to monitor or participate in various working groups and tasks forces.

IMPEP

August 20, 1999: Iowa's performance with respect to each of the performance indicators found satisfactory.

KANSAS

Periodic Meetings

March 22, 2001: Adequate staffing level to maintain the routine technical workload; however, insufficient staff to develop regulations to maintain compatibility with NRC requirements.

IMPEP

June 17, 1999 (follow-up): Licensing program made progress, but Technical Quality of Licensing actions still need improvement.

- June 19, 1998:
1. Performance with respect to the performance indicators Technical Quality of Inspection, Response to Incidents and Allegations and Legislation and Program Elements for Compatibility found satisfactory.
 2. Performance with respect to the performance indicators Status of Materials Inspection Program, Technical Staffing and Training, Technical Quality of Licensing Actions found satisfactory with recommendations for improvement.

KENTUCKY

Periodic Meetings

June 11, 1998: No performance issues identified during the meeting, however the delay in the schedule for the sealed source and device reassessments is of concern.

IMPEP

- July 21, 2000:
1. Performance with respect to the performance indicators Status of Materials Inspections Program found satisfactory with recommendations.
 2. Performance with respect to the remaining eight performance indicators found satisfactory.

LOUISIANA

Periodic Meetings

February 9, 1999: Is difficult to recruit professionals and keep trained professionals because of low entry salaries.

- January 21, 1998:
1. Program entirely supported by fees which cannot be increased without approval of 2/3 of the legislature.
 2. Travel and training expenses come from the same travel fund allocated to inspections and investigations, so program management must give higher priority to travel essential to the regulatory program.
 3. State does not perform a formal internal audit.
 4. State is behind schedule in adopting compatible regulations.

May 15, 2001: Until the new database is fully operational, all licensee information must be retrieved manually.

IMPEP

March 3, 2000: Louisiana's performance with respect to each of the performance indicators found to be satisfactory.

MAINE

Periodic Meetings

- December 7, 1999:
1. No weaknesses identified by the NRC.
 2. State concerned about difficulties with the NRC's General License database.

June 12, 2001: NOT REVIEWED

IMPEP

- September 18, 1998:
1. Performance with respect to the performance indicators Technical Quality of Inspection, Technical Staffing and Training, Technical Quality of Licensing Actions and Response to Incidents and Allegations found satisfactory.
 2. Performance with respect to the performance indicators Status of Materials Inspection Program and Legislation and Program Elements Required for Compatibility found satisfactory with recommendations for improvement.

MARYLAND

Periodic Meetings

- June 29, 2000:
1. The State has only conducted a limited review of all registration certificates to identify missing information and with priority of the actions based on the risk associated with the device.
 2. The State's need to bring SS&D sheets and documentation up to the current standards was identified in reviews prior to the 1999 IMPEP review and should be addressed.

- May 8, 1998:
1. State had not performed a self-assessment of their materials program.
 2. Adoption of regulations required for compatibility 2-3 months behind.
 3. RHP not reporting all materials events as required for compatibility.

IMPEP

- March 26, 1999:
1. Performance with respect to the performance indicators Technical Quality of Licensing Actions and Sealed Source and Device Evaluation Program found satisfactory with recommendations for improvement.
 2. Performance with respect to the remaining performance indicators found satisfactory.

MASSACHUSETTS

Periodic Meetings

- December 10, 1998: NRC staff recommended that the SS&D program be reevaluated at the next periodic meeting to determine the timing and need for an early review.

IMPEP

- June 21, 2000 (follow-up):
1. Performance with respect to the performance sub-indicator Technical Quality of the Product Evaluation Program and the indicator Sealed Source and Device Evaluation Program found satisfactory with recommendations for improvement.
 2. Performance with respect to the performance sub-indicators Technical Staffing and Training and Evaluation of Defects and Incidents Regarding Sealed Sources and Devices found satisfactory.
- January 16, 1998:
1. Performance with respect to the performance indicator Sealed Source and Device Evaluation Program found satisfactory with recommendations for improvement.
 2. Performance with respect to the performance indicators Status of Materials Inspection Program, Technical Quality of Inspections, Technical Staffing and Training, Technical Quality of Licensing Actions, Response to Incidents and Allegations, and Legislation and Program Elements Required for Compatibility found satisfactory

MISSISSIPPI

Periodic Meetings

- February 1, 2000: No performance issues identified during the meeting.
- September 10, 1998: Only performance issue identified was Staffing and Training. There were two vacancies that needed to be filled.

IMPEP

- May 25, 2001:
1. Performance with respect to the performance indicator Legislation and Program Element Required for Compatibility found satisfactory with recommendations for improvement.
 2. Performance with respect to five common performance indicators found satisfactory.

NEBRASKA

Periodic Meetings

- March 14, 2000: Program has not revised the NRC's NUREG 1556 "Consolidated Guidance About Materials Licenses" into Nebraska Regulatory Guides.

IMPEP

- September 25, 1998: Performance for all the common and non-common performance indicators found satisfactory.

NEVADA

Periodic Meetings

- December 9, 1999: An area of concern exists regarding training and travel.

August 26, 1998: A weakness lies in difficulties in the recruiting process.

IMPEP

August 29, 1997: Performance with respect to each of the performance indicators found satisfactory.

NEW HAMPSHIRE

Periodic Meetings

February 8, 2000: No weaknesses identified.

September 10, 1998: 1. Radioactive materials program is behind in the number of inspections and some inspections are overdue.
2. Individuals assigned the task of maintaining NMED have recently left the program and the task needs to be reassigned to another staff person.

IMPEP

August 22, 1997: 1. Performance with respect to the performance indicator Status of Materials Inspection Program found satisfactory with recommendations for improvement.
2. Performance with respect to the performance indicators Technical Staffing and Training, Technical Quality of Licensing Actions, Technical Quality of Inspections, Response to Incidents and Allegations and Legislation and Regulations found satisfactory.

NEW MEXICO

Periodic Meetings

December 7, 1999: 1. An area for improvement is the availability of work space and equipment in the Albuquerque office.
2. Concern exists regarding training and travel.

IMPEP

July 18, 1997: 1. Performance with respect to the performance indicator Technical Quality of Licensing Actions found satisfactory.
2. Performance with respect to the performance indicators Status of Materials Inspection Program, Technical Quality of Inspections, Response to Incidents and Allegations and Technical Staffing and Training found satisfactory with recommendations for improvement.
3. New Mexico's program found adequate, but needs improvement, and compatible.

NEW YORK

Periodic Meetings

NYS Health

March 1, 2001: Laborious regulation adoption process.

September 21, 1999: No performance type weaknesses were identified by the NRC during the

meeting.

NYC Health

February 27, 2001: NYCDOH has been timely in reporting incidents to the NRC, but in some cases, the City had not provided documentation to close out the events.

NYS Labor

February 28, 2001: As a result of discussion at the previous periodic meeting in November 1999 no additional information was needed and the actions taken by NYDOL will be reviewed at the next full IMPEP.

November 23, 1999: The retirement of Ms. Aldrich impacted the licensing program. The backlog has increased from 90-140 actions since her departure.

NYDEC

February 28, 2001:

1. The Program Director is concerned about low-level radioactive waste funds that the NYDEC receives.
2. NYDEC is concerned about the disposal of pre-1978 waste material from the Port Hope facility in Canada into NY landfills.
3. Program has not adopted any new NRC amendments since the last IMPEP.

September 21, 1999:

1. NYDEC did not implement the review team's suggestion to maintain one file for all types of incidents involving radioactive materials.
2. There was a significant increase in the number of radiation alarms at incinerators due to medical and research and development waste

IMPEP

April 28, 1999: Performance with respect to each of the performance indicators found to be mixed with 23 satisfactory, and 4 satisfactory with recommendations for improvement. The most significant concerns were associated with the NYCH program.

NORTH CAROLINA

Periodic Meetings

June 30, 1998: No performance type weaknesses were identified by the NRC during the meeting.

IMPEP

September 22, 2000: Performance with respect to all seven performance indicators found satisfactory.

NORTH DAKOTA

Periodic Meetings

- July 22, 1998:
1. Need to improve timeliness of inspections and inspection letters.
 2. Staff size is marginal.

IMPEP

- April 16, 1999:
1. Performance with respect to the performance indicator Status of Materials Inspection Program found satisfactory with recommendations for improvement.
 2. Performance with respect to the remaining performance indicators found satisfactory.

OHIO

NOT REVIEWED

OKLAHOMA

NOT REVIEWED

OREGON

Periodic Meetings

June 25, 2001: The Division has about 175 inspections due by the end of the calendar year; 67 inspections overdue by the NRC's criteria.

November 18, 1999: There is a backlog of inspections of both initial and core licenses due to staff turnover and time had to be devoted to training new staff.

IMPEP

August 13, 1998: Performance with respect to each of the performance indicators found satisfactory.

RHODE ISLAND

Periodic Meetings

- November 9, 1999:
1. Prolonged vacancy of the license reviewer position may result in backlogs in licensing and inspection.
 2. State indicated that supervisory accompaniments for 1999 had not been performed because the State had not been able to cross train individuals due to the current staffing levels.

IMPEP

July 30, 1998: 1. Performance with respect to each of the performance indicators found satisfactory.

SOUTH CAROLINA

Periodic Meetings

- December 19, 2000:
1. No performance type weaknesses were identified by the NRC during the meeting.
 2. OSTP and RSAO need to monitor the actions taken by The Bureau of Radiological Health with regard to the anticipated reduction of their budget and the effects on the program.

December 17, 1997: No performance type weaknesses were identified by the NRC during the meeting.

IMPEP

July 16, 1999: Performance with respect to each of the performance indicators found satisfactory.

TENNESSEE

Periodic Meetings

March 31, 1998: No performance type weaknesses were identified by the NRC during the meeting.

August 12, 1999: No performance type weaknesses were identified by the NRC during the meeting.

IMPEP

- August 25, 2000:
1. Performance with respect to the performance indicators Technical Staffing and Training, Technical Quality of Licensing Actions and Sealed Source and Device Evaluation Program found satisfactory.
 2. Performance with respect to the performance indicator Response to Incidents and Allegations found satisfactory with recommendations for improvement.
 3. Performance with respect to the performance indicators Status of Materials Inspections, Technical Quality of Inspections and Legislation and Program Elements Required for Compatibility found unsatisfactory.

TEXAS

Periodic Meetings

October 20, 1999: TNRCC has been unable to make up the difference in training and travel funds lost by the NRC's discontinuance of funding.

October 19, 1999: TBRC Funding for training and travel is a possible weakness.

- July 16, 1998:
1. Smallness of TNRCC staff necessitates frequent reallocation of projects among staff to ensure that priority work is done first.
 2. TNRCC has been unable to make up the difference in travel money lost by the NRC's stopping funding.
 3. TNRCC on schedule for compatibility except for the

recommendation made by the IMPEP team on LLRW.

- July 15, 1998:
1. There are limitations to increasing the TDH full-time staff when workload increases.
 2. TDH does not consistently get timely and sufficient legal assistance due to their limited staff and high workload.

- June 27, 1997:
- IMPEP
1. Performance with respect to the performance indicators Legislation and Regulations and Sealed Source and Device Evaluation Program found satisfactory.
 2. Performance with respect to the performance indicators Low-Level Radioactive Waste Disposal Program and Uranium Recovery Program found satisfactory with recommendations for improvement.

UTAH

Periodic Meetings

March 28, 2000: No performance type weaknesses were identified by the NRC during the meeting.

April 22, 1998: No performance type weaknesses were identified by the NRC, however the program is facing several challenges.

IMPEP

November 20, 1998: Performance with respect to each of the performance indicators found satisfactory.

WASHINGTON

Periodic Meetings

November 29, 2000:

1. Need to develop succession planning for replacement of critical staff when they retire.
2. Staffing levels of the Radioactive Materials and Waste Management Sections are fully funded by fees and, therefore, directly affected by the number and type of licenses.
3. As a result of a staff member leaving, a backlog in inspections has developed.
4. A state initiative that limits the program's ability to raise fees to cover program costs is a weakness.

May 6, 1998:

1. Previous reviews of the Radioactive Materials Program have disclosed a history of inadequate documentation and the State has been slow to correct the problem.
2. State representatives sometimes are subject to outside political interference pertaining to environmental issues.

IMPEP

September 3, 1999: Performance with respect to each of the performance indicators found satisfactory.