

March 21, 2000

MEMORANDUM TO: INTEGRATED MATERIALS PERFORMANCE EVALUATION
PROGRAM (IMPEP) FILE

THRU: Frederick C. Combs, Deputy Director */RA/*
Office of State Programs

FROM: Kathleen N. Schneider */RA/*
Senior Project Manager for IMPEP Coordination
Office of State Programs

SUBJECT: RESOLUTION OF 1998 ANNUAL MEETINGS ACTION ITEMS

Attached is the resolution of all action items identified during FY 1998 Annual Meetings held with Agreement States between IMPEP Reviews. These meetings were originally to be held annually. After the Office of State Programs' (OSP) first year experience, the frequency of these meetings was revised in FY 99 and are now held periodically in accordance with OSP Procedure SA-116.

Attachment:
As stated

cc: Paul H. Lohaus

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FY 1998 ANNUAL MEETINGS
ACTION ITEMS

California Summary report, dated March 31, 1998

1. No new action items were identified during the meeting. As mentioned previously, the State is still waiting for the information they requested from the NRC in their December 24, 1997, IMPEP response letter to Hugh Thompson regarding data supporting the benefits of the QM rule.

ASSIGNED TO: L. Rakovan.

STATUS: Closed. Letter sent to E. Bailey, 5/1/98.

Colorado Summary report, dated April 29, 1998

1. Regulation of DOE Subcontractors: Under the current NRC rule, Part 30.12, DOE subcontractors are exempt from NRC and Agreement State Regulations; however, due to privatization of many Federal activities, these subcontractors are operating without oversight. The State requested the NRC amend our regulations to specifically eliminate the exemption for DOE subcontractors working off DOE sites.

ASSIGNED TO: C. Maupin.

STATUS: Closed. April 13, 1998 letter to J. Erickson, WA addressed issue. Copy sent to all States.

2. NRC Review of State Regulations: In November 1997, the State sent the Colorado regulations pertaining to private land ownership to OSP for review. After an exchange of correspondence, OSP advised the State on January 12, 1998, that the matter had been referred to legal counsel and that they expected to be able to respond in approximately one month. Since that time the State has received no further response. Although Colorado adopted the regulation, which was modeled after the similar rule in Utah, on March 30, 1998, the State would like to know the status of the legal review.

ASSIGNED TO: S. Salomon.

STATUS: Closed. September 28, 1998 telephone call between S. Salomon and R. Quillin.

3. All Agreement State Letters: The State said that it appears there are gaps in the numbering of the All Agreement State Letters, and they requested that the NRC provide an index of the All Agreement State Letters from 1996 to the present.

ASSIGNED TO: J. Myers.

STATUS: **OSP Ticket.** As of 11/3/98, discussed with K. Kerr, to obtain electronic index and put it on the homepage. No additional action.

4. Access to Materials Events Information: The State suggested that the NRC look into modifying the present NMED tracking system by creating an Internet web page (linked to the NRC and National Response Center pages) on which the States could upload information directly.

ASSIGNED TO: K. Schneider.

STATUS: Closed. In All Agreement State Letter, SP-98-075 dated August 31, 1998, NRC notified the States that NMED was available on the Internet. Discussed with P. Larkins the present status for updating directly to Internet. She will email R. Quillin as to the status.

5. Standardized Waste Manifest Form: The State requests an update on OSP's progress on the development of the computer program for the standardized waste manifest form.

ASSIGNED TO: S. Salomon.

STATUS: Closed. September 28, 1998 telephone call between S. Salomon and R. Quillin.

6. Regulation Assessment Tracking System (RATS): In Colorado, as well as in certain other Agreement States, the date the regulation is legally adopted is often different from the date the rule becomes effective. The staff suggests adding an "effective date" field to the tracking system.

ASSIGNED TO: S. Salomon.

STATUS: Closed. Revision to SA-201 includes a field for this information.

Florida Summary report, dated February 12, 1998

1. The RSAO promised to follow up with OSP and the NMED contractor to obtain a copy of the current NMED software for the State.

ASSIGNED TO: R. Woodruff.

STATUS: Closed. Following the meeting, the RSAO held separate telephone discussions on February 17, 18, and 19, 1998 with the NRC NMED contractor, the Materials Administrator, and the Incident Response Coordinator in the Orlando Laboratory. The RSAO confirmed that the NMED contractor had provided a current copy of the NMED software to the Florida Materials Administrator, and that Florida incidents up through number 97-055 (May 22, 1997) had been entered into the NMED system. The discussions with the Materials Administrator and the Incident Response Coordinator indicated that Florida will institute a policy of reporting incident details to NMED electronically on a monthly basis.

Georgia, Summary report, dated February 10, 1998

1. Georgia regulation amendments were received electronically on February 9, 1998. The regulations will be reviewed for compatibility in accordance with the OSP procedures and the State will be notified of the results in writing.

ASSIGNED TO: R. Woodruff/K. Schneider.

STATUS: Closed. Letter sent 9/25/98.

Illinois Summary report, dated July 1, 1998

1. None

Iowa Summary report, dated April 15, 1998

1. None

Kentucky Summary report, dated July 9, 1998

1. None

Louisiana, Summary report, dated February 4, 1998

1. The NRC needs to provide the State with an example of an unrestricted release letter with acceptable wording.

ASSIGNED TO: J. Myers.

STATUS: Closed. J. Myers discussed with Louisiana staff.

Maryland, Summary report, dated May 28, 1998

1. Adoption of regulations required for compatibility is still 2 to 3 months behind. Continue to monitor Maryland's progress for adopting regulations and RHP's efforts to add a position in the program to support regulation adoption.

ASSIGNED TO: D. White.

STATUS: Closed. Supplements 3 (decommissioning) and 4 (medical distribution) are still not finalized. Maryland has been working on Supplement 5 (radiography) and has received management review. The Program has not yet been able to add a position to support regulations.

2. RHP is not reporting all materials events as required for compatibility. Continue to monitor RHP's implementation of *Handbook on Material Event Reporting in the Agreement States* (SA-300).

ASSIGNED TO: D. White.

STATUS: Closed. The staff person responsible for reporting appropriate events in accordance with SA-300 has been implementing the procedures in the Handbook. Within the last 3 weeks, Maryland has had two events which were reported to the Ops Center in accordance with SA-300. (Information given 9/4/98)

3. Training of staff to include use of regional or local resources when available. Region I has provided an opportunity for RHP staff to attend NRC refresher training on financial assurance in September 1998 at the Region I offices.

ASSIGNED TO: D. White.

STATUS: Closed. The Program plans to send seven individuals to Region I on September 23 to receive training on financial assurance.

Mississippi Summary report, dated September 17, 1998

1. None

Nevada Summary report, dated October 15, 1998

1. The State is interested in knowing the status of NRC's policy issue on regulating authority for DOE contractors. The State recommends that an All Agreement States letter be issued with the NRC's decision on that issue. OSP stated that all Agreement States would be notified when the NRC's reaches a decision.

ASSIGNED TO: NA

STATUS: SP-98-020 sent out.

2. The State was told by DOE that safeguard records were to be destroyed within 30 days of end of activities. The State wondered what the NRC's requirements were for safeguards information. Cardelia Maupin stated that although it was DOE's practice to destroy these documents, it was not an NRC requirement. Linda McLean will ask the Region IV safeguards staff about NRC's procedures. (An NRC security inspector explained that although the NRC doesn't have a specified time frame to destroy these records, the policy is that once the information in the safeguard documents is no longer needed, the documents should either be downgraded (no longer safeguard information) or destroyed.)

ASSIGNED TO: L. McLean.

STATUS: Closed.

3. The State wanted to know the status of their report submitted to the NRC on terminated licenses. They wanted to know whether this issue is closed for these licenses.

ASSIGNED TO: L. McLean.

STATUS: Closed. L. McLean discussed the issue with OSP on September 3, 1998, and was told that Nevada's response was adequate and no further information was necessary.

4. The State requested a copy of Handbook SA-300.

ASSIGNED TO: L. McLean.

STATUS: Closed. L. McLean sent a copy on September 3, 1998.

New Hampshire Summary report, dated October 1, 1998

1. Continue to monitor New Hampshire's progress in completing inspections in accordance with their frequency and eliminating the backlog.

ASSIGNED TO: D. White.

STATUS: Closed. D. White will continue to monitor the State's progress through the RSAO interactions with New Hampshire.

North Carolina Summary report, dated July 23, 1998

1. None

North Dakota Summary report, dated September 8, 1998

1. Need a closeout field in the NMED system.

ASSIGNED TO: K. Schneider to check with J. Myers/P. Larkins to determine if this item is closed.

STATUS: Closed. P. Larkins will email S. Pettijohn to call North Dakota and instruct them on how to customize their local system.

2. Investigate the possibility of video training.

ASSIGNED TO: J. Myers.

STATUS: Closed. Informed the State of the TTC position in the Commission paper on video training, coordinate with D. Sollenberger for information from the Commission paper on training.

3. Initiate routine teleconference between the Region and the 14 Agreement States.

ASSIGNED TO: L. McLean.

STATUS: Closed. L. McLean discussed with region management.

South Carolina, Summary report, dated January 9, 1998

1. OSP will obtain the NUREG-1556 documents in electronic format and provide to the State via the NRC home page.

ASSIGNED TO: R. Woodruff.

STATUS: Closed. R. Woodruff discussed with State the location on the NRC homepage.

2. OSP needs to provide the State with an updated copy of the chronology of amendments with the FR Notice identification.

ASSIGNED TO: N/A

STATUS: Closed. In All Agreement State Letter, SP-98-074, dated August 31, 1998, a revision to the chronology was provided to all States.

Tennessee, Summary report, dated April 30, 1998

None

Texas Summary reports, dated August 31, 1998

1. TDH: James Myers will investigate the problems that the State is experiencing with NMED.

ASSIGNED TO: J. Myers.

STATUS: Closed. On 9/21/98, J. Myers discussed with TNRCC and they are presently using the system successfully.

2. TNRCC: Training in Texas—Investigate possibility of having NRC courses in either Austin or Arlington. Examples of courses of interest to the TNRCC staff are RESRAD, D & D, and NMED.

ASSIGNED TO: J. Myers.

STATUS: Closed. Via telephone J. Myers informed TNRCC that they should make their request in writing. An email was sent to J. Myers/D. Sollenberger on the request.

3. TNRCC: Apparently not all of the published and distributed NUREGs are being sent to the TNRCC. (For example CR 5512 and NUREG 1496 have not been sent to TNRCC.) It appears that all of the copies are going to TDH.

ASSIGNED TO: G. Davis/J. Myers.

STATUS: Listing for TNRCC on the CY list changed from M. Hibbs to A. Rogers, informed TNRCC 9/24/98.

Utah, Summary report, dated June 22, 1998

1. The State asks that the NRC, when sending written allegation referrals, clearly mark the package and documents with the statement, "Please keep confidential." State regulations require that all documents be available to the public unless that statement is included.

ASSIGNED TO: C. Maupin.

STATUS: Closed. Per October 15, 1998 email from C. Maupin to Ed Baker and assigned a OSP action item. State informed that the issue was more generic and was being addressed.

2. The State wants to reinstate quarterly conference calls with NMSS regarding the uranium mills located within the State.

ASSIGNED TO: L. McLean.

STATUS: Closed. L. McLean informed Utah via telephone in September 1998 that neither NMSS nor the Regions had the resources to reinstate the quarterly meetings.

3. The State requests that their technical assistance requests to the NRC be handled in a timely manner. They pointed out that 6-month turn around time for interpretations is unusual, and the State questions the reason for this delay. As an example they referred to their letter asking if there had been changes in NRC's position regarding disposal of small amounts of source material and whether it is possible for licensees to designate their waste streams as NORM. The request was dated August 20, 1997, and the answer was dated March 20, 1998.

ASSIGNED TO: N/A

STATUS: Closed.

4. Until a simplified method of using the NMED system, such as use of a web site, is developed, the State requests more training from the NRC on the use of the current system.

ASSIGNED TO:

STATUS: Closed. In All Agreement State Letter, SP-98-075 dated August 31, 1998, NRC notified the States that NMED was available on the Internet.

5. The next IMPEP review is scheduled for FY 1999. Mr. Sinclair stated that he preferred the review to take place during the months of April, May, June, October or November. DRC is very busy between January and March when the legislature is in session and in July and August when X-ray registrations are due.

ASSIGNED TO: K. Schneider.

STATUS: Utah IMPEP is presently scheduled for November 1998.

Washington, Summary report, dated July 14, 1998

1. OSP Review of WA Regulations: There was some uncertainty as to which of the Washington draft regulations had been reviewed by OSP, and the State asked that OSP provide them with a list of their draft and final compatibility regulations needing NRC review.

ASSIGNED TO: R. Woodruff. As team leader for 8/99 IMPEP work with the State and RSAO to determine the status of Washington regulations.

STATUS: Closed. Regulations reviewed in connection with the 1999 IMPEP.

2. Regulation of DOE Subcontractors: The State requests that NRC review the Part 30.12 Rule in which DOE subcontractors are exempt from NRC and Agreement State Regulations. Due to privatization of many Federal activities, these subcontractors are operating without oversight. An example is the release for public use of DOE facilities located in a 300 acre area of the Hanford Reservation. In some cases, these facilities are not considered free release and still contain residual amounts of radioactivity. There is no clear jurisdiction for regulatory activities.

ASSIGNED TO: N/A

STATUS: Closed. April 13, 1998 letter to J. Erickson.

3. NRC Training Class Assignments: The State requests that acceptance notices for NRC training classes be sent at least eight weeks in advance of the class. In many cases, the State requires that much lead time to receive approval for funding and/or out-of-state travel.

ASSIGNED TO: L. Bolling.

STATUS: Closed. K. Schneider discussed with L. Bolling and this comment will be factored into the revision to the Training Procedure.