

January 30, 2002

MEMORANDUM TO: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield

FROM: William D. Travers */RA/*  
Executive Director for Operations

SUBJECT: SUMMARY OF AGREEMENT STATES' AND REGIONS'  
RADIOACTIVE MATERIAL PROGRAMS; TIMELINESS OF  
INTEGRATED MATERIALS PERFORMANCE EVALUATION  
PROGRAM (IMPEP) REPORTS

This is an annual report on the status of the Agreement States' and Regions' radioactive material programs. Attachment 1 is the Summary of Agreement States' Adequacy and Compatibility Status as of January 2002. Depending on the State's performance, review cycles under IMPEP are up to four years. All but three Agreement States were found to be adequate to protect public health and safety and compatible with the NRC's program.

In 1998, the Management Review Board (MRB) found the Kansas program adequate, but needs improvement, and compatible based on their performance. A follow-up review, which the MRB directed be performed, was conducted in 1999 and a periodic meeting was conducted with the State on March 22, 2001. Results from the follow-up review and the periodic meeting indicate that the State has satisfactorily addressed all of the recommendations made during previous reviews. Kansas is scheduled for a full IMPEP review in May 2002.

On October 26, 2001, the MRB met to consider the proposed final IMPEP report on the New Hampshire Agreement State program. The IMPEP review was conducted June 25-29, 2001. The MRB found the New Hampshire program adequate, but needs improvement, and not compatible with NRC's program. Because of the significance of the concerns, the MRB approved a period of heightened oversight of the New Hampshire program. The Office of State and Tribal Programs will coordinate the bi-monthly conference calls with the appropriate New Hampshire staff to discuss the status of the program. Two weeks prior to each call, New Hampshire will submit a brief status report on the activities conducted since the last report and the necessary supporting data. New Hampshire also submitted a program improvement plan dated December 27, 2001, that addresses the recommendations in the final report. A follow-up review will be scheduled during the period November 2002 - January 2003. The follow-up review will cover the State's actions to address recommendations from the June 2001 review.

CONTACT: Kathleen N. Schneider, STP  
(301) 415-2320

In 2000, the MRB found the Tennessee program adequate, but needs improvement and not compatible. A follow-up review of the Tennessee program was conducted October 22-25, 2001. During the January 22, 2002 meeting of the MRB, the follow-up review team concluded that the Tennessee program had improved. Of the four indicators reviewed during the follow-up review, the MRB supported changing the performance rating to the next higher rating for three indicators (Technical Quality of Inspections, from unsatisfactory to satisfactory with recommendations for improvement, Response to Incidents and Allegations, from satisfactory with recommendations for improvement to satisfactory, and Legislation and Program Elements Needed for Compatibility from unsatisfactory to satisfactory with recommendations for improvement). The performance rating for the remaining indicator (Status of Materials Inspection Program, unsatisfactory) will remain the same. Based on the follow-up review, the MRB found the Tennessee program adequate, but needs improvement and compatible. The review team recommendations that the Tennessee Agreement State program receive a full IMPEP review in two years, that the next periodic meeting take place in one year, and that the Regional State Agreements Officer conduct quarterly calls with Program management to follow the Program's progress were accepted by the MRB.

Based on the four-year frequency for NRC Regional reviews, Region I was reviewed in 2001 and Region II will be reviewed in 2002. Attachment 2 is the Summary of Regions' Adequacy Status.

The events of September 11, 2001 have impacted the timing of IMPEP reports. The draft report for the August 27-31, 2001 Texas review was issued 112 days after the on-site review. The New Hampshire MRB meeting was interrupted the morning of September 11, 2001 and was rescheduled to October 26, 2001. The final report was issued 130 days after the on-site review. The Nevada review and the NRC SS&D review were both conducted the week of September 11, 2001. Both draft reports were issued approximately one month late. These two reports are the last reports affected by the events of September 11, 2001. Attachment 3 contains a summary of the days to issue IMPEP reports against the 104-day goal.

Attachments:  
As stated

cc:    SECY  
       OGC  
       OCA  
       OPA  
       CFO

In 2000, the MRB found the Tennessee program adequate, but needs improvement and not compatible. A follow-up review of the Tennessee program was conducted October 22-25, 2001. During the January 22, 2002 meeting of the MRB, the follow-up review team concluded that the Tennessee program had improved. Of the four indicators reviewed during the follow-up review, the MRB supported changing the performance rating to the next higher rating for three indicators (Technical Quality of Inspections, from unsatisfactory to satisfactory with recommendations for improvement, Response to Incidents and Allegations, from satisfactory with recommendations for improvement to satisfactory, and Legislation and Program Elements Needed for Compatibility from unsatisfactory to satisfactory with recommendations for improvement). The performance rating for the remaining indicator (Status of Materials Inspection Program, unsatisfactory) will remain the same. Based on the follow-up review, the MRB found the Tennessee program adequate, but needs improvement and compatible. The review team recommends that the Tennessee Agreement State program receive a full IMPEP review in two years, that the next periodic meeting take place in one year, and that the Regional State Agreements Officer conduct quarterly calls with Program management to follow the Program's progress were accepted by the MRB.

Based on the four-year frequency for NRC Regional reviews, Region I was reviewed in 2001 and Region II will be reviewed in 2002. Attachment 2 is the Summary of Regions' Adequacy Status.

The events of September 11, 2001 have impacted the timing of IMPEP reports. The draft report for the August 27-31, 2001 Texas review was issued 112 days after the on-site review. The New Hampshire MRB meeting was interrupted the morning of September 11, 2001 and was rescheduled to October 26, 2001. The final report was issued 130 days after the on-site review. The Nevada review and the NRC SS&D review were both conducted the week of September 11, 2001. Both draft reports were issued approximately one month late. These two reports are the last reports affected by the events of September 11, 2001. Attachment 3 contains a summary of the days to issue IMPEP reports against the 104-day goal.

Attachments:  
As stated

cc: SECY            OPA  
      OGC            CFO  
      OCA

Distribution:

EDO RF (Wits 199500008)

DIR RF

DCD (SP01) PDR (YES)

SDroggitis

LRakovan

IMPEP File

**\*See previous concurrence.**

**DOCUMENT NAME: C:\Program Files\Adobe\Acrobat 4.0\PDF Output\2001 summary of Agreement S~.wpd**

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	STP	STP:DD	NMSS:D	STP:D	DEDMRS	EDO
NAME	KNSchneider:kk	JMPiccone (By RJTorres)	MJVirgilio	PHLohaus	CJPaperiello	WDTravers
DATE	01/18/02*	01/18/02*	01/22/02*	01/24/02*	01/30/02	01/30/02

# SUMMARY OF AGREEMENT STATES' ADEQUACY AND COMPATIBILITY STATUS

JANUARY 2002

STATE	YEAR OF REVIEW	ADEQUACY FINDING	COMPATIBILITY FINDING
Alabama	1998	adequate	compatible
Arizona	1998	adequate	compatible
Arkansas	1998	adequate	compatible
California	1999	adequate	compatible
Colorado	2001	adequate	compatible
Florida	1999	adequate	compatible
Georgia	2000	adequate	compatible
Illinois	2001	adequate	compatible
Iowa	1999	adequate	compatible
Kansas	1998	adequate, but needs improvement	compatible
Kentucky	2000	adequate	compatible
Louisiana	2000	adequate	compatible
Maine	1998	adequate	compatible
Maryland	1999	adequate	compatible
Massachusetts	1998	adequate	compatible
Mississippi	2001	adequate	compatible
Nebraska	1998	adequate	compatible
Nevada	1997	adequate	compatible
New Hampshire	2001	adequate, but needs improvement	not compatible
New Mexico	2001	adequate	compatible
New York	1998	adequate	compatible
North Carolina	2000	adequate	compatible
North Dakota	1999	adequate	compatible

STATE	YEAR OF REVIEW	ADEQUACY FINDING	COMPATIBILITY FINDING
Ohio	2001	adequate	compatible
Oklahoma <sup>1</sup>	2000	adequate	compatible
Oregon	1998	adequate	compatible
Rhode Island	1998	adequate	compatible
South Carolina	1999	adequate	compatible
Tennessee	2000	adequate, but needs improvement	compatible
Texas	2001	adequate	compatible
Utah	1999	adequate	compatible
Washington	1999	adequate	compatible

---

<sup>1</sup>

Oklahoma became an Agreement State on September 29, 2000 after being found adequate and compatible by the NRC. The first IMPEP review is scheduled for July 2002.

## SUMMARY OF REGIONS' ADEQUACY STATUS

REGION	YEAR OF REVIEW	ADEQUACY FINDING
Region I	2001	adequate
Region II	1998	adequate
Region III	1999	adequate
Region IV	1999	adequate

**IMPEP REPORT TRACKING  
FY 2001**

State or Region	Review Date Month/Year	Total number of days from review to release of final report Goal: 104 Days
CO	2/01	88
IL	3/01	89
REGION I	3/01	94
OH	5/01	96
MS	5/01	95
NM	6/01	96
NH	6/01	130
TX	8/01	112
NRC SS&D	9/01	MRB Meeting held 1/8/02
NV	9/01	MRB Meeting scheduled 2/11/02