

December 16, 2002

Mr. Paul S. Schmidt, Chief
Radiation Protection Section
Division of Public Health
Department of Health & Family Services
P. O. Box 2659
Madison, WI 53701-2659

Dear Mr. Schmidt:

We have completed a review of the request for an Agreement, submitted by Governor McCallum dated August 21, 2002.

The review was conducted to determine whether the final request for an Agreement meets the 28 criteria identified in the Commission policy statement, "Criteria for Guidance of State and NRC Discontinuance of NRC Regulatory Authority and Assumption Thereof by States through Agreement," published in the Federal Register January 23, 1981 (46 FR 7540-7546), as amended on July 16, 1981 (46 FR 36969) and July 21, 1983 (48 FR 33376).

Based on the team's review, the team has developed a number of comments and suggestions which are provided as an enclosure to this letter. A response to the comments is requested.

A review of the Wisconsin Final Regulations - HFS 157 effective August 1, 2002, was conducted and several comments were forwarded to you in a letter dated November 27, 2002. As discussed during our recent telephone call with Cheryl Rogers, please provide a response to rule comment number 12 confirming how Wisconsin plans to address alternate criteria for license termination. Also, please confirm that Wisconsin will address the other rule comments in the next revision to Wisconsin's regulations.

If you have any questions regarding the review comments please contact me at (301) 415-3340 or Lloyd Bolling at (301) 415-2327 or LAB@NRC.GOV.

Sincerely,

/RA/
Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosure:
As stated

Paul S. Schmidt

Distribution:

DIR RF (2-210)

DCD (SP07) PDR (YES_✓)

BUilton

Wisconsin File

*By Emails to L.Bolling (attached); see previous concurrence

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Review Team Comments - Wisconsin Agreement Request

1. Qualifications of Regulatory and Inspection Personnel - The Evaluation Criteria requires the program to have an adequate number of trained and fully qualified staff for each category of license identified in the staff needs analysis, prior to the effective date of the Agreement. While the application describes the training and qualifications process for new staff, it did not appear to provide specific information confirming that an adequate number of trained and qualified staff under the Wisconsin Training and Qualification Plan would be available in the program at the time the agreement is signed. Please provide additional documentation on this point. Please also identify in the staff needs analysis the name of each fully qualified individual in the Nuclear Engineer position category.

Describe the criteria used to fully qualify the existing staff who will assume regulatory responsibility upon the effective date of the agreement. Any vacant positions should also be identified.

2. Inspection and Enforcement - The Evaluation Criteria requires that the State's procedures address calibration and quality assurance of field and laboratory instrumentation. The Wisconsin application states that field and laboratory instruments will be calibrated, but does not address who will perform the calibration, nor the methods to be used.

The State staff should provide a description of their field and laboratory instrument calibration and quality assurance program.

3. Licensing - In FORMS 2000, under Form "Application for Radioactive Material License for Industrial Radiography" Item 5, No. 3, formal RSO training is listed as "40 hours." Please clarify whether Wisconsin will accept RSO's with the standard 3-day RSO training course.
4. Events and Allegations - Wisconsin Procedures RMPP No. 4.01 - Management of Allegations, Rev. 0, 8/08/02 and RMPP No. 4.02 - Radiological Incident Response, Rev. 0, 2/20/02 should be completed, the Revision Numbers and Dates finalized, and they should be approved and issued in final.

Review Team Suggestions

1. Licensing

- A. RMPP No. 2.02, Rev. 0, 03/09/01 - Review of an Initial Application for License or an Amendment Request.
 - 1. Procedure should be signed.
- B. RMPP No. 2.03, Rev. 0, 4/25/2001 - Renewal of Licenses.
 - 1. Form referred to in Attachment 2.03-1 should be numbered.
 - 2. Form "Request for Termination of Specific License and Disposition of Radioactive Material" has HFS reference (upper right corner) but no specific rule number.
- C. RMPP No. 2.06, Rev. 0, (7/30/01) - Prioritization of Licensing Actions.
 - 1. Section 2.1, first bullet, should mention amendments.
- D. FORMS 2000
 - 1. Form "Checklist for Reciprocity Privileges" has HFS reference (upper right corner) should mention specific rule number.
 - 2. Form "Application for Radioactive Material License for Industrial Radiography" has HFS reference (upper right corner) should mention specific rule number.
- E. WISREG Vol.1, "Guidance for Portable Gauge Devices or XRFs License Application" should be updated to reflect changes captured in Final Report NUREG-1556 Vol. 1, Rev. 1.
- F. WISREG Draft Copy, "Guidance for Fixed Gauge Devices" - should be updated to include information captured in Final Report NUREG-1556, Vol. 4 Specific Guidance About Fixed Gauge Licenses.
 - 1. Appendix E needs a copy of the referenced Sealed Source and Device Certificate.
 - 2. Appendix F should be updated to include the NRC's Appendix F.
 - 3. Appendix O should include sample Shipping Documents, Placards and Labels.