

September 4, 2007

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

Dear Mr. Schmidt:

A periodic meeting with Wisconsin was held on August 8, 2007. The purpose of this meeting was to review and discuss the implementation of Wisconsin's Agreement State program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Aaron McCraw from the NRC's Office of Federal and State Materials and Environmental Management Programs, Steve Reynolds of the NRC Region III office, and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you believe that the comments or conclusions do not accurately summarize the meeting discussion, or you have any additional remarks about the meeting in general, please contact me at (630) 829-9661, or via e-mail at JLL2@NRC.GOV to discuss your comments.

Sincerely,

/RA/

James L. Lynch
State Agreements Officer

Enclosure:
As stated

cc: T. Sieger, WI
C. Warzecha, WI

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R. Lewis, FSME
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PERIODIC MEETING SUMMARY FOR WISCONSIN

DATE OF MEETING: AUGUST 8, 2007

ATTENDEES:

NRC

Steve Reynolds
Aaron McCraw
Jim Lynch

STATE

Tom Sieger
Chuck Warzecha
Paul Schmidt
Cheryl Rogers

DISCUSSION:

Agreement and Reviews

Wisconsin became the 33rd Agreement State on August 11, 2003. The Agreement discontinued NRC regulatory authority in the State for: a) Byproduct materials as defined in Section 11e.(1) of the Atomic Energy Act; b) Source materials; and c) Special nuclear materials in quantities not sufficient to form a critical mass. The Agreement does not cover land disposal of radioactive material, uranium recovery processes, or sealed source and device evaluation.

An Integrated Materials Performance Evaluation Program (IMPEP) review of the radioactive materials program was conducted in August 2005. All performance indicators were found to be satisfactory and no recommendations were made. The Wisconsin program was found to be adequate to protect public health and safety and compatible with NRC's program.

Organization

The Radiation Control Program is administered by the Radiation Protection Section, Division of Public Health, Department of Health and Family Services. Paul Schmidt is the Manager of the Radiation Protection Section. Cheryl Rogers is the Supervisor of the Radioactive Materials Licensing and Inspection Unit, which is part of the Section. Wisconsin regulates approximately 335 specific licenses, including naturally occurring or accelerator-produced radioactive material (NARM). Management support for the program appears good and the program is well funded.

Paul Schmidt is the current Chair of the Organization of Agreement States (OAS) and is the former Chair of the Conference of Radiation Control Program Directors, Inc.

Radiation Control Program Staffing

The program is fully staffed, with two vacancies recently filled by recent college graduates, Sean Matyas and Kurt Pedersen. Mike Welling left the program to join the Virginia radiation control program. Mike Mack retired from the program. A total of 6.5 FTE is dedicated to the inspection and licensing programs. One of these staff members, Megan Shober, is located in the Green Bay field office. All are cross-trained in both inspection and licensing to provide maximum flexibility and backup. In addition, a half-time training coordinator, Dan Stefenel, assists the program with training needs.

Training

A training matrix was developed for all employees to track their training history. Formalized training requirements were developed for inspectors and license reviewers. The training coordinator conducts in-house courses. The Unit Supervisor trains and accompanies each inspector before certifying them to conduct independent inspections.

During this meeting, the two new staff members were attending the NRC Security Systems and Principles training course. Three staff members, and one manager, have had the security training previously.

Inspections

The Unit Supervisor said that a few inspections have gone overdue since the Agreement signing. She was well aware of the due dates but made informed decisions based on program priorities. Wisconsin inspection frequencies are at least as frequent as NRC's.

The first round of Increased Controls inspections have been completed (25 total) and five of those inspections have additional follow-up actions required by the licensees. Wisconsin is awaiting guidance from the NRC regarding the next round of IC inspections. Steve Reynolds indicated that the security working group would be issuing such guidance in the near future.

The State recently issued an information notice regarding inspection findings of a Department of Transportation inspector. Program managers hope the information notice will help licensees self-identify common weaknesses in their transportation programs.

The State has more stringent reciprocity inspection goals than those identified in NRC Inspection Manual Chapter (IMC) 1220. All service providers working under reciprocity are inspected annually. Priority 1 and Priority 2 licensees have inspection goals of 50% and 30%, respectively.

Licensing

No significant licensing backlogs exist. Amendments are completed in approximately 30 days.

The Unit Supervisor indicated that they had modified the licensing process to require pre-licensing site visits for all new licenses. A pre-licensing checklist is used for all licensing actions.

A total of 17 Wisconsin licenses had active financial surety instruments at the time of the Agreement. Since then, 16 instruments were converted to change the beneficiary from NRC to Wisconsin. The remaining licensee has yet to provide the State with an adequate financial surety instrument. The licensee obtained a letter of credit, which is an acceptable means of financial assurance; however, the letter references a standby trust agreement that has not been established. The State is continuing a dialogue with the licensee to resolve the issue. The Region III representatives offered to contact the licensee to assist in getting the issue resolved so that the surety instrument held by NRC could be canceled. On August 23, 2007, Region III contacted the licensee by telephone and received assurance that the issue would be swiftly settled.

Self Assessments

Wisconsin performed a self assessment of the radioactive materials program covering the period of January 2006 to June 2007. The self assessment used the IMPEP questionnaire as an outline for the audit. Results of the self assessment were shared with the NRC representatives.

Regulations

To date, the State's regulations are up-to-date and compatible. A regulation review letter was sent to the State in March 2007 identifying nine corrections to the regulations which need to be implemented. The Unit Supervisor stated that those items would be addressed in the next rulemaking.

Security

Increased Controls inspections are being performed on schedule, as discussed above.

In updating the National Source Tracking System interim inventory, the State encountered communication glitches with the NRC's contractor when providing information for the inventory. The issues were resolved and input is approximately 85% complete. The full update will be completed soon.

Incidents

Wisconsin staff members responded to approximately 17 reportable incidents since the last IMPEP review. On-site inspections were performed, when appropriate, and staff communicated reportable incidents promptly to the NRC Operations Center and to Region III.

Inspectors input incident information directly into the Nuclear Material Events Database (NMED) as incidents occur. A review of NMED identified timely and quality input of incidents.

Allegations

One allegation was transferred to Wisconsin from NRC since the last IMPEP review. The allegation involved training and dosimetry availability at a medical facility. Wisconsin staff investigated the allegation and took prompt, appropriate action. Investigation results were provided to the Regional State Agreements Officer.

General Licenses

Wisconsin has an active program for registering and inspecting generally licensed devices. Program staff each do a number of generally licensed inspections each year. The National Source Tracking System interim inventory was updated in late 2006 and included Wisconsin general licenses down to Category 3.5.

CONCLUSIONS:

The Wisconsin Radiation Control Program appears to be a capable, stable Agreement State program. Staffing has remained consistent since the Agreement and the training level for staff members is good.

Management support for the program is very good. The managers were impressed by the IMPEP process and saw great benefit in Wisconsin's participation in the program and the potential for development of similar peer review audits for other programs in the Division. The NRC representatives urged the managers to consider allowing senior staff members to participate on future IMPEP teams.

State managers stated that a number of the Agreement States were concerned with the dissemination of the Commission's decision on the fingerprinting rule. They could not understand why some information was initially withheld and then later released. Extensive dialogue has occurred on this issue between OAS and the NRC.

The next IMPEP review of the Wisconsin Radiation Control Program is tentatively scheduled for Summer 2009.