September 13, 2007

Mr. Terry D. Lindsey, Program Director
Radiation Protection Services
Oregon Health Services
Department of Human Services
800 NE Oregon Street, Suite 260
Portland, OR 97232-2162

Dear Mr. Lindsey:

As you are aware, the U.S. Nuclear Regulatory Commission (NRC) uses the Integrated Materials Performance Evaluation Program (IMPEP) for the evaluation of Agreement State programs. Per our discussion, I will be the team leader for the followup IMPEP review of the Oregon Agreement State Program scheduled for December 3-7, 2007. The team will include Linda McLean, NRC Region IV State Agreements Officer; Kim Lukes, Scientist, NRC Office of Federal and State Materials and Environmental Management Programs (FSME); Michael Snee, Administrator, Ohio Bureau of Radiation Protection; and myself.

On November 7, 2006, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Oregon Agreement State Program. During the meeting, the MRB directed that a followup review be conducted in one year that focused on the State's performance for the following indicators: Technical Quality of Inspections, Technical Quality of Licensing Actions, Technical Quality of Incident and Allegation Activities, and Compatibility Requirements. In addition to inspector accompaniment and review of select casework completed since the 2006 IMPEP review, the team will review your actions in response to the recommendations made for the four indicators mentioned above.

Based on the information submitted in the Program Improvement Plan and the bimonthly heightened oversight teleconferences, I have enclosed an abridged version of the IMPEP Questionnaire containing questions 1-32. I ask that you send your response by Internet (kxs@nrc.gov) to me by November 12, 2007. Also included with the Questionnaire is the document "Materials Requested to Be Available for the Onsite Portion of an IMPEP Review." We encourage States to have the listed items prepared prior to the IMPEP team's arrival to facilitate the review.

In addition, the team will conduct a periodic meeting and will use the guidance in the FSME Procedure SA-116, "Periodic Meetings with Agreement States Between IMPEP Reviews," for conducting these discussions. This procedure was distributed to the Agreement States and can also be found on the FSME web site.

I request that you set up an appointment with the appropriate State Senior Management Official to discuss the results of the IMPEP review of the Oregon Agreement State Program on December 7, 2007.

If you have any questions, please call me at 301-415-2320

Sincerely,

/RA/
Kathleen N. Schneider
Senior Project Manager
State Agreements and Industrial Safety Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
As stated

cc w/encl.: Ken Niles
State Liaison Officer

T. D. Lindsey

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NAME	KNSchneider:kk							
DATE	9/13/07							

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Approved by OMB[1]

No. 3150-0183
Expires 08/31/2010

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

QUESTIONNAIRE

Name of Oregon
Reporting Period: August 21, 2006, to November 30, 2007

Note: If there has been no change in the response to a specific question since the last IMPEP questionnaire, the State or Region may copy the previous answer, if appropriate.

A. GENERAL

1. Please prepare a summary of the status of the State's or Region's actions taken in response to the comments and recommendations following the last review.

B. COMMON PERFORMANCE INDICATORS

I. Technical Staffing and Training

2. Please provide the following organization charts, including names and positions:

   (a) A chart showing positions from Governor down to Radiation Control Program Director;

   (b) A chart showing positions of current radiation control program including management; and

3. Please provide a staffing plan, or complete a listing using the suggested format below, of the professional (technical) full-time equivalents (FTE) applied to the radioactive materials program by individual. Include the name, position, and, for Agreement States, the fraction of time spent in the following areas: administration, materials licensing & compliance, emergency response, low-level radioactive waste, uranium recovery, other. If these regulatory responsibilities are divided between offices, the table should be consolidated to include all personnel contributing to the radioactive materials program. Include all vacancies and identify all senior personnel assigned to monitor work of junior personnel. If consultants were used to carry out the program's radioactive materials responsibilities, include their efforts. The table heading should be:

[1] Estimated burden per response to comply with this voluntary collection request: 53 hours. Forward comments regarding burden estimate to the Records Management Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0183), Office of Management and Budget, Washington, DC 20503. If an information collection does not display a currently valid OMB control number, NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Name	Position	Area of Effort	FTE%

4. Please provide a listing of all new professional personnel hired since the last review, indicate the degree(s) they received, if applicable, and additional training and years of experience in health physics, or other disciplines, as appropriate.

5. Please list all professional staff who have not yet met the qualification requirements for a license reviewer or materials inspector. For each, list the courses or equivalent training/experience they need and a tentative schedule for completion of these requirements.

6. Identify any changes to your qualification and training procedure that occurred during the review period.

7. Please identify the technical staff that left your program during the review period.

8. List any vacant positions in your program, the length of time each position has been vacant, and a brief summary of efforts to fill the vacancy.

9. For Agreement States, does your program have an oversight board or committee which provides direction to the program and is composed of licensees and/or members of the public? If so, please describe the procedures used to avoid any potential conflict of interest.

II. Status of Materials Inspection Program

10. Please identify individual licensees or categories of licensees the State is inspecting less frequently than called for in NRC's Inspection Manual Chapter (IMC) 2800 and explain the reason for the difference. The list only needs to include the following information: licensee name, license number, your inspection interval, and rationale for the difference.

11. Please provide the number of routine inspections of Priority 1, 2, and 3 licensees, as defined in IMC 2800; the number of initial inspections; and the number of increased controls inspections that were completed during the review period.

12. Please submit a table, or a computer printout, that identifies inspections of Priority 1, 2, and 3 licensees, increased controls, and initial inspections that were conducted overdue per the applicable guidance. Priority 1, 2, and 3 licensees and initial inspections must be conducted at least as frequently as the inspection intervals established in IMC 2800. Increased controls inspections should be conducted at the intervals established in the Staff Requirements Memorandum for COMSECY-05-0028.

    At a minimum, the list should include the following information for each inspection that was conducted overdue during the review period:

(1) Licensee Name
(2) License Number
(3) Priority (IMC 2800)
(4) Last inspection date or license issuance date, if initial inspection
(5) Date Due
(6) Date Performed
(7) Amount of Time Overdue
(8) Date inspection findings issued

13. Please submit a table or computer printout that identifies any Priority 1, 2, and 3 licensees, increased controls, and initial inspections that are currently overdue, per the applicable guidance. At a minimum, the list should include the same information for each overdue inspection provided for Question 12 plus your action plan for completing the inspection.

14. Please provide the number of reciprocity licensees that were candidates for inspection per year as described in IMC 1220 and the number of candidate licensee reciprocity inspections that were completed each year during the review period.

III. Technical Quality of Inspections

15. What, if any, changes were made to your written inspection procedures during the reporting period?

16. Prepare a table showing the number and types of supervisory accompaniments made during the review period. Include:

Inspector	Supervisor	License Category	Date

17. Describe or provide an update on your instrumentation, methods of calibration and laboratory capabilities. Are all instruments properly calibrated at the present time? Were there sufficient calibrated instruments available throughout the review period?

IV. Technical Quality of Licensing Actions

18. How many specific radioactive material licenses does the Program regulate at this time?

19. Please identify any major, unusual, or complex licenses which were issued, received a major amendment, were terminated, decommissioned, submitted a bankruptcy notification or renewed in this period.

20. Identify any licensees or groups of licensees that were issued increased controls during the review period. Those licensees that were initially identified during the initial implementation of increased controls need not be listed.

21. Discuss any variances in licensing policies and procedures or exemptions from the regulations granted during the review period.

22. What, if any, changes were made in your written licensing procedures (new procedures, updates, policy memoranda, etc.) during the reporting period?

23. Identify by licensee name and license number any renewal applications that have been pending for one year or more. Please indicate why these reviews have been delayed and describe your action plan to reduce the backlog.

V. Technical Quality of Incident and Allegation Activities

24. For Agreement States, please provide a list of any reportable incidents not previously submitted to NRC (See Procedure SA-300, *Reporting Material Events*, for additional guidance, OMB clearance number 3150-0178). The list should be in the following format:

Licensee Name	License #	Date of Incident/Report	Type of Incident

25. During this review period, did any incidents occur that involved equipment or source failure or approved operating procedures that were deficient? If so, how and when were other State/NRC licensees who might be affected notified? For States, was timely notification made to NRC? For Regions, was an appropriate and timely PN generated? For Agreement States, was information on the incident provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency? Please provide details for each case.

26. Identify any changes to your procedures for responding to incidents and allegations that occurred during the period of this review.

C. NON-COMMON PERFORMANCE INDICATORS

I. Compatibility Requirements

27. Please list all currently effective legislation that affects the radiation control program. Denote any legislation that was enacted or amended during the review period.

28. Are your regulations subject to a "Sunset" or equivalent law? If so, explain and include the next expiration date for your regulations.

29. Please review and verify that the information in the enclosed State Regulation Status (SRS) sheet is correct. For those regulations that have not been adopted by the State, explain why they were not adopted, and discuss actions being taken to adopt them. If legally binding requirements were used in lieu of regulations, please describe their use.

30. If you have not adopted all amendments within three years from the date of NRC rule promulgation, briefly describe your State's procedures for amending regulations in order to maintain compatibility with the NRC, showing the normal length of time anticipated to complete each step.

MATERIALS REQUESTED TO BE AVAILABLE FOR
THE ON-SITE PORTION OF AN IMPEP REVIEW

Please have the following information available for use by the IMPEP review team when they arrive at your office:

- ☐ List of open license cases, with date of original request, and dates of followup actions.
- ☐ List of licenses terminated during review period.
- ☐ Copy of current log or other document used to track licensing actions.
- ☐ List of all licensing actions completed during the review period (sorted by license reviewer, if possible).
- ☐ Copy of current log or other document used to track inspections.
- ☐ List of all inspections completed during the review period (sorted by inspector, if possible).
- ☐ List of inspection frequencies by license type.
- ☐ List of all allegations occurring during the review period. Show whether the allegation is open or closed and whether it was referred by NRC.

ALSO, PLEASE HAVE THE FOLLOWING DOCUMENTS AVAILABLE:

- ☐ All State regulations
- ☐ Statutes affecting the regulatory authority of the State program
- ☐ Standard license conditions
- ☐ Technical procedures for licensing, model licenses, review guides
- ☐ SS&D review procedures, guides, and standards
- ☐ Instrument calibration records
- ☐ Inspection procedures and guides
- ☐ Inspection report forms
- ☐ Documented training plan, if applicable
- ☐ Records of results of supervisory accompaniments of inspectors
- ☐ Emergency plan and communications list
- ☐ Procedures for investigating allegations
- ☐ Procedures for investigating incidents
- ☐ Enforcement procedures, including procedures for escalated enforcement, severity levels, civil penalties (as applicable)
- ☐ Job descriptions

STATE REGULATION STATUS

State: Oregon
[# amendments reviewed identified by an ★ at the beginning of each equivalent NRC requirement.]

Tracking Ticket Number:
Date: As of September 13, 2007

RC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F)[2] Rule / License Conditions (LC) ML #[5]	NRC Review / Y, N[2] / Date / ML #[5]	Final State Regulation[1] (Effective Date)
afety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F ML023450397	N 1/23/03 ML030240463	4/26/95
SNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required[i]
tandards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3	F	N 11/13/97	4/26/95
otification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F ML023450397	N 1/23/03 ML030240463	4/26/95
uality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	F ML023450397	N 1/23/03 ML030240463	4/26/95
iminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-arts 30,35	57 FR 45566; (none)	1992-2			Not required[3]
ecommissioning Recordkeeping and License Termination: Documentation Additions estricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1	F ML023450397	N 1/23/03 ML030240463	03/27/03
censing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2	F ML023450397	N 1/23/03 ML030240463	04/11/05
efinition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			Not applicable SECY-95-112[4]
elf-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618; (none)	1994-1			Not required[3]
ranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			Not applicable SECY-95-112[4]
meliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	F ML023450397	N 1/23/03 ML030240463	03/27/03

RC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F)[2] Rule / License Conditions (LC) ML #[5]	NRC Review / Y, N[2] / Date / ML #[5]	Final State Regulation[1] (Effective Date)
reparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical se-Parts 30, 32, 35	59 FR 61767; 59 FR 65243; 60 FR 322; (1/1/98)	1995-1	F ML023450397	N 1/23/03 ML030240463	03/27/03
requency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2			Not applicable SECY-95-112[4]
ow-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3	F ML063110122	N 12/21/06 ML070030381	03/27/03
erformance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4	F ML023450397	N 1/23/03 ML030240463	03/27/03
adiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	F ML071870477	N 9/04/07 ML072470108	03/1/07
larification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	F ML063110122	N 12/21/06 ML070030381	03/27/06
edical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7	F ML063110122	N 12/21/06 ML070030381	03/27/03
) CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1	F ML071870477	N 9/04/07 ML072470108	03/1/07
ne Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-arts 30, 40, 70	61 FR 1109; (none)	1996-2			Not required[3]
ermination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, l, 70	61 FR 24669; (6/17/99)	1996-3	F ML023450397	N 1/23/03 ML030240463	03/27/03
esolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-art 20	61 FR 65120; (1/9/00)	1997-1	F ML071870477	N 9/04/07 ML072470108	03/1/07
ecognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within n Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2	F ML023450397	N 1/23/03 ML030240463	03/27/03
riteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	F ML023450397	N 1/23/03 ML030240463	03/27/03
ssile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required[3]
censes for Industrial Radiography and Radiation Safety Requirements for Industrial adiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5	F ML071870477	Y 9/04/07 ML072470108	03/1/07

RC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F)[2] Rule / License Conditions (LC) ML #[5]	NRC Review / Y, N[2] / Date / ML #[5]	Final State Regulation[1] (Effective Date)
adiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6	F ML023450397	N 1/23/03 ML030240463	03/27/03
xempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-art 30	62 FR 63634; (1/02/01)	1997-7	F ML063110122	N 12/21/06 ML070030381	03/27/03
eliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1	F ML023450397	N 1/23/03 ML030240463	03/27/03
elf-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-arts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required[3]
cense Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required[3]
censes for Industrial Radiography and Radiation Safety Requirements for Industrial adiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	F ML023450397	N 1/23/03 ML030240463	03/27/03
linor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5	F ML071870477	Y 9/04/07 ML072470108	03/1/07
ansfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	F ML063110122	N 12/21/06 ML070030381	03/27/03
adiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1			Not applicable SECY-95-112[4]
equirements for Those Who Possess Certain Industrial Devices Containing Byproduct aterial to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2			Not required[3]
espiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3	P ML061020352	Y 7/10/06 ML061910103	
nergy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	F ML071870477	N 9/04/07 ML072470108	03/1/07
ew Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	F ML063110122	N 12/21/06 ML070030381	
equirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	F ML071870477	Y 9/04/07 ML072470108	03/1/07
evision of the Skin Dose Limit -Part 20	67 FR 16298; 4/5/05	2002-1	F ML063110122	N 12/21/06 ML070030381	
edical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; 4/24/05	2002-2	F	N 12/21/06	

RC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F)[2] Rule / License Conditions (LC) ML #[5]	NRC Review / Y, N[2] / Date / ML #[5]	Final State Regulation[1] (Effective Date)
			ML063110122	ML070030381	
nancial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1	F ML063110122	N 12/21/06 ML070030381	
ompatibility With IAEA Transportation Safety Standards and Other Transportation Safety mendments – Part 71	69 FR 3697; (10/01/07)	2004-1			
ecurity Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1	F ML063110122	N 12/21/06 ML070030381	
edical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; 71 FR 1926 (4/29/08)	2005-2	F ML063110122	N 12/21/06 ML070030381	
creased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090)[6]	70 FR 72128; (12/1/05)	2005-3	LC ML052870028	N 10/18/05 ML052930002	
inor Amendments - Part 20,30,32,35,40 and 70	71FR15005 (3/27/09)	2006-1			
ational Source Tracking System - Serialization Requirements - Part 32 with reference to Part) Appendix E	71 FR 65685 (2/6/07)	2006-2			
ational Source Tracking System - Part 20	71 FR 65865 (11/15/07) & (11/30/07)	2006-3[7]			

1. Or other generic Legally Binding Requirements.

2. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address. N means "No," there are no comments in the review letter.

3. Not required means these regulations are not required for purposes of compatibility.

4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.

5. ADAMS ML Number

6. By letter dated September 2, 2005, from Paul H. Lohaus, Director, Office of State and Tribal Programs, Agreement States were given 90 days to issue legally binding requirements satisfying the requirements of NRC Order EA-05-090.

7. RATS ID 2006-3 will not be considered under the Non-Common Performance Indicator “Compatibility Requirements” for IMPEP reviews until such time as the National Source Tracking System is ready for use Revisions in the implementation date for Agreement States will be provided to the States under separate correspondence and the SRS sheet will be revised as appropriate.