UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4005

July 10, 2008

Mr. Mike Broderick
Dept. of Environmental Quality
707 North Robinson, 5th Flr
Oklahoma City, OK 73102

Dear Mr. Broderick,

A periodic meeting with your State was held on June 26, 2008. The purpose of this meeting was to review and discuss the status of the Oklahoma Agreement State Program. The NRC was represented by Mr. Dennis Sollenberger from NRC's Office of Federal and State Materials and Environmental Management Programs (FSME), and me. Topics and issues of importance discussed at the meeting included a detailed discussion of recommendations from the 2006 IMPEP review.

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

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8116 or e-mail me at Linda.McLean@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Linda McLean
Regional State Agreements Officer

Enclosure:
Periodic Meeting Summary for Oklahoma

bcc:
A. Howell
C. Cain
L. McLean
R. Erickson
R. Lewis, FSME
Duncan White, FSME
A .McCraw, FSME
K. Lukes, FSME
D. Sollenberger, FSME
W. Rautzen, FSME
J. Luehman, FSME

ML

SUNSI Review Completed: **MLM** ADAMS: **X** Yes __No Initials: MLM
_**X**_Publicly Available __Non-Publicly Available __Sensitive **X** Non-Sensitive
S:\dnms\!SAO\Periodic Meetings\2008\Oklahoma\Summary Periodic Meeting

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MLMcLean				
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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR OKLAHOMA

DATE OF MEETING: June 26, 2008

NRC Attendees	Oklahoma Attendees
Linda McLean, RSAO	Mike Broderick, Program Manager
Dennis Sollenberger, FSME	Kevin Sampson, Environmental Specialist
	Jon Roberts, Environmental Programs Manager

DISCUSSION:

The Oklahoma Agreement State Program (the Program) is administered by the Radiation Management Section (the Section), located within the Land Protection Division of the Department of Environmental Quality. At the time of last the IMPEP Review, the Program regulated 246 specific licenses authorizing Agreement materials.

The previous IMPEP review was conducted the week of June 5-8, 2006. The review team found Oklahoma's performance to be satisfactory, but needs improvement, for the indicator, Technical Quality of Incident and Allegation Activities, and satisfactory for all remaining performance indicators reviewed. The review team made three recommendations regarding the performance of the Oklahoma Agreement State Program and recommended that one recommendation from the 2002 IMPEP review remain open. The status of each of the recommendations is discussed below.

The review team recommended and the MRB agreed that the Oklahoma Agreement State Program is adequate to protect public health and safety and compatible with NRC's program. Based on the results of the 2006 IMPEP review, the review team recommended and the MRB agreed that the next full IMPEP review should take place in approximately four years.

Status of open IMPEP review recommendations

1. The review team recommended that all inspections be fully documented, and that license files be complete and accurate. (From the 2002 IMPEP report) (Section 3.3 of 2006 IMPEP Report)

   Report Finding: During the 2006 IMPEP Review, the team found that in several of the cases reviewed, inspections were not fully documented, and license files were not complete and accurate. Therefore, the recommendation regarding inspection report documentation remained open from the 2002 IMPEP report.

   Status: The Section has better clerical assistance for file maintenance. This has help ensure that license files are complete and accurate. The recordkeeping and file maintenance in the Section is now much more efficient. In addition, the Program

Manager reviews all of the inspection results and is finding improvement in the inspection documentation. This recommendation should be verified and closed at the next IMPEP review.

2. The review team recommended that the State document corrective actions for cited violations issued on DEQ Form 410-591. (Section 3.3 of 2006 IMPEP Report)

   Report Finding: Violations issued on DEQ Form 410-591 are violations of minor safety consequences. If cited violations are issued on the DEQ Form, the Section requests only that the licensee sign a copy of the Form and return it to the Section. The review team found that for cited violations issued on DEQ Form 410-591, there was no documentation of any corrective actions on the form issued or in the inspection report or in the inspection files.

   Status: The Program Manager reviews all of the inspection results and is finding improvement in the inspection documentation and the documentation of corrective actions. This recommendation should be verified and closed at the next IMPEP review.

3. The review team recommended that the State take measures to ensure proper documentation and appropriate response, review, enforcement, and follow up of all radioactive materials incidents. (Section 3.5 of 2006 IMPEP Report)

   Report Findings: The review team found the Section's documentation in response to incidents was often incomplete, and in some cases, the investigation results were missing from the licensee files and had to be found in other locations.

   Status: The Program Manager reviews all inspection reports to ensure proper documentation. In addition, a staff member has been assigned to review all NMED reports to ensure they are complete and are closed. This recommendation should be verified and closed at the next IMPEP review.

4. The review team recommended that the State take measures to ensure proper documentation and appropriate tracking and closure of all allegations involving radioactive material. (Section 3.5 of 2006 IMPEP Report)

   Report Findings: The team found that the initial contact information and the investigation documentation was maintained in several locations, and in some cases the follow up lacked proper documentation.

   Status: The Section has better clerical assistance for file maintenance. This has help ensure that license files are complete and accurate. In addition, the Program Manager reviews all reports to ensure proper documentation and appropriate tracking and closure of allegations. This recommendation should be verified and closed at the next IMPEP review.

Strengths and/or weaknesses of the State program as identified by the State or NRC including identification of actions that could diminish weaknesses

- Strengths: Although during this review period, one experienced staff person retired and the Program Manager anticipates that a second experienced person will retire this year, the Section has been able to fill the vacancies promptly and with individuals with good backgrounds. One new hire has a master's degree in medical physics and has been a very valuable asset for the Program.

- Weakness: Low salaries continue to be a concern. However, the situation has improved to some extent in recent months with an increase in pay for three staff members.

Feedback on NRC's program as identified by the State and including identification of any action that should be considered by NRC

- The Section said that they appreciate that NRC re established the funding for Agreement State staff training. The Section suggested that NRC consider reinstituting the five week Health Physics course.*

Status of State Program including:

- Staffing and training: Currently, the Section is fully staffed. The Section has one manager, 9 technical staff, one part time technical staff, and one clerical staff. Vacancies have been filled promptly. Turnover has slowed down and staffing appears adequate.

- Materials Inspection Program: Currently, two inspections are over the +25% requirement; however, both inspections have been scheduled. Due to a database problem, 20 inspections were conducted overdue in 2007. The database problem has been corrected. The Program Manager stated that the Section has noticed an increase in enforcement activities, perhaps due to the increased control requirements. All accompaniments were completed in 2007 and are scheduled to be completed in 2008.

- Large, complicated, or unusual authorization for use of radioactive materials: The Section is licensing a Linac for proton therapy in Oklahoma City. Also, an electron beam accelerator is being installed for sterilization of bottles. The Program Manager noted that there has been an increase in requests for the use of Californium-252 as a replacement for Amercium-241. (Apparently Am-241 has been in short supply.) Since the Periodic Meeting, the Section has learned that the Department of Energy is ceasing production of Californium due to budget constraints, which may be the end of this trend.

- Current State initiatives: The Section offers industrial radiography examinations for radiographers to obtain an Oklahoma identification card. It was noted that number of exams requested and the exam failure rate has increased. The EPA has installed an air monitoring system (RAD-Net) in Oklahoma City that the Section will maintain. Another RAD-Net system will soon be installed in Tulsa.

- Regulations and Legislative changes: All regulations and/or legally binding requirements are up to date. The fingerprinting order was implemented by use of license conditions. The Section will be updating their regulations by "incorporation by reference" this fall which should include all of NRC's amendments as of January 2008. There has been no substantive change to LLW Compact Law, and no changes to Radiation Management Act are contemplated.

- Program reorganizations: The Division added one additional level of management with the addition of the position Environmental Program Manager III. The Program Manager reports to this position; nevertheless, the Section has full access to other senior management.

- Changes in Program budget/funding: The Section is primarily fee funded, with some additional EPA grants. Fees are stable, and the EPA grants are increasing slightly. The Section's funding situation is stable. The State's finance situation is fair, but since the Section does not have appropriated funding, this should have little direct impact on the RAM program.

Event Reporting, including follow-up and closure information in NMED: Reports in NMED have been completed and closed where applicable.

Response to Incidents: Response to incidents has been prompt, as appropriate. The Section had two significant events during this period. One involved an X-Ray overexposure, and the second involved a lost well logging source which resulted in an overexposure to a member of the public. Both events resulted in enforcement actions with financial penalties.

Allegations: One allegation was referred to the Section by the NRC. The Section followed up appropriately.

Information exchange and discussion: The Section discussed the security requirements; such as, using rulemaking in place of orders and bringing to an end or reducing the amount of security actions placed on the States. Other topics discussed: action items that were due to the NRC and FSME letters. The Program Manager applauded the Federal government for reinstituting cytogenetic testing capability in the U.S.

Other topics: The Program Manager mentioned that one of his staff had problems receiving travel reimbursements for two trips causing the employee to incur interest charges and to pay the charges with her own money.*

Schedule for the next IMPEP Review: FY2010

The Section requested that their next IMPEP Review be performed after the month of July.*

* Action items