

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

QUESTIONNAIRE

Name of State/Regional Program: Oregon/NRC Region IV  
Reporting Period: **December 01, 2007 to July 31, 2009**

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.  
**ATTACHMENT 1**

**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;  
**ATTACHMENT 2**
  - (b) A chart showing positions of current radiation control program including management; and  
**ATTACHMENT 3**
  - (c) Equivalent charts for sealed source and device evaluation, low-level radioactive waste and uranium recovery programs, if applicable.  
**Not Applicable**
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

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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:

Name                      Position                      Area of Effort                      FTE%

**See attachment 4**

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.

Name	Position	Experience/Education
Todd Carpenter 9/07	Emergency Preparedness/Licensing Manager	Pre-hospital Emergency Medical (Paramedic) 25 years Hazardous Materials Operations 17 years Fire Service Operations, National Fire Academy Command and Control, 17 years DPSST, Fire Officer, 10 years NFPA Fire Service Instructor II 17 years Licensing G-109 Radiation Safety Officer/Hazmat Portable Gauges OSU Hazmat/First Responder Radiation Course Root Cause G-205 RPS Emergency Response Team Course
David Howe 8/07	Field Operations /Emergency Response Manager	Law enforcement, operations 20 years Program Development Director, 9 years MS, Organizational Management DPSST Law enforcement training academy, 2000 hours Inspection Procedures G-108 Reed College Radiation Safety Officer Course NMED SA-300 Course Radiation Safety Officer/Hazmat Portable Gauges OSU Hazmat/First Responder Radiation Course Root Cause G-205 RPS Emergency Response Team Course Increased Controls Course S-201 CRCPD/OAS Conference Radiation Training
Sudir Oberoi 11/07	Health Physicist	BS, Geology Health Physics Technology Food defense/emergency preparedness, 1 year Food group care, health inspector, 2.5 years RPS Emergency Response Team Course Radiation Safety Officer/Hazmat Portable Gauges OSU Hazmat/First Responder Radiation Course Transportation of RAM H-308 Health Physics Technology H-201
Molly Keller 9/07	Health Physicist	BA, Environmental Health State of Oregon Environmental Toxicology Department

		RPS Emergency Response Team Course OSU Hazmat/First Responder Radiation Course Radiation Safety Officer/Hazmat Portable Gauges Intro to Health Physics H-117 Root Cause G-205
Brett Sherry 8/07	Health Physicist	Environmental Health Studies Radon testing and mitigation University of Minnesota Environmental Health Specialist RPS Emergency Response Team Course OSU Hazmat/First Responder Radiation Course Radiation Safety Officer/Hazmat Portable Gauges Intro to Health Physics H-117 (8/24-28/09)
Zachary Goude 8/07	Health Physicist	BS, MS, Physics Introduction to Radiological Physics Physics Lab Instructor RPS Emergency Response Team Course OSU Hazmat/First Responder Radiation Course Radiation Safety Officer/Hazmat Portable Gauges Reed College Radiation Safety Officer Course Inspection Procedures G-108

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.

**Daryl Leon: Diagnostic and therapeutic nuclear medicine H304  
teletherapy and brachytherapy H313 (scheduled for courses)**  
**Philip Wilson: Inspection Procedures G-108  
Licensing G-109**

***Wilson Training Completed: Inspecting for Performance G-304; Reed College Radiation Safety Officer; Trans of RAM H-308; Radiography H-305; Root Cause G-205 and scheduled for Basic Health Physics Technology H-122 (8/24-9/4/09)***

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

**RPS has implemented a cross training and mentoring program to qualify inspectors to perform specific materials inspections. Training officer for the program is David Howe. RPS completed internal RML staff training and qualification survey prior to last review and annually reassess staff training requirements, based upon MC-1246 standards.**

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

**Terri Jones, Health Physicist, X-ray program (ERT Team Leader)**

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.

**Position 000446 - Administrative Specialist 1 as Licensing assistant for the Radioactive Materials Licensing program has been vacant since October 7, 2008. Due to state funding restraints, job responsibilities for this position have been reassigned to other staff members, including reassignment of Nancy Curry (OS2) to handle the word processing for licensing actions. Current funding levels preclude filling this position until after our budget for 2009-2011 is released at the end of this calendar year.**

**Position 0000464 - Environmental Specialist 3 as an Health Physicist/Inspector has been vacant since October 24, 2008. Current funding levels preclude filling this position until after our budget for 2009-2011 is released at the end of this calendar year.**

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.

**Yes. ORS 453.645 authorizes a Radiation Advisory Committee made up of 8 members representative of licensed users of radiation sources in Oregon. Current members include the following: One nuclear medicine physician, one dental radiology instructor (dentist), two medical physicists, one university RSO, one broad scope industrial RSO, one tanning industry member and one nuclear engineering instructor.**

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.

**NO CHANGES IN INSPECTION FREQUENCIES**

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.

**Last IMPEP Review  
Inspections from 08/24/2006 – 12/31/07**

Priority	Completed	Field	Initial	IC/Security
1	18	8	0	2
2	20	0	3	2
3	43	4	12	0

**Current IMPEP Review  
Inspections from 01/01/2008 – 07/31/09**

Priority	Completed	Field	Initial	IC/Security
1	16	1	1	8
2	37	0	1	5
3	116	0	8	0

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

**Last IMPEP Review Period  
08/24/2006 – 12/31/07**

Licensee Name	License Number	RPS Priority	NRC Priority	Last Insp. date	Date overdue	Date performed	Days Elapsed vs RPS Std	NRC Standard
*Holy Rosary Medical Center	90367	2	3	04/28/04	10/28/06	03/15/07	1051/1.44	0.96
*TDY Industries, Inc.	90001	2	5	02/11/05	02/11/07	08/28/07	928/1.27	0.51
*Agate Engineering, Inc	91015	3	5	10/15/03	10/15/06	10/30/07	1476/1.35	0.81
*Samaritan Lebanon Co. Hospital	90990	2	3	08/29/03	08/29/03	08/31/06	1098/1.50	1.00
*Salem Hospital	90151	2	3	03/17/04	03/17/07	01/03/07	1022/1.4	0.93
*Mid-Columbia Medical Center	90321	2	3	02/26/04	02/26/07	05/25/07	1184/1.62	1.08
*Cascade Health Services	90510	2	3	09/30/03	09/30/05	10/03/06	1099/1.51	1.00
*Professional Services Ind	90056	1	1	08/17/06	08/17/07	12/04/07	474/1.3	1.3
Body Imaging	91056	3(1)	1	New	09/26/07	09/25/07	365/1.00	1.00
Pacific Oncology	91060	3(1)	1	New	11/22/06	11/26/07	370/1.01	1.01

**\*RPS Inspection frequency rates are shorter than NRC inspection frequencies**

**Current IMPEP Review  
Inspections from 01/01/2008 – 07/31/09**

Licensee Name	License Number	Priority	Last Insp. date	Date due	Date performed	Time overdue
N/A	N/A	N/A	N/A	N/A	N/A	N/A

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.

Licensee Name	License Number	RPS Priority	NRC Priority	Last Insp. date	Date overdue	Date performed	Days elapsed vs RPS std	NRC Standard
Mallinckrodt, Inc.	90702	1	2	02/29/08	02/28/09	07/28/09	484/1.33	0.66

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.

Year	Licensees	Inspections
August 2006-December 2006	39	12
January 2007-December 31, 2007	37	12
January 1, 2008 – July 28, 2009	54	29

III. Technical Quality of Inspections

Technical Quality of Inspections

15. What, if any, changes were made to your written inspection procedures during the reporting period?  
**Current inspection procedures are being reviewed against Inspection Protocols in the NRC IP 87000 series for compatibility with NRC protocols for each license type. RPS has initiated a "Protocols Committee" comprised of the Operations and Administrative Managers, Lead Workers, and tenured Health Physicist inspectors representing our RML, X-ray, and tanning programs. The committee reviews and develops RPS facility inspection and internal operation protocols to**

ensure consistency and quality of inspections and their documentation, and compatibility with NRC protocols for each license type.

Finalized RPS protocols including:

- Fixed and Portable Gauge inspections
- Procedure for closing out Incidents and Inspections
- Chain of Custody procedures for Analytical Samples
- Procedures for receiving potentially radioactive samples

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

<u>Inspector</u>	<u>Supervisor</u>	<u>License Category</u>	<u>Date</u>
Kevin Siebert	David Howe	2 Medical Licensee	12-04-07
Justin Spence	David Howe	3 Medical licensee	12-14-07
Daryl Leon	Bonny Wright	3 Portable gauge	02-19-09
Justin Spence	David Howe	2 Medical licensee	04-21-08
Kevin Siebert	David Howe	3 Portable gauge	05-28-08
Daryl Leon	Bonny Wright	3 Portable gauge	07-09-08
Daryl Leon	David Howe	Reciprocity	10-17-08
Daryl Leon	David Howe	Reciprocity	12-04-08
Justin Spence	David Howe	1 Radiopharmacy	12-10-08
Justin Spence	Bonny Wright	1 Medical	01-20-09
Justin Spence	Bonny Wright	3 Portable gauge	01-22-09
Daryl Leon	David Howe	5 Terminated license	03-19-09
Kevin Siebert	David Howe	2 Medical	03-31-09
Justin Spence	David Howe	3 Other gauge	04-17-09
Justin Spence	David Howe	3 Fixed gauge	04-21-09
Daryl Leon	Terry Lindsey	3 Portable gauge	06-18-09

*Inspector performance is reviewed by the RPS Operations Manager after inspections. Accompaniments are being done using the NRC Inspector Accompaniment Form.*

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?

*Instrumentation is calibrated at Oregon State University The Radiation Center. We calibrate instruments annually with one fourth of them completed each quarter*

**Sufficient calibrated instruments have been available throughout the review period and have been evaluated by FEMA during the Columbia Generating System exercises over multiple training drills throughout the summer of 2009.**

**Data is available upon request for inspection and evaluation.**

IV. Technical Quality of Licensing Actions

18. How many specific radioactive material licenses does the Program regulate at this time? **402**
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.  
**Pope and Talbot Paper Company, bankrupt then sold to become Cascade Pacific Pulp, LLC (ORE-90576)**
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.  
**Note: Providence Portland, new Gamma Knife and research Irradiator. License number 90946.**
21. Discuss any variances in licensing policies and procedures or exemptions from the regulations granted during the review period. **None**
22. What, if any, changes were made in your written licensing procedures (new procedures, updates, policy memoranda, etc.) during the reporting period?  
**Implemented license condition for fingerprinting. Added licensing condition and draft rules for the National Source Tracking System.**
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.  
**NONE**

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:

<u>Licensee Name</u>	<u>License #</u>	<u>Date of Incident/Report</u>	<u>Type of Incident</u>
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**NONE**



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. **NONE**
26. Identify any changes to your procedures for responding to incidents and allegations that occurred during the period of this review. **No Changes**

### **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.  
**New Oregon statute 431.262 now allows the Radiation Protection Services Section to implement a civil penalty program. Rule writing is now commencing allowing the program to impose civil penalties to licensees for non-compliance violations. The new rules will be included in a new Division 124 when finalized and filed with the Secretary of State.**
28. Are your regulations subject to a "Sunset" or equivalent law? If so, explain and include the next expiration date for your regulations. **No**
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.

#### **1999-3, Respiratory Protection**

Draft approved, final approved with one comment regarding definition. Oregon rule to be amended fourth quarter of calendar year to add one definition.

#### **RATS-2004-1, Compatibility with IAEA transportation safety standards**

Submitted draft for NRC review July 7, 2009 and plan to make final with bundled rule revision scheduled for fourth quarter of this calendar year

#### **RATS 2006-1, Minor amendments**

In process to draft for NRC review. Completion date targeted for September 1, 2009. Appears that Oregon meets the majority of amendments.

**RATS 2006-2, National Source Tracking System (NSTS) serialization**

NRC approved draft and will become final with bundled rule revision scheduled for fourth quarter of this calendar year. Have established a NRC approved license condition for interim.

**RATS 2006-3, NSTS**

NRC approved draft and will become final with bundled rule revision scheduled for the fourth quarter of this calendar year. Have established a NRC approved license condition for interim.

**RATS 2007-1, Medical use of byproduct material**

Scheduled to establish draft

**RATS 2007-2, Exemptions from licensing, general licensing, and distribution of byproduct material**

NRC approved draft and will become final with bundled rule revision scheduled for fourth quarter of this calendar year.

**RATS 2007-3, Requirements for expanded definition of byproduct material**

Scheduled to establish draft

**RATS 2007-4, Fingerprinting, unescorted access**

Approved NRC license condition

**2008-1, Occupational dose records**

Scheduled to establish draft

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.

**See attachment 5**

II. Sealed Source and Device (SS&D) Evaluation Program

31. Prepare a table listing new and amended (including transfers to inactive status) SS&D registrations of devices issued during the review period. The table heading should be:

<u>SS&amp;D Registry Number</u>	<u>Manufacturer, Distributor or Custom User</u>	<u>Product Type or Use</u>	<u>Date Issued</u>	<u>Type of Action</u>
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**Authority to perform SS&D transferred to the NRC.**

32. Please include information on the following questions in Section A, as they apply to the SS&D Program:

Technical Staffing and Training - Questions 2-9

Technical Quality of Licensing Actions - Questions 18-23

Technical Quality of Incident and Allegation Activities - Questions 24-26

**Authority to perform SS&D transferred to the NRC.**

III. Low-Level Radioactive Waste Disposal Program

33. Please include information on the following questions in Section A, as they apply to the Low-Level Radioactive Waste Disposal Program:

Technical Staffing and Training - Questions 2-9

Status of Materials Inspection Program - Questions 10-14

Technical Quality of Inspections - Questions 15-17

Technical Quality of Licensing Actions - Questions 18-23

Technical Quality of Incident and Allegation Activities - Questions 24-26

**Not applicable**

IV. Uranium Recovery Program

34. Please include information on the following questions in Section A, as they apply to the Uranium Recovery Program:

Technical Staffing and Training - Questions 2-9

Status of Materials Inspection Program - Questions 10-14

Technical Quality of Inspections - Questions 15-17

Technical Quality of Licensing Actions - Questions 18-23

Technical Quality of Incident and Allegation Activities - Questions 24-26

**Not applicable**

## 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