



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 10, 2014

MEMORANDUM TO: Roy P. Zimmerman, Acting Deputy Director
Materials, Waste, Research, State, Tribal,
and Compliance Programs
Office of the Executive Director for Operations

Bradley W. Jones, Assistant General Counsel
for Reactor and Materials Rulemaking
Office of the General Counsel

Brian E. Holian, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

David C. Lew, Deputy Administrator
Region I

FROM: Michelle R. Beardsley, Health Physicist /RA/
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: JULY 31, 2014 SPECIAL MRB MEETING

A Special Management Review Board (MRB) meeting to discuss the results of the periodic meetings held with the Louisiana, Minnesota and Washington Agreement State Programs, has been scheduled for **Thursday, July 31, 2014, from 1:00 p.m. to 4:00 p.m. ET, in Two White Flint, Room B05**. The summaries for each of the meetings are enclosed (Enclosure 1, 2, and 3).

In accordance with Management Directive 5.6, the meeting is open to the public. The agenda for this meeting is enclosed (Enclosure 4).

If you have any questions or need additional information, please feel free to contact me at (610) 337-6942 or Michelle.Beardsley@nrc.gov.

Enclosures:

1. Louisiana Summary Report
2. Minnesota Summary Report
3. Washington Summary Report

cc w/ encl.: Joseph Melnic, PA
Organization of Agreement States
Liaison to the MRB

MRB Members

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| OFFICE | MSSA/ASPB | MSSA/ASPB |
|--------|-----------|--------------------------------|
| NAME | KMeyer | MBeardsley <i>via email</i> |
| DATE | 07/09/14 | 07/10/14 |

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**AGREEMENT STATE PERIODIC MEETING SUMMARY FOR THE
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

DATE OF MEETING: APRIL 24, 2014

| NRC Attendees | Louisiana Attendees |
|----------------------------|---|
| Binesh Tharakan, RSAO | Cheryl Nolan, Assistant Secretary, Office of Environmental Compliance |
| Tony Vegel, Director, DNMS | Evita Lagard, Administrator, Assessment Division |
| | Judith Schuerman, Manager, Radiation |
| | Scott Blackwell, Supervisor, Licensing and Registration |
| | Dwayne Stepter, Supervisor, Surveillance and Enforcement |
| | Joseph Noble, Staff |
| | James Pate, Staff |
| | Melanie Bauder, Staff, Licensing |
| | Karen Burgard, Staff, Licensing |

DISCUSSION:

The Louisiana Agreement State Program is administered by the Assessment Division (the Division), which is one of four Divisions under the Office of Environmental Compliance (the Office) located within the Department of Environmental Quality (the Department).

The previous IMPEP review was conducted the week of April 23-27, 2012. At the conclusion of the IMPEP review, the review team found Louisiana's performance to be satisfactory, but needs improvement, for the non-common performance indicators of Compatibility Requirements and Sealed Source and Device Evaluation Program. Louisiana's performance was found to be satisfactory for all of the other indicators reviewed. The review team made two new recommendations regarding Louisiana's performance during the review period and kept one recommendation open from the 2008 IMPEP review.

The review team also recommended, and the Management Review Board (MRB) agreed, that the Louisiana Agreement State Program be found adequate to protect public health and safety and compatible with NRC's program.

The current status of the recommendations documented in the 2012 Louisiana final IMPEP report is summarized below.

- The review team recommends that the Department evaluate its review processes and develop appropriate actions to ensure that products issued are of high technical quality and meet the standard expectations of the Department.

Status: The Division stated that the program has provided training to staff and has re-emphasized the use of standard operating procedures to ensure products issued by the Division are of high technical quality. Prior to issuance of licensing documents and sealed source device evaluations, the Division performs several reviews to ensure the

product is of high quality. The review process includes peer reviews, subject matter expert technical reviews, as well as, supervisory and management reviews prior to issuance. At a minimum, five levels of review are performed on a document before it is issued. This recommendation should be verified and closed at the next IMPEP review.

- The review team recommends that all of the active sealed source and device registration commitments be located and made readily accessible by the State.

Status: The Division conducted an extensive search of hard copy and electronic records to ensure that all supporting documentation and commitments associated with sealed source and device registrations were located and readily accessible in the appropriate case file. The Division created individual folders for all 61 sealed source device registration evaluations. Each case file was reviewed and updated with hard copy documentation or were supported by electronic document references. Going forward, the Division implemented a peer review process to ensure that the supporting documentation is contained in the individual folder before issuing the registration and incorporates the guidance in NUREG-1556, Volume 3, "Application for Sealed Source Device Evaluation and Registration." This recommendation should be verified and closed at the next IMPEP review.

- The review team recommends that the State adhere to the document format and content guidance in current version NUREG-1556, Volume 3. (Section 4.2.2) (Kept open from the 2008 IMPEP review).

Status: The Division reviewed and updated all 61 of its Sealed Source and Device Nationwide Registry (SSDRs). The Division uses the format and content guidance in the current version of NUREG-1556, Volume 3. According to the Division, this recommendation was kept open from the 2008 IMPEP review because the Division did not review inactive sealed source and device registrations prior to the 2012 IMPEP review. Since the 2012 review, the Division has completed review of 61 device registrations including ones that were inactive and have updated all evaluations such that the files are current with NUREG-1556, Volume 3. This recommendation should be verified and closed at the next IMPEP review.

Other topics covered at the meeting included:

Program Strengths

The Division has a stable workforce with experienced inspectors. The Division is able to travel again after recent budget constraints and they have relatively little turnover. The Division has very little difficulty in replacing staff that have left the program with well qualified candidates to be inspectors or license reviewers. The level of experience within the workforce is increasing as newly hired staff rapidly gain experience through mentoring, accompaniments, and attending NRC training courses. The ability to attend training classes at the rate with which staff in the Division have been attending them is a significant strength. In this review period, most of the staff has been able to attend multiple NRC training classes. As a result of the knowledge gained by new staff attending training and performing inspections, and the experience of senior staff, there is

currently no backlog of inspections and licensing actions. Communications between the NRC and the Division continue to be effective and provide the level of assistance that the Division needs to ensure the program is meeting its obligations under the Agreement.

Program Weaknesses

The Division stated that losing one senior technical advisor position has impacted their ability to efficiently manage the workload in the Division and had a significant impact on rulemaking activities.

Feedback on NRC's Program

The Division stated they greatly appreciated the training provided to their staff at NRC expense. They have not had any difficulties enrolling staff in training classes and hopes that this will continue into the future.

Staffing and Training

The Division currently has a total of 23 staff positions and one administrative position, with one vacancy out of six positions in the licensing staff. The Division has plans to fill the vacancy in the near term and has adequate succession planning in place should they lose additional staff due to retirements. The inspection staff is comprised of 12 inspectors, who also investigate incidents that are reported to the Division. The staff are maintaining qualifications and continuing to receive training courses sponsored by the NRC or other equivalent courses. The Division maintains an adequate level of full time employees to accomplish their health and safety mission.

Program Reorganizations

The Assessment Division Administrator is new to the position but a long term employee of the Department of Environmental Quality and is familiar with the Louisiana program's operations. Escalated enforcement cases are now handled out of the Enforcement Division under a different administrator. No other significant program reorganizations have occurred in the review period.

Changes in Program Budget/Funding

The Division is adequately funded as a self-generating State agency and does not receive general funds from the State. The budget has been stable during the review period and it's unlikely the legislature will allow the Division to raise fees in the near term. However, the Division is allowed to hire new employees to maintain staffing at the current level.

Materials Inspection Program

At the time of this periodic meeting, the Division reported that there were no overdue inspections. The Division currently meets the quarterly metrics that are developed and are committed to by legislative mandate.

Materials Licensing Program

Currently, the Division licenses 496 radioactive materials users. During the 2012 IMPEP, the review team identified some deficiencies in the technical quality of licensing actions. The specific deficiencies identified in the 2012 IMPEP report have all been corrected. In 2010, the NRC issued a letter to all Agreement States, RCPD-10-007, "Requesting Implementation of a Policy on Maximum Possession Limits for Radioactive Material Licenses." At the periodic meeting, the Division reported that the requested actions were completed for all materials licensees in September 2013. Currently, there is no backlog of licensing actions within the Division.

Regulations and Legislative Changes

The 2012 IMPEP review team found that Compatibility Requirements were Satisfactory but needs improvement. Four amendments were considered overdue and 6 comments generated from previous NRC reviews of Louisiana's regulations still needed to be addressed in upcoming rulemaking activities. Louisiana's rulemaking process normally takes approximately two to three months, if the proposed State regulations are identical to Federal regulations, and about six months if they are not identical. Current NRC policy requires that Agreement States adopt certain equivalent regulations or legally binding requirements no later than three years after the effective date of NRC's regulations.

As noted in the Staffing and Training section of this summary, one of the duties of the vacated Senior Technical Staff position included the development of regulations. The Program Manager has recently completed the process of identifying overdue regulation amendments, submitting them for NRC review, reviewing the NRC comments on the final regulation amendments submitted during this review period, and addressing the comments in upcoming rulemaking. Upon completion of these activities Louisiana will be current on all RATS IDs listed on the State Regulation Status Summary Sheets. The following is the current status of Louisiana's rulemaking activities.

The 2012 IMPEP review team noted that the following four amendments were not submitted and were overdue at the time of the review.

- **"Medical Use of Byproduct Material – Minor Corrections and Clarifications," 10 CFR Parts 32 and 35 amendments (72 FR 45147, 72 FR 54207) became effective on October 29, 2007, and were due for Agreement State adoption on October 29, 2010, (RATS ID 2007-1).**

These amendments were addressed in RP051ft, which was submitted to NRC as a final rule on May 1, 2012. NRC responded with one comment. Louisiana addressed the comment in RP055ft, which was published as a final rule in the Louisiana Register on February 20, 2014, and was submitted to the NRC on March 19, 2014 for approval.

- “**Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements,” 10 CFR Parts 30, 31, 32, and 150 amendments (72 FR 58473) became effective on December 17, 2007, and were due for Agreement State adoption by December 17, 2010, (RATS ID 2007-2).**

These amendments were addressed in RP052ft, which was published as a final rule in the Louisiana Register on November 20, 2012, and was submitted to the NRC on November 27, 2012. NRC responded with six comments. These comments were addressed in RP056ft, which was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

- “**Requirements for Expanded Definition of Byproduct Material,” Parts 20, 30, 31, 32, 33, 35, 61, and 150 amendments (72 FR 55864) became effective on November 30, 2007, and were due for Agreement State adoption by November 30, 2010, (RATS ID 2007-3).**

These amendments were addressed in RP055ft, which was published as a final rule in the Louisiana Register on February 20, 2014, and submitted to the NRC on March 19, 2014 for approval.

- “**Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent,” 10 CFR Parts 19 and 20 amendments (72 FR 68043) became effective February 15, 2008; and were due for Agreement State adoption by February 15, 2011, (RATS ID 2008-1).**

These amendments were addressed in RP053ft, which was published as a final rule in the Louisiana Register on November 20, 2012, and was submitted to the NRC on November 27, 2012. NRC responded with one comment. The comment was addressed in RP056ft, which was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

The 2012 IMPEP review team noted that the following two amendments were submitted overdue.

- “**Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” 10 CFR Part 39 amendment (65 FR 20337) that was due for Agreement State adoption on May 17, 2003, (RATS ID 2000-1).**

The NRC accepted this as a final rule on April 14, 2008, with no comments. No further action is required.

- “**Minor Amendments,” 10 CFR Parts 20, 32, 35, 40 and 70 amendments (71 FR 15005) that was due for Agreement State adoption on March 27, 2009, (RATS ID 2006-1).**

The NRC accepted this as a final rule on January 26, 2010. NRC responded with six comments. The comments were addressed in final rule RP051ft and proposed rule RP056ft. The final rule was submitted to the NRC on May 1, 2012. The proposed rule was published in the Louisiana Register on April 20, 2014, and was submitted to the

NRC on May 2, 2014, for approval.

The 2012 IMPEP review team noted that the following eight amendments were not reviewed as final regulations and were overdue:

- **“Standards for Protection Against Radiation” 10 CFR Part 20 amendment (56 FR 23360) (56 FR 61352) (57 FR 38588) (57 FR 57877) (58 FR 67657) (59 FR 41641) (60 FR 20183) became effective on January 1, 1991, and was due for Agreement State adoption by January 1, 1994, (RATS ID 1991-3).**

The NRC accepted this rule (NE003) as a proposed rule on October 15, 1998. They had no comments at that time; however, it was never submitted as a final rule. This final rule was submitted to the NRC on December 21, 2012. The NRC had four comments, which were addressed in RP056ft. The proposed rule was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

- **“Notification of Incidents,” 10 CFR Parts 20, 30, 31, 34, 39, 40, and 70 amendments (56 FR 64980) that became effective on October 15, 1991, and was due for Agreement State adoption by October 15, 1994, (RATS ID 1991-4).**

The final rule (NE017) was submitted to the NRC on December 21, 2012. The NRC had no comments. No further action is required.

- **“Decommissioning Recordkeeping and License Termination: Documentation Additions,” 10 CFR Parts 30 and 40 amendments (58 FR 39628) that became effective on October 25, 1993, and was due for Agreement State adoption by October 25, 1996, (RATS ID 1993-1).**

The NRC accepted this rule (NE020) as a proposed rule on April 4, 1997, with no comments at that time; however, it was never submitted as a final rule. The final rule was submitted to the NRC on December 21, 2012. The NRC had no comments. No further action is required.

- **“Termination or Transfer of Licensed Activities: Recordkeeping Requirements,” 10 CFR Parts 20, 30, 40, 61, and 70 amendments (61 FR 24669) that became effective on June 17, 1996, and was due for Agreement State adoption by June 17, 1999, (RATS ID 1996-3).**

The NRC accepted this rule (NE022) as a proposed rule on June 29, 2000, with no comments. The final rule was submitted to NRC on December 21, 2012. NRC had no comments on the final rule. No further action is required.

- **“Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations,” Parts 30, 34, 71, and 150 amendments (62 FR 28947) that became effective on June 27, 1997, and was due for Agreement State adoption by June 27, 2000, (RATS ID 1997-5).**

The NRC accepted this as a final rule on February 15, 2002, with 3 comments. The comments were addressed in final rules RP028and RP032, and proposed rule RP056ft.

The proposed rule was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

- “**Minor Corrections, Clarifying Changes, and a Minor Policy Change,” 10 CFR Parts 20, 35, and 36 amendments (63 FR 39477, 63 FR 45393) that became effective on October 26, 1998, and was due for Agreement State adoption by October 26, 2001, (RATS ID 1998-5).**

The NRC accepted this as a final rule on November 15, 2001. The NRC responded with two comments which were addressed in proposed rule RP056ft and final rule RP030.

- “**Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material,” 10 CFR Parts 30, 31, and 32 amendments (65 FR 79162) that became effective on February 16, 2001, and was due for Agreement State adoption on February 16, 2004, (RATS ID 2001-1).**

The NRC accepted this as a final rule on July 27, 2006. The NRC responded with three comments, which were addressed in final rules RP055ft and RP043ft.

- “**Minor Amendments”, 10 CFR Parts 20, 30, 32, 35, 40 and 70 amendments (71 FR 15005) that became effective on March 27, 2006, and was due for Agreement State adoption on March 27, 2009. (RATS ID 2006-1).**

The NRC accepted this as a final rule on January 26, 2010. The NRC responded with six comments that were addressed in final rule RP051ft and proposed rule RP056ft. The final rule was submitted to NRC on May 1, 2012. The proposed rule was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

The 2012 IMPEP review team noted that the following amendments will need to be addressed in upcoming rulemaking or by adopting alternate legally binding requirements.

- “**Medical Use of Byproduct Material – Authorized User Clarification,” 10 CFR Part 35 amendment (74 FR 33901) that became effective on September 28, 2009, and is due for Agreement State adoption by September 28, 2012, (RATS ID 2009-1).**

These amendments are addressed in RP054ft, which was published as a final rule in the Louisiana Register on November 20, 2012, and were submitted to the NRC on November 27, 2012. The NRC responded with 11 comments. These comments were addressed in RP056ft, which was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

- “**Decommissioning Planning”, 10 CFR Parts 20, 30, 40 and 70 (76 FR 35512) that became effective on December 17, 2012, and is due for Agreement State adoption by December 17, 2015, (RATS ID 2011-1).**

This will be addressed in RP058ft, which has yet to be published at the time of the periodic meeting.

- “**Licenses, Certifications, and Approvals for Materials Licensees**”, 10 CFR Parts 30, 36, 39, 40, 70 and 150 (76 FR 56951) that became effective on November 14, 2011, and is due for Agreement State adoption by November 14, 2014, (RATS ID 2011-2).

This change was addressed in RP057ft, and was submitted to the NRC as proposed on March 14, 2014, for approval.

- “**Change of Compatibility of 10 CFR 31.5 and 31.6**”, (77 FR 3640) became effective on January 25, 2012, and is due for Agreement State adoption by January 25, 2015, (RATS ID 2012-1).

This change was addressed in RP057ft, and was submitted to the NRC as proposed on March 14, 2014.

Event Reporting, Including Follow-up and Closure Information in NMED

The Division reported 25 events to the Nuclear Material Events Database (NMED) since the 2012 IMPEP review. At the periodic meeting, the Division stated that the events were appropriately reported to the NRC and were properly entered and updated in NMED. The Division stated that they are following their standard operating procedures and there are no outstanding events that are being tracked at the time of the meeting.

Response to Incidents and Allegations

The Division continues to be responsive to notifications of incidents and allegations. Incidents and allegations are immediately reviewed to assess the potential impact to public health and safety. Inspectors are dispatched to the incident location when necessary. No significant events during the review period were noted.

Status of Allegations and Concerns Referred by the NRC for Action

NRC referred one allegation to Louisiana during the review period, which was addressed by the Division the same day it was received.

Emerging Technologies

The Division is currently reviewing emerging technologies for radiography of underwater pipelines using a Cesium-137 source using a multi-leaf collimator, and a revolving therapy device for head and neck cancers using Co-60 sources that is similar to gamma knife technology.

Large, Complicated, or Unusual Authorizations for use of Radioactive Materials

None noted

Current State Initiatives

None noted

State's Mechanisms to Evaluate Performance

The Division reviews standard operating procedures annually to ensure they contain the most current guidance. The Division reviews quarterly performance reports to ensure the Division is on track to meet performance goals for the year, which are subsequently reported to the Louisiana legislature.

The Division uses supervisory and peer reviews of inspection reports, licensing actions, and sealed source device evaluations to ensure that high quality regulatory products are issued. Inspectors are accompanied at least two times a year by a supervisor or staff scientist. The records of the accompaniments are maintained by the supervisor. Inspection and licensing records are maintained in the Division's database for easy access to queries and reports about any of the Division's safety programs

Current NRC Initiatives

NRC staff discussed the status of ongoing initiatives with the Louisiana representatives. The discussion included national source tracking system, web-based licensing, 10 CFR Part 37 implementation, IMPEP process improvement reviews, and concerns about recent radiography events.

Schedule for the Next IMPEP Review

The NRC staff recommends that the next IMPEP review be held in two years.

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR THE MINNESOTA
ENVIRONMENTAL HEALTH DIVISION
DATE OF MEETING: APRIL 29, 2014

| NRC Attendees | Minnesota Attendees |
|-------------------------------|---|
| Jim Lynch, RSAO | Aggie Leitheiser, Asst. Commissioner |
| Pat Louden, Division Director | Tom Hogan, Division Director |
| Joe O'Hara, FSME | Dale Dorschner, Assistant Division Director |
| | Sherrie Flaherty, Unit Supervisor |

DISCUSSION:

The Agreement State Program is administered by the Radioactive Materials Unit (the Unit), Indoor Environments and Radiation Section, Division of Environmental Health (the Division). The Division is a part of the Minnesota Department of Health. Sherrie Flaherty is the supervisor of the Radioactive Materials Unit. The Section manager position was vacant at the time of the meeting, with the recent promotion of Dale Dorschner to Assistant Division Director. Since the meeting, Mary Navara was named Section Manager. Minnesota regulates approximately 166 specific licenses. Management support for the Program appears excellent.

The State's last IMPEP review was conducted in November 2011. The review team found Minnesota's performance to be satisfactory for all performance indicators reviewed. Accordingly, the review team recommended, and the Management Review Board agreed, that the Minnesota Agreement State Program was adequate to protect public health and safety, and compatible with Nuclear Regulatory Commission's (NRC) program. The next IMPEP review was extended for an extra year, based on good performance.

Other topics covered at the meeting included:

Program Strengths: The Unit has excellent communications between staff members and has streamlined many processes without sacrificing the quality of regulatory products or the emphasis on protection of health and safety. The staff is very knowledgeable of the status of the program. Unit staff has a good understanding of new regulatory initiatives and associated expectations. The Agreement State program has good managerial and financial support.

The Unit holds semi-annual meetings with licensee physicists to discuss regulatory issues, recent industry problems, and methods for increasing communication. These meetings have been very successful and were well received by the licensee community. Plans are being made to expand these meetings to radiation safety officers. State managers emphasized their strong relationship with licensees.

Program Weaknesses: Division managers noted that the Program's database is not very efficient and needs upgrading. The NRC representatives suggested that the new live Web Based Licensing program may be a good fit for Minnesota. The NRC provides IT support for Web Based Licensing, which would relieve the State of that responsibility.

Enclosure 2

Feedback on NRC's Program:

The State expressed appreciation for the recent webinar training on Title 10 of the *Code of Federal Regulations* (CFR) Part 37. They encouraged the NRC to do additional webinar training and suggested that licensing and inspection of cyclotron operations may be a valuable topic.

The Division indicated that they appreciated the good support they receive from NRC Region III and enjoy the good relationship and communication that they have with the NRC in general. The Division was also appreciative of NRC's funding for Agreement State training.

Staffing and Training:

The Minnesota program has a Unit Supervisor, four technical staff, and an administrative support person. Three of the technical staff are fully trained and the fourth is beginning her qualification process. The staff members are cross-trained in all areas of the program. The Division Director stated that succession planning is being done to keep the program running smoothly as people leave the program.

Program Reorganizations:

The Unit has not experienced any program reorganizations since the previous IMPEP review and none are expected.

Changes in Program Budget/Funding:

The Unit has a solid source of funding through a dedicated fee fund. The Program has paid off the deficit that was incurred during the Agreement State startup. Fees average approximately 65-70% of NRC's annual fees. The Unit is not facing any travel restrictions at this time.

Materials Inspection Program:

The Unit reported that they have not performed any inspections overdue during the review period and had no overdue inspections at the time of the meeting. The Unit typically performs between 60 and 80 inspections per year.

A peer inspector accompaniment process is being initiated in the Unit. The intent is to have inspectors learn from each other by observing inspection techniques and approaches.

The Unit performs pre-licensing visits for all new license applicants that are unknown to the program.

The Unit regularly performs reciprocity inspections. Minnesota is meeting the inspection targets in Inspection Manual Chapter 1220.

Materials Licensing Program:

License actions are kept current with no licensing backlog. License applications are generally completed within four weeks of receipt. All licensing actions are peer reviewed and then reviewed and signed by the Unit Supervisor. This three-part review helps maintain accuracy and consistency of license documents. The Unit performs approximately 100 licensing actions per year.

Regulations and Legislative Changes:

The State is up to date on all regulation amendments currently required for compatibility. The regulation promulgation process takes approximately 1.5 years to complete, so it is important to keep up on newly published regulations to ensure publication within 3 years. Minnesota's 10 CFR Part 37 equivalent regulations are expected to be adopted this year. The State will look at the possibility of adopting regulations through incorporation by reference. This would free up limited resources to other parts of the program.

Event Reporting, including Follow-up and Closure Information in NMED:

The Program had reported eight events to NMED since the 2011 IMPEP review. All of the events were appropriately reported to the NRC, and were properly entered into, and updated, within NMED. Very good communication with Region III was noted during events.

Response to Incidents and Allegations:

The Unit continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their affect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Unit Supervisor has placed a high emphasis on maintaining an effective response to incidents and allegations.

Status of Allegations and Concerns Referred by the NRC for Action:

The NRC did not refer any allegations to Minnesota since the last IMPEP review. Several allegations were received directly by the State during the period and were investigated appropriately and in a timely fashion.

Significant Events and Generic Implications:

The Unit did not identify any significant events or generic issues since the 2011 IMPEP review.

Current State Initiatives:

Unit staff members continue to accompany NRC inspectors during reactor inspections. These accompaniments provide valuable insight to the State and increased communications with the NRC. Future accompaniments are planned, and were encouraged by NRC staff.

State's Mechanisms to Evaluate Performance:

The Unit uses peer reviews of licensing actions and inspection reports to insure the quality of regulatory products. Inspectors are accompanied annually by the Unit Supervisor. The Unit Supervisor is considering reimplementing annual internal assessments of the radioactive materials program, if time and workload allows.

Current NRC Initiatives:

The NRC staff discussed ongoing initiatives with the Minnesota representatives. These included the Agreement State Program enhancement activities, medical event definition, combining of NRC agreement state program policy statements and the potential merging of NMSS and FSME.

CONCLUSIONS:

The Minnesota Agreement State Program remains a strong, stable program with excellent management support. Staffing has remained consistent since the Agreement and the training level for staff members is on target. The State has established innovative outreach programs to physicists, radiographers and neighboring Agreement States. Minnesota managers indicated that they will continue to support the IMPEP program, which they view as a valuable process.

The NRC staff recommends that the next IMPEP review to be held, as currently scheduled, in late 2016.

**AGREEMENT STATE PERIODIC MEETING SUMMARY FOR THE
WASHINGTON DEPARTMENT OF HEALTH**

DATE OF MEETING: MAY 6, 2014

| NRC Attendees | Washington Attendees |
|----------------------|---------------------------------------|
| Randy Erickson, RSAO | David Jansen, Director |
| Anton Vegel, R-IV | Earl Fordham, Eastern Deputy Director |
| Lisa Dimmick, FSME | Craig Lawrence, Supervisor Materials |
| | Mikel Elsen, Supervisor Waste Section |

DISCUSSION:

The Washington Agreement State Program is administered by the Office of Radiation Protection (the Office) in the Division of Environmental Public Health (the Division). The Division is part of the Department of Health (the Department).

The previous IMPEP review (ML13212A225) was conducted the week of May 6-10, 2013. At the conclusion of the review the team found Washington's performance to be satisfactory for all performance indicators reviewed. The review team made one recommendation regarding program performance by the State. Accordingly, the review team recommended, and the MRB agreed, that the Washington Agreement State Program be found adequate to protect public health and safety and compatible with the NRC's program. The team recommended that the next full IMPEP review take place in four years and have a periodic meeting in one year in order to monitor the Office's transition to a new director. The MRB believed that the next review should be held in five years but agreed that the Periodic Meeting could be held in one year.

The current status of the recommendation identified during the 2013 Washington final IMPEP report is summarized below.

- The review team recommends that the State implement a process to ensure that radioactive material incidents involving sealed sources and devices registered by the State are periodically and independently assessed by the State for generic issues and that any potential generic issues are communicated to licensees and fellow regulators in a timely manner. (Section 4.2.3 of the 2013 IMPEP Report)

Current Status: The Program reported they added a license condition to their own license requiring the review and implemented a process where one staff member performs six month reviews to ensure that radioactive material incidents involving sealed sources and devices registered by the State are periodically and independently assessed for generic issues and that any potential generic issues are communicated to licensees and fellow regulators in a timely manner.

This process began immediately following the 2013 review. The individual initiating the process reviews NMED events to see if any of the events involve devices approved by Washington. To date they have not found any that have, but when they do, they will follow the process and

evaluate any potential generic issues and provide that information to fellow regulators and licensees. A second staff member verifies that the review has been conducted timely and according to the established process.

Other topics covered at the meeting included:

Program Strengths:

The Washington Program is a busy program with a highly motivated staff that is responsible for the licensing and inspection of approximately 390 specific materials licensees.

Management support to the Program is outstanding and access to senior management is unencumbered. The Program noted that the dedication of their staff to making the program successful is a huge strength for them.

The Program reported that as a program they are becoming progressively stronger. Funding is strong, training is good and they are fully staffed with the addition of a new staff member with a doctorate degree in Health Physics. The previous review noted turnover at the management positions. This has stabilized and they don't anticipate any additional management changes in the near term.

Program Weaknesses:

While the Program has experienced success in filling positions in the materials program, they have concerns about how to retain experienced staff. They recently lost their database manager which is a short term setback for the program. They also lost their long term uranium recovery staff member to retirement. The program was successful in hiring a well-qualified individual and was able to double encumber the position for training and knowledge management purposes. They are also concerned about finding a more realizable source of funding for emergency response.

Feedback on NRC's Program:

- The Program expressed their appreciation for the support they receive in the form of training from NRC. They have had little difficulty in getting staff into classes.
- The Program noted that there are no available training classes in the waste area. They asked if NRC would consider providing training for those programs with waste programs, possibly in the form of a webinar.

Staffing and training:

The Washington Program is managed by the Office Director and two Deputy Directors with responsibility for six sections. One Deputy Director is located in the Olympia Office and is responsible for the operations of the X-Ray and Emergency Response Sections. The other Deputy Director is stationed in the Richland Office and is responsible for the Air Emissions, Environmental Sciences, Materials and Waste Sections. At present the Program is fully

staffed with technical staff but needs to replace the database manager. They have had few problems getting into NRC training classes and augment that with additional training when available. They plan to send several staff to NMED training being held in Portland in October.

Program reorganizations:

The Program has not been subject to reorganization since the 2013 IMPEP review.

Changes in Program budget/funding:

The Program has not experienced any problems with budgeting or funding.

Materials Inspection Program:

The Program reported that they have not had any overdue inspections since the 2013 review. Initial inspections are typically performed within 12 months of issuance. They continue to inspect reciprocity licensees and have not had difficulty performing inspections on at least 20 percent of candidate reciprocity licensees. The Program performs Increased Controls inspections concurrent with health and safety inspections. Supervisory accompaniments are performed annually by the technical leads. The Radioactive Materials Manager performs accompaniments of the technical leads.

Licensing Program:

The Program reported that the licensing program is active. Each of the staff performs both inspections and licensing actions as assigned. The technical leads perform the more advanced or complex licensing actions. The Program noted that licensing actions are tracked and that no backlogs exist.

Sealed Source and Device Evaluation Program (SS&D):

The Program reported that the SS&D Program is a small part of their activities with only three actions being performed over the five year 2013 IMPEP review period. No actions have been performed since the review. At the time of the 2013 review the team noted one issue where sealed sources and devices registered by the State were not being periodically and independently assessed by the State for generic issues and then to communicate those issues to licensees and fellow regulators in a timely manner. The team made a recommendation in this area which has already been discussed.

Uranium Recovery Program:

At the time of the 2013 IMPEP review, the Waste Section had one licensed conventional mill site: the Dawn Mining Company. This site was placed in shutdown status and initiated reclamation and decommissioning activities in 2001. The process related buildings and structures were decommissioned and buried in 2003. The only activities at the site are

related to surface reclamation and groundwater monitoring. The Program reported that the final radon barrier over three old tailings impoundments is scheduled to be completed by the end of summer 2014. The fourth old tailings impoundment has been covered with an interim cover. All of the surface reclamation, including erosion protection and a surface water diversion ditch, are scheduled to be completed by the end of the construction season in 2016.

Regulations and Legislative changes:

The Program reported that no legislative packages affecting the Program were adopted since the 2013 IMPEP review.

The following are regulations that still need to be addressed by the Program.

- “Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements,” 10 CFR Parts 30, 31, 32, and 150 amendments (72 FR 58473), that was due for Agreement State adoption by December 17, 2010.

Event reporting, including follow-up and closure information in NMED.

Since the 2013 IMPEP review, the Program had reported five events to NMED, with one remaining open. The event can be closed and the Program indicated they will close it.

Response to incidents and allegations.

The Program continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their affect on public health and safety. Incidents are evaluated for safety significance and staff is dispatched to perform onsite investigations whenever possible.

Status of allegations and concerns referred by the NRC for action.

The Program continues to process allegations as they are received. Since the 2013 IMPEP review, the NRC has referred two allegations to the Program. Each of the allegations received by the Program have been investigated and closed. The Program continues to be sensitive to issues of identity protection regarding allegers.

Current NRC initiatives:

The following NRC initiatives were discussed with the Program:

- FSME – NMSS Merger
- NRC’s inspector qualification program (IMC 1248)
- Updates on the NUREG 1556 series revisions
- Rulemaking Initiatives (Parts 35, 37 and 61)
- Performance Based Compatibility

- FSME and RCPD Letters
- Policy Statements for Agreement States on Adequacy and Compatibility

Schedule for the next IMPEP review:

It is recommended that the next IMPEP review to be held on schedule in May 2018 with another Periodic Meeting in two years