



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

November 17, 2017

David M. Howe, M.A., Program Director  
Radiation Protection Services  
Public Health Division  
Health Authority  
800 NE Oregon Street, Suite 640  
Portland, OR 97232

Dear Mr. Howe:

On October 26, 2017, a Management Review Board (MRB), which consisted of U.S. Nuclear Regulatory Commission (NRC) senior managers and an Organization of Agreement States liaison to the MRB, met to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report for the Oregon Agreement State Program. The MRB found the Oregon program adequate to protect public health and safety and compatible with the NRC's program.

The enclosed final report contains a summary of the IMPEP team's findings (Section 5.0). Based on the results of the current IMPEP review, the next IMPEP review will take place in approximately 4 years with a periodic meeting in approximately 2 years.

I appreciate the courtesy and cooperation extended to the IMPEP team during the review. I also wish to acknowledge your continued support for the Agreement State program. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

*/RA/*

Marc L. Dapas, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
Oregon Final IMPEP Report

cc: Debra Shults, TN  
Organization of Agreement States  
Liaison to the MRB

SUBJECT: LETTER TO DAVID HOWE, RE: OREGON FINAL IMPEP REPORT  
 DATE: November 17, 2017

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM  
REVIEW OF THE OREGON AGREEMENT STATE PROGRAM

AUGUST 7–11, 2017

**FINAL REPORT**

Enclosure

## **EXECUTIVE SUMMARY**

This report presents the results of the Integrated Materials Performance Evaluation Program (IMPEP) review of the Oregon Agreement State Program. The review was conducted during the period of August 7–11, 2017, by a team composed of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the State of Minnesota.

Based on the results of this review, the team recommended, and the Management Review Board (MRB) agreed, that Oregon's performance was satisfactory for all performance indicators reviewed. The team recommended, and the MRB agreed, that the six recommendations from the 2013 IMPEP review should be closed (see Section 2.0). One new recommendation was made (see Section 5.0).

Accordingly, the team recommended, and the MRB agreed, that the Oregon Agreement State Program is adequate to protect public health and safety and compatible with the NRC's program. The team recommended, and the MRB agreed, that the next IMPEP review will take place in approximately 4 years, with a periodic meeting in approximately 2 years.

## 1.0 INTRODUCTION

This report presents the results of the review of the Oregon Agreement State radioactive materials safety program. The review was conducted during the period of August 7–11, 2017, by a team comprised of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the State of Minnesota. Team members are identified in Appendix A. The review was conducted in accordance with the “Implementation of the Integrated Materials Performance Evaluation Program and Rescission of Final General Statement of Policy,” published in the *Federal Register* on October 16, 1997, and NRC Management Directive 5.6 (MD 5.6), “Integrated Materials Performance Evaluation Program (IMPEP),” dated February 26, 2004. Preliminary results of the review, which covered the period of August 17, 2013, to August 11, 2017, were discussed with Oregon managers on the last day of the review.

In preparation for the review, a questionnaire addressing the common performance indicators and applicable non-common performance indicator was sent to Oregon on March 16, 2017. Oregon provided its response to the questionnaire on July 21, 2017. A copy of the questionnaire response is available in the NRC’s Agencywide Documents Access and Management System (ADAMS) using the Accession Number ML17233A100.

A draft of this report was issued to Oregon on September 11, 2017, for factual comment (Accession Number ML17254A432). Oregon responded to the findings and conclusions of the review by letter dated October 6, 2017. A copy of the response is available in ADAMS (Accession Number ML17285B091).

The Oregon Agreement State Program is administered by the Radiation Protection Services Section (the Section) which is located within the Center for Health Protection (the Center). The Center is part of the Oregon Public Health Division (the Division). Organization charts for Oregon are available in ADAMS (Accession Number ML17233A093).

At the time of the review, the Oregon Agreement State Program regulated 292 specific licenses authorizing possession and use of radioactive materials. The review focused on the radioactive materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of Oregon.

The team evaluated the information gathered against the established criteria for each of the common and the applicable non-common performance indicators and made a preliminary assessment of the Oregon Agreement State Program’s performance.

## 2.0 PREVIOUS IMPEP REVIEW AND STATUS OF RECOMMENDATIONS

The previous IMPEP review concluded on August 16, 2013. The final report is available in ADAMS (Accession Number ML13308A382). The results of the previous review and the current status of the recommendations are as follows:

Technical Staffing and Training: Satisfactory  
Recommendation: None

Status of Materials Inspection Program: Satisfactory  
Recommendation: None

Technical Quality of Inspections: Satisfactory

Recommendation: None

Technical Quality of Licensing Actions: Satisfactory, but Needs Improvement

Recommendation 1: The team recommends that the Section follow its licensing procedure flow sheet and re-implement the peer review process to ensure consistency and accuracy for all licensing actions.

Status: The team confirmed that Oregon re-implemented its peer review process after the 2013 IMPEP review. The 2017 team noted that each of the 27 licensing actions reviewed by the team were peer reviewed by Oregon's licensing staff to ensure consistency and accuracy. All licensing staff interviewed were familiar with this process. This recommendation is closed.

Recommendation 2: The team recommends that Oregon verify that all previously approved authorized users, authorized medical physicists, radiation safety officers on medical licenses, and authorized nuclear pharmacists have the proper board certification or training requirements and preceptor attestation, since the new requirements were initiated in 2006.

Status: The 2017 team confirmed that Oregon identified and reviewed the 286 authorized users, authorized medical physicists, radiation safety officers on medical licenses, and/or authorized nuclear pharmacists that had been approved since 2006. The Section's records indicated that of the 286 authorizations, Oregon staff were able to verify 285 of the users' credentials. The Section indicated that the one unresolved file was reviewed and verified; however, the record was not updated. This user's file was being returned from archives to confirm the review took place. During the October 26, 2017, Management Review Board (MRB) meeting, Oregon noted that the program is continuing its review of this last file and has requested additional information from the licensee. This recommendation is closed.

Recommendation 3: The team recommends that Oregon develop and implement a pre-licensing protocol based on the Radiation Control Program Directors (RCPD)-08-020 letter issued on September 22, 2008, to enhance the basis for confidence that radioactive materials will be used as specified on a radioactive materials license.

Status: The 2017 team confirmed that Oregon has developed and implemented a pre-licensing protocol based on the RCPD-08-020 letter issued on September 22, 2008. The procedures were reviewed by the team. Each of the five new licenses reviewed by the team had been subjected to the pre-licensing procedures. Staff members were knowledgeable of these procedures. This recommendation is closed.

Technical Quality of Incident and Allegation Activities: Satisfactory, but Needs Improvement

Recommendation 4: The team recommends that the Section implement a process to ensure all required information is submitted to the Nuclear Material Events Database (NMED) and also promote timely completion of NMED entries.

Status: The 2017 team reviewed all 14 events reported to the NRC during the review period. All NMED entries were complete. The team noted that there were no outstanding requests from NMED for additional information on any of the reported events. This recommendation is closed.

Recommendation 5: The team recommends that Oregon revise its protocol for reviewing incidents for reportability in accordance with Office of Federal and State Materials and Environmental Management Programs Procedure SA-300 and ensure timely reporting of events to the NRC Operations Center and to NMED.

Status: The 2017 team confirmed that Oregon has revised its protocol for reportability and now uses the current SA-300 to ensure timely reporting of events to the NRC Operations Center and to NMED. Based on the review of Oregon's reported events, the team also confirmed that Oregon reported all events to the NRC Operations Center and/or NMED in a timely manner. This recommendation is closed.

Compatibility Requirements: Satisfactory

Recommendation 6: The team recommends that Oregon develop and implement a protocol to ensure that regulations required for adoption are adopted within 3 years as required in the Policy Statement on Adequacy and Compatibility of Agreement State Programs.

Status: In an effort to ensure that regulations required for adoption are adopted within 3 years as required in the Policy Statement on Adequacy and Compatibility of Agreement State Programs, Oregon developed and implemented Protocol No. 246, "Administrative Rule Adoption for Federal Compatibility." The protocol outlines Oregon's approach for timely adoption of the applicable NRC amendments. The 2017 team reviewed the Protocol and concluded that it is adequate. During the review period, Oregon management consistently committed sufficient resources to be successful in meeting the intent of this recommendation. This recommendation is closed.

Overall finding: Adequate to protect public health and safety and compatible with the NRC's program

### 3.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC regional and Agreement State radioactive materials programs. These indicators are (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

#### 3.1 Technical Staffing and Training

The ability to conduct effective licensing and inspection programs is largely dependent on having a sufficient number of experienced, knowledgeable, well-trained technical personnel. Under certain conditions, staff turnover could have an adverse effect on the implementation of these programs, and could affect public health and safety. Apparent trends in staffing must be explored. Review of staffing also requires consideration and

evaluation of the levels of training and qualification. The evaluation standard measures the overall quality of training available to, and taken by, materials program personnel.

a. Scope

The team used the guidance in State Agreements procedure SA-103, "Reviewing the Common Performance Indicator: Technical Staffing and Training," and evaluated Oregon's performance with respect to the following performance indicator objectives:

- A well-conceived and balanced staffing strategy has been implemented throughout the review period.
- The Agreement State training and qualification program is equivalent to NRC Inspection Manual Chapter (IMC) 1248, "Formal Qualifications Program for Federal and State Material and Environmental Management Programs."
- Qualification criteria for new technical staff are established and are being followed or qualification criteria will be established if new staff members are hired.
- Any vacancies, especially senior-level positions, are filled in a timely manner.
- There is a balance in staffing of the licensing and inspection programs.
- Management is committed to training and staff qualification.
- Individuals performing materials licensing and inspection activities are adequately qualified and trained to perform their duties.
- License reviewers and inspectors are trained and qualified in a reasonable period of time.

b. Discussion

The Section uses cross-training of staff extensively. Many staff are qualified to perform a limited number of functions. The 15 individuals who contribute to the radioactive materials program provide approximately 6.5 full-time equivalents to the program. This includes nine technical staff, three administrative staff, two managers, and the Radiation Protection Services Director. The radioactive materials program has three fully qualified technical staff members – one license reviewer, one inspector, and one individual qualified for both licensing and inspections. One administrative staff member performs the majority of licensing assistant duties. Seven additional technical staff members are in various stages of the qualification program and are primarily involved in the licensing and inspection of X-ray, tanning, and mammography facilities. The program had no vacancies at the time of the review.

During the review period, nine staff members left the program – three retired, four transferred to other departments, and two left for outside employment. Seven staff members were hired or transferred into the radioactive materials program. Because the program could reassign duties within the Section, vacancies in the radioactive materials program were immediately filled. External postings and hiring of staff into the Section took approximately 2 to 6 months. Oregon has a training and qualification journal that is compatible with NRC's IMC 1248.

c. Evaluation

The team determined that, during the review period, Oregon met the performance indicator objectives listed in Section 3.1.a.



d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the team recommended, and the MRB agreed, that Oregon's performance with respect to the indicator, Technical Staffing and Training, is satisfactory.

3.2 Status of Materials Inspection Program

Periodic inspections of licensed operations are essential to ensure that activities are being conducted in compliance with regulatory requirements and consistent with good safety practices. The frequency of inspections is specified in IMC 2800, "Materials Inspection Program," and is dependent on the amount and kind of material, the type of operation licensed, and the results of previous inspections. There must be a capability for maintaining and retrieving statistical data on the status of the inspection program.

a. Scope

The team used the guidance in State Agreements procedure SA-101, "Reviewing the Common Performance Indicator: Status of Materials Inspection Program," and evaluated Oregon's performance with respect to the following performance indicator objectives:

- Initial inspections and inspections of Priority 1, 2, and 3 licensees are performed at the frequency prescribed in IMC 2800.
- Candidate licensees working under reciprocity are inspected in accordance with the criteria prescribed in IMC 1220, "Processing of NRC Form 241, Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, and Offshore Waters, and Inspection of Agreement State Licensees Operating Under Title 10 of the *Code of Federal Regulations* 150.20."
- Deviations from inspection schedules are normally coordinated between technical staff and management.
- There is a plan to perform any overdue inspections and reschedule any missed or deferred inspections; or a basis has been established for not performing any overdue inspections or rescheduling any missed or deferred inspections.
- Inspection findings are communicated to licensees in a timely manner (30 calendar days, or 45 days for a team inspection, as specified in IMC 0610, "Nuclear Material Safety and Safeguards Inspection Reports").

b. Discussion

The Section performed 134 Priority 1, 2, 3, and initial inspections during the review period. Only 2 percent of these inspections were conducted overdue. In 2015, the Section changed its inspection frequencies to match those in IMC 2800. Prior to that, the Section had assigned inspection frequencies for 43 program codes that were more frequent than IMC 2800's. The team verified that, with one exception noted in Section 3.4 of this report, Oregon's inspection frequencies are at least as frequent as similar license types listed in IMC 2800. The exception was radiopharmacies due to an incorrect priority/program code being assigned to this license type. The team verified that all other inspections conducted during the review period were performed at the correct frequency.

All 22 initial inspections of new licenses were performed within 12 months of license issuance. A sampling of 25 inspection reports indicated that all inspection findings were communicated to the licensees within 30 days after the inspection exit.

Each year of the review period, Oregon performed greater than 20 percent of candidate reciprocity inspections.

c. Evaluation

The team determined that, during the review period, Oregon met the performance indicator objectives listed in Section 3.2.a.

d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the team recommended, and the MRB agreed, that Oregon's performance with respect to the indicator, Status of the Materials Inspection Program, is satisfactory.

3.3 Technical Quality of Inspections

Inspections, both routine and reactive, provide assurance that licensee activities are carried out in a safe and secure manner. Accompaniments of inspectors performing inspections, and the critical evaluation of inspection records, are used to assess the technical quality of an Agreement State's inspection program.

a. Scope

The team used the guidance in State Agreements procedure SA-102, "Reviewing the Common Performance Indicator: Technical Quality of Inspections," and evaluated Oregon's performance with respect to the following performance indicator objectives:

- Inspections of licensed activities focus on health, safety, and security.
- Inspection findings are well-founded and properly documented in reports.
- Management promptly reviews inspection results.
- Procedures are in place and used to help identify root causes and poor licensee performance.
- Inspections address previously identified open items and violations.
- Inspection findings lead to appropriate and prompt regulatory action.
- Supervisors, or senior staff as appropriate, conduct annual accompaniments of each inspector to assess performance and assure consistent application of inspection policies.
- For programs with separate licensing and inspection staffs, procedures are established and followed to provide feedback information to license reviewers.
- For Agreement States, inspection guides are consistent with NRC guidance.
- An adequate supply of calibrated survey instruments is available to support the inspection program.

b. Discussion

The team evaluated the inspection reports, enforcement documentation, and interviewed inspectors for 25 materials inspections conducted during the review period. The casework spanned the review period, included inspections conducted by six of Oregon's inspectors, and covered medical, industrial, commercial, academic, research, and

service licenses. The casework reviewed also covered broad scope and initial inspections. The team determined that findings were well-founded and appropriately documented, and that inspection reports were complete and appropriately reviewed prior to sending close-out letters to the licensee or pursuing enforcement actions.

Team members accompanied four program inspectors on June 26–29, 2017. No performance problems were noted during the inspector accompaniments. The inspectors were well prepared, thorough, and conducted performance-based inspections. The inspections were adequate to assess the impact of licensed activities on health, safety and security. The inspector accompaniments are identified in Appendix B. The team noted that supervisory accompaniments were performed on an annual basis for each qualified inspector throughout the review period.

c. Evaluation

The team determined that, during the review period, Oregon met the performance indicator objectives listed in Section 3.3.a.

d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the team recommended, and the MRB agreed, that Oregon's performance with respect to the indicator, Technical Quality of Inspections, is satisfactory.

3.4 Technical Quality of Licensing Actions

The quality, thoroughness, and timeliness of licensing actions can have a direct bearing on public health and safety, as well as security. An assessment of licensing procedures, actual implementation of those procedures, and documentation of communications and associated actions between the Oregon licensing staff and regulated community is a significant indicator of the overall quality of the licensing program.

a. Scope

The team used the guidance in State Agreements procedure SA-104, "Reviewing the Common Performance Indicator: Technical Quality of Licensing Actions," and evaluated Oregon's performance with respect to the following performance indicator objectives:

- Licensing action reviews are thorough, complete, consistent, and of acceptable technical quality with health, safety, and security issues properly addressed.
- Essential elements of license applications have been submitted and elements are consistent with current regulatory guidance (e.g., financial assurance, increased controls, pre-licensing guidance).
- License reviewers, if applicable, have the proper signature authority for the cases they review independently.
- License conditions are stated clearly and can be inspected.
- Deficiency letters clearly state regulatory positions and are used at the proper time.
- Reviews of renewal applications demonstrate a thorough analysis of a licensee's inspection and enforcement history.
- Applicable guidance documents are available to reviewers and are followed (e.g., NUREG-1556 series, pre-licensing guidance, regulatory guides, etc.).

- Licensing practices for risk-significant radioactive materials are appropriately implemented including increased controls and fingerprinting orders (Part 37 equivalent).
- Documents containing sensitive security information are properly marked, handled, controlled, and secured.

b. Discussion

During the review period, Oregon performed approximately 870 radioactive materials licensing actions. The team evaluated 27 radioactive materials licensing actions. The licensing actions selected for review included 5 new applications, 15 amendments, 6 renewals, and 1 termination. The team evaluated casework which included the following license types, actions, and procedures: industrial radiography, cyclotron, portable gauges, fixed gauges, high dose rate remote afterloading device, gamma knife, medical broad scope, academic broad scope, radiopharmaceutical therapy, nuclear pharmacy, decommissioning actions, financial assurance, notifications, authorized user approval, and pre-licensing procedures. The casework sample represented work from two initial license reviewers, including one reviewer who has since left the program, and four peer license reviewers, including two reviewers who have since left the program.

The team determined that licensing actions were thorough, complete, consistent, and of acceptable technical quality with health, safety, and security issues properly addressed. The licensing cases reviewed demonstrated that guidance was followed properly, and deficiency letters and license conditions were well supported by information contained in licensing files.

The team confirmed that Oregon's program addressed all of the performance issues identified for this indicator in the 2013 IMPEP report. The 2013 IMPEP team made three recommendations and identified a number of performance issues associated with this indicator (see Section 2.0 of this report). During this review period, the Oregon program adequately addressed all three recommendations.

c. Evaluation

Program codes for licensed activities are assigned during the licensing process. The team identified one error in Oregon's database in which radiopharmaceutical therapy licensees were being categorized as program code 2201 which had a Priority 5 inspection frequency rather than a Priority 3 inspection frequency as categorized in IMC 2800. This error resulted in two overdue inspections during the review period, and will likely result in more overdue inspections if the error is not corrected. The team discussed this issue with the Section license reviewer and managers. The Section could not confirm that only one program code and associated inspection frequency was incorrect and that this was an isolated issue. Such database errors could result in additional overdue inspections. The team discussed with the Section the need to perform an extent of condition review and confirm that program codes are correct for all licenses.

During the MRB meeting, the Section stated that they are in the process of conducting a Quality Assurance (QA) review of the State's database. Program staff have already verified that program codes are correct for all licenses and are now working to remove old and outdated program codes in an attempt to reduce potential sources of error. The Section is also clarifying descriptions associated with the program codes to help ensure that the license reviewer will select the correct program code in their drop-down menu. Remaining program codes match the NRC program code language and provide the

correct inspection frequency. The Section indicated that this QA review is expected to be completed by October 31, 2017. In addition, as part of their everyday duties, license reviewers and inspectors verify that the correct program code is assigned when they are reviewing license actions or performing inspections, respectfully. The MRB noted the progress the Section has made and directed the team's recommendation to be revised to reflect this progress.

The MRB recommends that Oregon complete its QA review of licenses to ensure their program code, description, and inspection frequency accurately reflect the authorizations on the license.

The team determined that, during the review period, Oregon met the performance indicator objectives listed in Section 3.4.a. of this report.

d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the team recommended, and the MRB agreed, that Oregon's performance with respect to the indicator, Technical Quality of Licensing Actions, is satisfactory.

3.5 Technical Quality of Incident and Allegation Activities

The quality, thoroughness, and timeliness of response to incidents and allegations of safety concerns can have a direct bearing on public health and safety. An assessment of incident response and allegation investigation procedures, actual implementation of these procedures, internal and external coordination, and investigative and followup actions, are a significant indicator of the overall quality of the incident response and allegation programs.

a. Scope

The team used the guidance in State Agreements procedure SA-105, "Reviewing the Common Performance Indicator: Technical Quality of Incident and Allegation Activities," and evaluated Oregon's performance with respect to the following performance indicator objectives:

- Incident response, investigation, and allegation procedures are in place and followed.
- Response actions are appropriate, well-coordinated, and timely.
- On-site responses are performed when incidents have potential health, safety, or security significance.
- Appropriate followup actions are taken to ensure prompt compliance by licensees.
- Followup inspections are scheduled and completed, as necessary.
- Notifications are made to the NRC Headquarters Operations Center for incidents requiring a 24-hour or immediate notification to the Agreement State or NRC.
- Incidents are reported to NMED.
- Allegations are investigated in a prompt, appropriate manner.
- Concerned individuals are notified of investigation conclusions.
- Concerned individuals' identities are protected, as allowed by law.

b. Discussion

During the review period, 14 incidents were reported to Oregon. The team evaluated 11 radioactive materials incidents which included 3 involving lost/stolen radioactive materials, 1 potential overexposure, 3 medical events, and 4 damaged or failed equipment incidents. Oregon dispatched inspectors for onsite followup for five of the incident responses reviewed. For the nine incidents that the program reviewed by phone, e-mail, or letter correspondence, the team noted that the program maintained sufficient documentation to determine that the program's follow up actions were thorough and appropriate and the licensee's corrective actions were adequate to prevent future recurrence of the incident.

During the review period, eight allegations were received by Oregon. The team evaluated all eight allegations, including four allegations that the NRC referred to the State. The team concluded that the program took prompt and appropriate action in response to the concerns raised. All of the allegations reviewed were appropriately closed, individuals were notified of the actions taken, when appropriate, and allegeders' identities were protected.

c. Evaluation

The team determined that, during the review period, Oregon met the performance indicator objectives listed in Section 3.5.a.

d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the team recommended, and the MRB agreed, that Oregon's performance with respect to the indicator, Technical Quality of Incident and Allegation Activities, is satisfactory.

#### 4.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State programs: (1) Compatibility Requirements, (2) Sealed Source and Device (SS&D) Evaluation Program, (3) Low-Level Radioactive Waste Disposal (LLRW) Program, and (4) Uranium Recovery (UR) Program. The NRC's Agreement with Oregon does not relinquish regulatory authority for SS&D evaluations, LLRW, or a UR program; therefore, only the first non-common performance indicator applied to this review.

##### 4.1 Compatibility Requirements

State statutes should authorize the State to establish a program for the regulation of agreement material and provide authority for the assumption of regulatory responsibility under the agreement. The statutes must authorize the State to promulgate regulatory requirements necessary to provide reasonable assurance of protection of public health, safety, and security. The State must be authorized through its legal authority to license, inspect, and enforce legally binding requirements, such as regulations and licenses. NRC regulations that should be adopted by an Agreement State for purposes of compatibility or health and safety should be adopted in a timeframe so that the effective date of the State requirement is not later than 3 years after the effective date of the NRC's final rule. Other program elements, as defined in Appendix A of State Agreements procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements," that have been

designated as necessary for maintenance of an adequate and compatible program, should be adopted and implemented by an Agreement State within 6 months following NRC designation.

a. Scope

The team used the guidance in State Agreements procedure SA-107, "Reviewing the Non-Common Performance Indicator: Compatibility Requirements," and evaluated Oregon's performance with respect to the following performance indicator objectives. A complete list of regulation amendments can be found on the NRC Web site at the following address: <https://scp.nrc.gov/regtoolbox.html>.

- The Agreement State program does not create conflicts, duplications, gaps, or other conditions that jeopardize an orderly pattern in the regulation of radioactive materials under the Atomic Energy Act, as amended.
- Regulations adopted by the Agreement State for purposes of compatibility or health and safety were adopted no later than 3 years after the effective date of the NRC regulation.
- Other program elements, as defined in SA-200 that have been designated as necessary for maintenance of an adequate and compatible program, have been adopted and implemented within 6 months of NRC designation.
- The State statutes authorize the State to establish a program for the regulation of agreement material and provide authority for the assumption of regulatory responsibility under the agreement.
- The State is authorized through its legal authority to license, inspect, and enforce legally binding requirements such as regulations and licenses.
- Impact of sunset requirements, if any, on the State's regulations.

b. Discussion

Oregon became an Agreement State on July 1, 1965. The Oregon Agreement State program's current effective statutory authority is contained in Volume 11, Chapter 453, of the Oregon Revised Statutes. The Oregon Health Authority is designated as the State's radiation control agency. One legislative amendment affecting the radiation control program was passed during the review period. During the 2015 legislative assembly, the statutory fee cap was raised from \$3,000 to \$5,000, and the Section was authorized to implement a 25 percent fee increase.

Oregon's administrative rulemaking process takes approximately 30 months from drafting to finalizing a rule. The public, the NRC, other agencies, and potentially impacted licensees and registrants are offered an opportunity to comment during the rulemaking process. Comments are considered and incorporated, as appropriate, before the regulations are finalized and approved by the Oregon Secretary of State. The team noted that Oregon's regulations are not subject to "sunset" laws. However, Oregon's regulations are subject to administrative review on a 5-year period.

During the review period, Oregon submitted nine final regulation amendments and four proposed regulation amendments to the NRC for a compatibility review. Two of the nine final regulation amendments adopted by Oregon during the review period had not been submitted to the NRC for a compatibility review. These amendments were provided to the NRC during the week of the onsite IMPEP review. In a letter dated September 18, 2017, the NRC informed Oregon that the review of these last two regulation amendments has resulted in seven comments (Accession Number ML17234A351).

At the time of this review, no amendments were overdue. The program is very responsive in addressing NRC comments on proposed and final regulations, and has taken proactive steps to address the next five NRC amendments coming due for State adoption in 2018.

c. Evaluation

The team determined that, during the review period, Oregon met the performance indicator objectives listed in Section 4.1.a.

d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the team recommended, and the MRB agreed, that Oregon's performance with respect to the indicator, Compatibility Requirements, is satisfactory.

## 5.0 SUMMARY

As noted in Sections 3.0 and 4.0 above, Oregon's performance was found to be satisfactory for all six performance indicators reviewed. The team recommended, and the MRB agreed, that the six recommendations from the 2013 IMPEP review should be closed (see Section 2.0). One new recommendation was made (as described below).

Accordingly, the team recommended, and the MRB agreed, that the Oregon Agreement State program is adequate to protect public health and safety, and compatible with the NRC's program. Based on the results of the current IMPEP review, the team recommended, and the MRB agreed, that the next full IMPEP review will take place in approximately 4 years, with a periodic meeting in approximately 2 years.

The MRB's recommendation, as mentioned in the report, for evaluation and implementation by Oregon is:

Oregon should complete its QA review of licenses to ensure their program code, description, and inspection frequency accurately reflect the authorizations on the license (Section 3.4).



## LIST OF APPENDICES

Appendix A	IMPEP Review Team Members
Appendix B	Inspection Accompaniments

## APPENDIX A

### IMPEP REVIEW TEAM MEMBERS

<b>Name</b>	<b>Area of Responsibility</b>
Donna Janda, NRC Region I	Team Leader Technical Quality of Incident and Allegation Activities Inspection Accompaniments
Binesh Tharakan, NRC Region IV	Technical Staffing and Training
David Spackman, NMSS	Status of Materials Inspection Program Compatibility Requirements
Farrah Gaskins, NRC Region I	Technical Quality of Inspections
Tyler Kruse, Minnesota	Technical Quality of Licensing Actions

## APPENDIX B

### INSPECTION ACCOMPANIMENTS

The following inspection accompaniments were performed prior to the on-site IMPEP review:

Accompaniment No.: 1	License No.: 91181
License Type: Industrial Radiography	Priority: 1
Inspection Date: 06/26/17	Inspector: DL

Accompaniment No.: 2	License No.: 91014
License Type: High Dose Rate Remote Afterloader	Priority: 2
Inspection Date: 06/27/17	Inspector: HH

Accompaniment No.: 3	License No.: 91096
License Type: Fixed Gauge	Priority: 5
Inspection Date: 06/28/17	Inspector: SO

Accompaniment No.: 4	License No.: 90529
License Type: Portable Gauge	Priority: 5
Inspection Date: 06/29/17	Inspector: EP