

Tony Evers
Governor



State of Wisconsin
Department of Health Services

DIVISION OF PUBLIC HEALTH

1 WEST WILSON STREET
PO BOX 2659
MADISON WI 53701-2659

Telephone: 608-266-1251
Fax: 608-267-2832
TTY: 711 or 800-947-3529

Andrea Palm
Secretary

April 4, 2019

Mr. Allan Barker
State and Government Affairs Officer
US Nuclear Regulatory Commission, Region III
2443 Warrenville Rd.
Lisle, IL 60532

Dear Mr. Barker:

This letter requests permission to observe the upcoming NRC LACBWR reactor building foundation survey scheduled for the week of April 8, 2019. Mr. Bob Busch, manager of the DHS environmental monitoring program, will be the designated observer. Mr. Busch does not have unescorted access to the plant site, therefore, a plant escort will be required,

Please find enclosed a copy of Mr. Busch's signed NRC/State Protocol Statement. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads 'Paul Schmidt'.

Paul Schmidt, Chief
Radiation Protection Section
State Liaison Officer

Protocol Agreement for State Observation of NRC Inspections

NRC Protocol

- The Regional State Liaison Officer (RSLO) will normally be the lead individual responsible for tracking requests for State observation, assuring consistency regarding these requests, and for advising the Regional Administrator on the disposition of these requests. The appropriate technical representative or Division Director will communicate with the State on specific issues concerning the inspection(s).
- Requests for observations of Headquarters-based inspections will also be coordinated through the RSLO. Headquarters-based inspections should be referred through the RSLO to a technical representative designated by the Region.
- [The] NRC will process written requests to the Regional Administrator through the Governor-appointed State Liaison Officer (SLO). Requests should identify the type of inspection activity and facility the State wishes to observe.
- Limits on scope and duration of the observation period may be imposed if, in the view of the Regional Administrator, they compromise the efficiency or effectiveness of the inspection.
- Regions should use their discretion as to which, if any, inspections will be excluded from observations.
- States will be informed they must not release information concerning the time and purpose of unannounced inspections.
- The Region will make it clear to the licensee that the State views are not necessarily endorsed by NRC. The Region will also make it clear that only [the] NRC has regulatory authority for inspection findings and enforcement actions regarding radiological health and safety.

State Protocol

- A State will make advance arrangements with the licensee for site access training, badging (subject to fitness for duty requirements), as well as obtain appropriate security clearances for its observers, based on a need to know determination, if applicable, prior to the actual inspection.
- Normally, no more than one individual will be allowed to observe an NRC inspection.
- The State will be responsible for determining the technical and professional competence of its representatives who accompany NRC inspectors.
- An observer's communication with the licensee [will] be through the appropriate NRC team member, usually the senior resident inspector or the team leader.
- When informed of an unannounced inspection, a State must not release information concerning its time and purpose.

- An observer will remain in the company of NRC personnel throughout the course of the inspection.
- State observation may be terminated by the NRC if the observer's conduct interferes with a fair and orderly inspection.
- An observer will not be provided with proprietary or safeguards information [1] Observers will not remove any material from the site without NRC or licensee approval.
- The State observer, in accompanying the NRC inspectors, does so at his or her own risk. NRC will not be responsible for injuries or exposures to harmful substances which may occur to the accompanying individual during the inspection and will assume no liability for any incidents associated with the accompaniment.
- The State observer will be expected to adhere to the same conduct as NRC inspectors during an inspection accompaniment.
- If the State observer notices any apparent non-conformance with safety or regulatory requirements during the inspection, he/she will make those observations promptly known to the NRC team leader or lead inspector. Likewise, when overall conclusions or views of the State observer are substantially different from those of the NRC inspectors, the State will advise the team leader or lead inspector and forward those views, in writing, to the NRC Region. This will allow NRC to take any necessary regulatory actions.
- Under no circumstances should State communications regarding these inspections be released to the public or the licensee before they are reviewed by the NRC and the inspection report is issued. State communications may be made publicly available, similar to NRC inspection reports, after they have been transmitted to and reviewed by [the] NRC.

Adjacent State Protocol

- An adjacent State is a State within the plume exposure pathway emergency planning zone (EPZ) (within approximately a 10-mile radius) of an NRC-licensed facility located in another State. A host State is a State in which an NRC-licensed facility is located. An adjacent State may request permission to observe NRC inspections at an NRC-licensed facility in a host State.
- The adjacent State SLO must communicate his/her request for observation to the Regional Administrator for the region in which the facility is located.
- The adjacent State SLO must also communicate his/her request to the host State SLO so that each State is aware of the other's intentions.

¹ Under current NRC regulations, a State observer is permitted to review Safeguards Information (SGI) or sensitive unclassified non-safeguards information (SUNSI), including proprietary information associated with certain types of inspections, provided the State observer meets the requirements for access to such information (e.g., for SGI 10 CFR 73.22(b) and 10 CFR 73.23(b)).

- If a host State and an adjacent State request observation of the same inspection, the Regional Administrator will make the final determination on the number of State observers who may attend the inspection. If there is a need to limit the number of observers, the Regional Administrator will routinely give preference to the host State observers.
- Adjacent State observers will abide by the same protocol in all aspects of the inspection as host States under this agreement.



Signature of State Observer

April 3 2019

Date