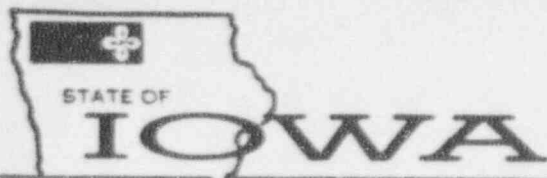


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TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF PUBLIC HEALTH
CHRISTOPHER G. ATCHISON, DIRECTOR

November 25, 1992

James M. Taylor
Executive Director of Regional Operation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Taylor:

Reference is made to your letter to Governor Terry E. Branstad dated October 22, 1992 regarding your agency's review of Iowa's Radioactive Materials Program. Your letter has been referred to this office for reply.

First, I would like to take this opportunity to express our appreciation to Ms. B.J. Holt for her efforts in assisting us to maintain a quality radiation program. I understand that she has taken another position with the NRC. We also look forward to working with her replacement Mr. James Lynch.

Numerous issues were raised and recommendations were in your correspondence. Our comments and proposed action is based on the order in which the issues/recommendations appear in your correspondence.

1. Inspection Performance and Capability is a Category I Indicator.

The attached time table, Exhibit A, is a schedule of additional licensing and inspection training for our current Radioactive Materials (RAM) Program staff. As of the date of this letter, all goals have been accomplished. Inspection trips with other Agreement State personnel are not included in the schedule. Specific dates have not been established because we will consider the need after we complete the training with our contractor and NRC Region III staff. We have, however, contacted Illinois and Nebraska and have received commitments from them to provide training upon request. Also included as Exhibit B is a copy of a portion of the contract with, Mr. William Schultz. It outlines the services he will provide during the contract period of November 1992 - January 1993. Please note that one of Mr. Schultz's products will be a Qualification Journal. This document will be used by

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supervisory personnel to document the level of staff qualification in performing inspections and licensing activities.

Recommendation was made to hire staff with a greater level of experience than our current staff. We have received only one positive inquiry and we are currently negotiating with him.

2. Status of Inspection Program is a Category I Indicator

Please refer to Exhibit A. This outlines the steps necessary to upgrade staff with respect to inspection abilities/competency.

The original activity tracking system is functioning. and is updated. However, a new electronic license/inspection data tracking system, which is designed to be more functional and user friendly, is under development.

The license tracking portion of the system will be operational by December 15, 1992. In preparation for loading the data in the new system, staff has done an audit of the RAM licensing files and to the best of our knowledge, they are all up to date. Phase II, the inspection tracking portion of the system, will be operational by February 1, 1993.

3. Technical Quality of Licensing Actions is a Category I Indicator

At the writing of this letter, 50% of the licensing errors have been corrected. We intend to have the remaining errors corrected by February 1, 1993. Currently we are using the NRC audit check lists for license review and preparation. As time permits we will develop check lists for Iowa.

Training on licensing received and plan is documented on Exhibit A.

We have expended considerable effort in trying to find the missing University of Iowa file. We have found the disk which had letters that are part of the file. Hard copies of the appropriate letters will be produced if the file is not found in the very near future and used to get appropriate supporting correspondence from the

University to reconstruct the file. Please be advised that discussion with Mr. Lynch indicates that Mr. Fobair had advised him that he had no knowledge as to where the University of Iowa file is. Also, we have contacted Mr. Hokel and he indicated that the file was in the file cabinet when he left state employment. As suggested, if after the file is found or reconstructed, we will amend the license as necessary.

4. Staffing Level is a Category II Indicator

Until the radioactive material is adequate and compatible we intend to staff it at a 3.4 FTE level of technical staff. When we reach the status of adequacy and compatibility we intend to return to a 2.25 to 2.5 FTE staffing level. We also intend to continue training staff in the X-ray and Radon program areas using NRC courses so that we have staff trained should RAM staff leave in the future.

5. Staffing Level is a Category II Indicator

As soon as we are at full staff, we will designate a person to be responsible for the RAM program operations. As to the responsibilities of the program director, the State is in the process of "right sizing" state government. Indications are that this process may be complete sometime on or before January 1, 1993 as it relates to Mr. Flater. The program director's overall management responsibilities will then be decreased. Until the plan is fully approved, and operational we are unable to specifically state the level of decrease but it should be consistent with our previous discussions.

6. Office Equipment and Support Services is a Category II Indicator

At the time of the review, the Bureau of Environmental Health secretary had just been hospitalized for major surgery. Therefore, it was necessary to assign additional duties to the RAM/Radon program secretary. It is anticipated that the Bureau secretary will return December 15, 1992. When this occurs the RAM/Radon secretary will resume her original duties. Secretarial support for the RAM program will be at a .6 to .75 FTE level.

7. Licensing Procedures is a Category II Indicator:

By virtue of the training received by Region III licensing staff, our backlog of licensing actions is less than 10%. It is our goal to maintain the backlog at or below this level. To accomplish this, we have set the policy of taking initial action on any licensing action within sixty days of receipt.

Licensing notebooks for the different program areas are under development. As training is given in each area, the appropriate items are assembled, e.g., Regulatory Guides, review plans, etc. and typed. When the references are changed, IDPH to NRC, the items are placed in a binder. This process will continue until all program areas are covered.

In October, a staff member went through the RAM files and put each file in numerical order. When the RAM secretary is reassigned to her full time position, that individual will audit the files every thirty days to insure they remain in order.

Regarding the inspection reports, a system has been established and documented in the secretary notebook. This will allow us to assure that reports are properly filed.

8. Inspection Procedures is a Category II Indicator

An inspection procedure has been drafted by our contractor and is in review at NRC Region III and by RAM program staff. We expect this procedure to be finalized and in full use by January 15, 1993.

9. Administrative Procedures is a Category II Indicator

An administrative procedure has been drafted and is in the review process. We expect the document to be final and in use by January 15, 1993.

10. Confirmatory Maintenance is a Category II Indicator

Arrangements have been made with the Emergency Management Division of the Iowa Department of Public Defense to have our instruments calibrated on a quarterly basis. The new service is scheduled to start in early January 1993. A procedure is being

established to assure that the quarterly basis check is followed.

11. Management is a Category II Indicator

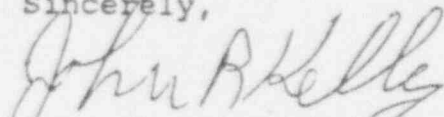
Because of the current staffing problem, the program director is signing off on all license and inspection reports. When a person is put in the Environmental Specialist III position, reconsideration of this policy will be examined. It is assumed that, in time, the program director will spot check the inspection reports and will sign off on licensing actions as we have done in the past.

12. Training is a Category II Indicator

As we have in the past, the department will continue to make every effort to send radiation control staff to NRC training. However, be aware of the fact that we can only do so within the policy and procedures of state government.

If you have any questions regarding the above, please do not hesitate to contact me or Donald A. Flater of my staff at 515-281-3478.

Sincerely,



John R. Kelly, Director
Division of Health Protection
515-281-7785

JRK/DAF/dp

cc: J. Lynch, NRC Region III
C. Kammerer, State Program NRC
D. Flater, IDPH

Att: Exhibit A - Time Table
Exhibit B - Contractor Products

- Schultz
- NRC License Training
- NRC Inspection Training

Exhibit A

Month of <u>October</u> Year <u>1992</u>						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	5 Accompanied Inspections Jim Lynch - Wuehr, McGhee	6	7	8	9	
	12 Independent Inspections	13	14	15 DAEC Drill and Emergency Response Training	16	
	19 Independent Inspections	20	21	22 DAEC Drill and Emergency Response Training	23	
	26	27	28 NRC License Training (McCann/Null) N. Med., Therapy, Fixed Gauge, Portable Gauge	29 DRILL	30	

Month of <u>November</u> Year <u>1992</u>						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	2 Schultz Contract, in Effect.	3	4	5	6	
	9 NRC License Training Nuc. Pharmacies	10 (Hueter - McGhee/Wuehr)	11	12 NRC Informal Progress Jim Lynch	13	
	16 License Training Via Mail (Piskura - Portable Gauge & Fixed Gauge by 1/30/92)	17	18 Draft Inspection Manual from Schultz to Flater for Review & Final by 1/1/93.	19 DAEC Drill	20	
	23 Schultz to Review Paperwork System NRC Inspections (Lynch/Wuehr)	24	25	26 HOLIDAY	27 HOLIDAY	
	30 Schultz Training For Inspections.					

Month of <u>December</u> Year <u>1992</u>						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Schultz Training for All Staff	2 Inspections	3	4	
	7	8 DAEC Drill Dress Rehearsal	9 NRC License Training Medicals	10 (Gattone- McGhee/Wuehr)	11	
	14	15 Draft Staff Qualification Journal Due (Schultz) DAEC Exercise	16 Schultz Training for Policy - All Staff	17 Enforcement	18	
	21	22	23	24	25 HOLIDAY	
	28	29	30	31		

Month of <u>January</u> Year <u>1993</u>						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 HOLIDAY	
	4 McGhee to Accompany NRC Region III Staff (Cameron) on Iowa & Wisconsin Inspection	5	6	7	8	
	11 NRC License Training (Piskura) Industrial Radiography & Teletherapy	12	13	14	15	
	18 HOLIDAY	19	20	21	22	
	25 Schultz Inspection Field Evaluation RAM Field Staff	26	27	28	29	

Month of <u>February</u> Year <u>1993</u>						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3 Inspection Training (Lynch - McGhee) Med., NV, Brachytherapy & Self Shielded IR	4	5	
	8 License Training (Frazier/Lee) Research & Development	9	10	11	12	
	15	16	17	18	19	
	22 NRC Follow-Up Review (Lynch)	23	24	25	26	

Month of <u>March</u>		Year <u>1993</u>				
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	
	8 Inspection Training (Lynch) NP, Radiophar. Therapy	9	10	11	12	
	15	16	17	18	19	
	22	23	24	25	26	
	29	30	31			

Contract #5883N001
SPECIAL CONDITIONS

ARTICLE I - Identification of Parties:

This contract is entered into by and between the Iowa Department of Public Health (hereinafter referred to as the DEPARTMENT) and William H. Schultz (hereinafter referred to as the CONTRACTOR).

ARTICLE II - Statement of Contract Purpose:

To coordinate U.S. Nuclear Regulatory Commission guidelines and State of Iowa laws and rules to prepare manuals and train appropriate personnel in proper procedures.

ARTICLE III - Description of Work and Services:

The CONTRACTOR will provide:

1. A draft of a radioactive materials inspection manual by December 15, 1992.
2. Training for inspection and support staff by December 15, 1992.
3. Methods for conducting enforcement conferences or management meetings with licensee personnel. This will include boilerplate letters that will address both routine enforcement activities and escalated enforcement actions and training in their appropriate use by January 1, 1993.
4. Review of current paperwork system by December 15, 1992.
5. Review of each inspector as he/she conducts 2-3 various kinds of inspections to evaluate individual skills by January 15, 1993.
6. A draft of a radioactive materials staff qualification journal by January 15, 1993.

ARTICLE IV - Designation of Contract Administrator:

William H. Schultz has been designated to act as Contract Administrator. This individual is responsible for financial and administrative matters of the contract. Negotiations concerning this project should be referred to: William H. Schultz, telephone: (708) 858-1205.