



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 E LAMAR BLVD
ARLINGTON, TX 76011-4511

March 9, 2020

Ms. Karen Beckley, Manager
Nevada Radiation Control Program
Division of Public and Behavioral Health
675 Fairview Drive
Suite 218
Carson City, NV 89706

Dear Ms. Beckley:

A periodic meeting with you and your staff was held on August 8, 2019. The purpose of this meeting was to review and discuss the implementation of Nevada's Agreement State program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Linda Howell, Acting Director, Division of Nuclear Materials Safety, NRC Region IV and me.

I have completed and enclosed a general meeting summary. If you feel that any of our comments or conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 200-1143 or via email at Randy.Erickson@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Randy Erickson
Regional State Agreements Officer
Division of Nuclear Materials Safety
U.S. NRC Region IV

Enclosure:
Periodic Meeting Summary for Nevada

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NAME	RErickson	LHowell				
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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

PERIODIC MEETING WITH THE STATE OF NEVADA

TYPE OF OVERSIGHT: NONE

August 8, 2019

PERIODIC MEETING PARTICIPANTS

NRC

- Linda Howell: Acting Director, Division of Nuclear Materials Safety, NRC Region IV
- Randy Erickson: State Agreements Officer, NRC Region IV

State of Nevada

- Margo Chappel: Deputy Administrator,
Regulatory and Compliance Services (Entrance Only)
- Karen Beckley: Bureau Chief
- Adrian Howe: Radiation Control Manager
- John Follette: Radiation Control Supervisor
- Fayne Martini: Radiation Control Specialist
- Haley Brown: Radiation Control Specialist
- Corey Creveling: Radiation Control Specialist
- Cecilia Flores: Office Manager / Administrative Assistant Supervisor
- Tim Johnson: Administrative Assistant

Nevada Periodic Meeting Summary

1.0 INTRODUCTION

This report presents the results of the periodic meeting held between the U.S. Nuclear Regulatory Commission (NRC) and the State of Nevada. The meeting was held on August 8, 2019. The meeting was conducted in accordance with NMSS Procedure SA-116 "Periodic Meetings between IMPEP Reviews," dated June 3, 2009.

The Nevada Agreement State Program is administered by the Radiation Control Program (Program). The Program is part of the Bureau of Preparedness, Inspections, Assurance, and Statistics which is located within the Division of Public and Behavioral Health (the Bureau). At the time of the meeting, the Nevada Agreement State Program regulated approximately 231 specific licenses authorizing possession and use of radioactive materials. The meeting 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 Nevada. The Department of Health and the Division of Public and Behavioral Health underwent restructuring since the 2017 IMPEP review. The Program reported that this reorganization had no negative impacts on their activities.

The Program is fee funded with a dedicated fund; however, the Department can redirect Program funds when they determine it's needed to support another Department's needs.

The Program last underwent an Integrated Materials Performance Evaluation Program (IMPEP) review in June 2017 (ML17277A442). A Management Review Board (MRB) meeting to discuss the outcome of the IMPEP review was held on September 28, 2017.

During the MRB meeting, the Nevada Agreement State Program's performance was found to be satisfactory for five common performance indicators and for two of the three non-common performance indicators reviewed. The non-common performance indicator SS&D Evaluation Program was rated "N." A rating of "N" is given when special conditions exist that provide adequate justification for not conducting an evaluation of the indicator. The "N" rating was given by the team because Nevada did not do any work in the SS&D Evaluation Program over the review period.

Based on the 2017 IMPEP review, the team did not make any new recommendations and determined that one recommendation from the 2013 IMPEP review should be closed and one recommendation existing from the 2005, 2009, and through the 2013 IMPEP review should remain open, and is discussed in Section 2.0 of this summary.

The Nevada Agreement State Program was also found adequate to protect public health and safety and compatible with the NRC's program; and, that the next full IMPEP review take place in approximately 4 years with a periodic meeting to be held in approximately 2 years.

Nevada Periodic Meeting Summary

2.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC Regional Office and Agreement State radioactive materials programs during an IMPEP review. 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.

2.1 Technical Staffing and Training (2017 IMPEP Rating: Satisfactory)

The Nevada Agreement State Program when fully staffed is comprised of eight full time equivalents which includes one Program Manager, two Program Supervisors and five technical staff. Technical staff perform both licensing and inspection activities. In addition to the technical staff previously mentioned, the Program also has two fully qualified staff, who are currently in the radiation producing machines program, that are available to perform radioactive materials licensing and inspection activities if needed. The Program staff are shared between offices located in Carson City and Las Vegas.

Keeping entry level staff has been historically problematic for the Program. At the time of the 2017 IMPEP review, the Program reported that six staff members had left the Program over the review period for various reasons. At the time of the periodic meeting, the Program currently had two technical vacancies; however, since the 2017 IMPEP review, the Program lost five additional technical staff. While they have been able to fill entry level positions, they have not always been able to keep those individuals in the Program.

The Program has a documented training and qualification plan consistent with NRC's Inspection Manual Chapter (IMC) 1248, "Qualification Programs for Federal and State Materials and Environmental Management Programs." Program management tracks continuing education requirements of 24 hours every two years and provides ample opportunities for staff to fulfill this requirement.

2.2 Status of the Materials Inspection Program (2017 IMPEP Rating: Satisfactory)

The Nevada Agreement State Program's inspection frequencies are the same as the NRC's inspection frequencies that are listed in IMC 2800. At the time of the meeting, no inspections were currently overdue, and none had been performed overdue since the 2017 IMPEP review. The Program inspected one initial inspection from the time of the 2017 IMPEP through the end of 2017, 11 initial inspections in 2018, and six initial inspections in 2019. The Program reported that all initial inspections of new licenses were performed within the 12-month requirement.

The Program reported they have been meeting the 20 percent requirement for performing reciprocity inspections this review period. In 2017 the Program performed 20 percent of candidate licensees, in 2018 the Program performed 43 percent of candidate licensees, and in 2019 up to the Periodic Meeting date, they had performed 20 percent of candidate licensees.

Nevada Periodic Meeting Summary

The Program continues to perform annual supervisor accompaniments of each inspector with none being missed since the 2017 IMPEP review. Additionally, inspection reports are typically issued within 30 days of the inspection exit meeting with the licensee.

2.3 Technical Quality of Inspections (2017 IMPEP Rating: Satisfactory)

The Program uses inspection procedures that are consistent with the inspection guidance outlined in the NRC's Inspection Manual Chapter 2800. Final inspection findings are not issued in the field and currently the Program does not have an equivalent form to the NRC's Form 591. Preliminary inspection findings may be discussed with the licensee to allow immediate licensee response when appropriate. All inspection findings are reviewed by the supervisor and program manager before being officially issued. Inspection findings are routinely sent to licensees within 30 days of the inspection exit.

2.4 Technical Quality of Licensing Actions (2017 IMPEP Rating: Satisfactory)

The Program has approximately 231 specific licensees. The inspection staff also performs licensing actions. Licensing actions undergo a peer review process, a supervisory review and are reviewed, signed and issued by the program manager. Since the 2017 IMPEP review, the Program completed 422 licensing actions. The guidance used by the Program is equivalent to the NRC's NUREG-1556 Series guidance, Pre-licensing Guidance, and Risk Significant Radioactive Materials (RSRM) Checklist.

Recommendation: The 2005 IMPEP review team originally recommended that the Program develop, implement, and maintain a reliable and comprehensive licensing and inspection database that serves as an effective and efficient planning, tracking, and management tool. This need for this recommendation was reaffirmed by the 2009, 20013, and 2017 IMPEP reviews.

2017 IMPEP Status: The Program created and implemented a database that could track licensing and inspection actions. However, Program management stated that the current database was not comprehensive and did not track everything that the Program hoped it would. The Program has received funds to allow for the creation of a new database which will be more robust and allow the Program to plan, track, and manage all aspects of its licensing and inspection program. Work on the new database began in June 2017 and the Program anticipates that the work would be completed by May 2018. The team concluded, and the Management Review Board (MRB) agreed, that this recommendation should remain open until the database is operational and enough time passes to allow for sufficient review to determine whether or not the new database allows for effective and efficient planning, tracking, and management of licensing and inspection activities. Program management also discussed using Web Based Licensing to enhance the efficiency of their efforts.

2019 Periodic Meeting Status: The Program reported that they have a new database system to use referred to as the "Clicks System"; however, the Program has had challenges with implementation and getting it to perform all the actions they had initially hoped it would do. They are currently working through those implementation issues.

Nevada Periodic Meeting Summary

2.5 Technical Quality of Incident and Allegation Activities (2017 IMPEP Rating: Satisfactory)

The Nevada Agreement State Program has procedures and processes in place to maintain effective responses to incidents and allegations. When an event is reported to the Program, the Program Manager evaluates the event to determine its health and safety significance and then decides on the appropriate response. That response can range anywhere from responding immediately to reviewing the event during the next inspection. When an event is determined to have high health and safety significance, inspectors are dispatched immediately.

Since the 2017 IMPEP review, a total of six events had been reported to the NMED database by the Program. At the time of the periodic meeting all but one had been reviewed and closed. No allegations had been received from NRC or directly by the Program during this time; however, when allegations are received they are reviewed by the Program, concerned individuals are notified of the actions taken, and alleged identities are protected whenever possible in accordance with state law.

3.0 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 Nevada does not relinquish regulatory authority for either SS&D, UR, or LLRW; therefore, only the non-common performance indicator Compatibility Requirements applies.

3.1 Compatibility Requirements (2017 IMPEP Rating: Satisfactory)

No legislative changes affecting the Program have occurred since the last IMPEP review. At the time of the periodic meeting there were three regulation amendments overdue for adoption ranging from a due date of July 3, 2018 through December 31, 2018. The Program reported that there was no new legislation passed impacting the Program. Regulations applicable to the Nevada Agreement State Program are not subject to sunset requirements.

3.2 Sealed Source and Device Evaluation Program (2017 IMPEP Rating: N)

While Nevada's agreement with the NRC authorizes an SS&D program, Nevada currently has no staff who are trained to perform SS&D reviews. The Program had two SS&D registry sheets under their jurisdiction, and both were deactivated prior to the 2017 IMPEP review period. Because the Program doesn't have trained staff to perform SS&D reviews, they have an agreement with the State of California whereby California's qualified SS&D reviewers will conduct product safety evaluations for the State of Nevada, when SS&D requests are received. Given there was no activity in this indicator prior to the 2017 IMPEP review, this indicator was not evaluated and given a rating of "N".

Nevada Periodic Meeting Summary

3.3 Low-Level Radioactive Waste (LLRW) Disposal Program (2017 IMPEP Rating: Satisfactory)

The Beatty LLRW disposal facility (Beatty) ceased acceptance of LLRW in 1992 after 30 years of operation. The former disposal area covered approximately 22 acres. The facility is located on land owned by the State adjacent to an operating hazardous waste management facility (HWMF). The LLRW disposal facility is separated from the remaining HWMF by a fence and access roads. During the closure period, the site operator, US Ecology, Inc., completed site specific requirements in accordance with the "Site Stabilization and Closure Plan" dated September 1992 to assure that the facility was closed in accordance with Nevada regulations, the radioactive material license, and the lease agreement between the State and the site operator. In 1997, the radioactive material license was transferred to the State of Nevada and the site entered the institutional control period. The Program is the licensee for the State.

Program staff are responsible for periodic radiation survey and surveillance of the closed facility and conduct quarterly radiation surveys and surveillance inspections of the closed facility. Staff are also responsible for any licensing actions needed. The Program reported that all required inspections have been conducted as required.

4.0 SUMMARY

Within the scope of the periodic meeting, no programmatic concerns were noted at this time. The Nevada Agreement State Program continues to be an effective and vital part of the Nevada Department of Health. The Program continues to effectively manage its inspection activities and is responding to incidents and allegations as appropriate.

NRC staff recommends that the next IMPEP review for the Nevada Program be conducted as scheduled in 2021. Nevada did not feel that a Special MRB was necessary at this time.