



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

February 11, 1993

MEMORANDUM FOR: Guy Arlotto, Deputy Director
Office of Nuclear Materials
Safety and Safeguards

Sheldon Schwartz, Deputy Director
Office of State Programs

Robert Fonner,
Office the General Counsel

John A. Grobe, Chief
Nuclear Materials Safety Branch
Region III

FROM: Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards,
and Operations Support

SUBJECT: FORMATION OF A TASK FORCE TO EXAMINE THE NRC'S EVALUATION OF
THE REGIONAL MATERIAL PROGRAM AND AGREEMENT STATES RADIATION
CONTROL PROGRAMS AND THE ESTABLISHMENT OF COMMON PERFORMANCE
INDICATORS FOR BOTH PROGRAMS

Recent events have highlighted the need for a comprehensive evaluation of the difference in the approach used to examine the materials program conducted by both NRC and the Agreement States. I am establishing a task force reporting to me comprised of NMSS, OSP, OGC, and Regional Representation with NMSS as lead to examine the NRC's material program and Agreement States Radiation Control Program. Guy Arlotto is to be the Task Leader with Sheldon Schwartz as Deputy Task Leader. Jack Grobe, RIII will be the regional representative and Robert Fonner as the OGC representative. You should feel free to identify additional NMSS and SP programs staff as needed to complete this evaluation.

The goal of the task force is to establish common performance indicators for both programs where common areas are evaluated and to document differences where appropriate. More specifically, the review should: 1) examine information collection requirements imposed by NMSS and OSP and make recommendations on which data would serve as effective performance indicators; and 2) compare the review/oversight approaches used by the two offices, noting items that are in common, making recommendations for greater commonality, identifying differences and their justification, and recommending additions to

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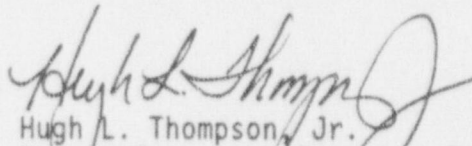
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or deletions from the programs. The review should also examine the strengths and weakness of both programs in order that both programs may benefit from each others expertise. Attached is a preliminary examination of the two programs against the NRC policy statement for the Review of Agreement State Radiation Control Programs dated May 28, 1992.

The task force should have a preliminary report, Phase I comparing how NMSS evaluates regional implementation of its materials program and how OSP conducts its evaluation of each State's materials program to me by March 1, 1993. Due to the short time frame, the Task Leader may or may not call upon all members of the Task Force to be involved in development of the Phase I report.

As appropriate after phase I, the task force should coordinate with the work of the Organization of Agreement States (OAS). At the Commission meeting held January 29, 1992, Wayne Kerr, Illinois, OAS Chairman announced the formation of working group to examine the data collection needs for the Agreement States. The data collection for the material programs should be such to characterize the materials program under the NRC and Agreement States and allow analysis of national trends. AEOD should also participate in this aspect of the task force.

The final report should be submitted to EDO by May 31, 1993. Kathleen Schneider of my staff will serve as the EDO representative to the task force. If you have any questions, please contact Mrs. Schneider at 504-1736.



Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards,
and Operations Support

Attachment:
As stated

cc: J. Taylor, EDO
J. Sniezek, DEDR
W. Parler, OGC
E. Jordan, AEOD
R. Bernero, NMSS
C. Kammerer, SP
Regional Administrators
D. Williams, OIG

Agreement State Oversight vs NRC Program

- Similar but not equal programs
AS oversight function - audit of independent agency
NRC oversight function - close supervision of own agency activities/regions

Agreement States

- Information gathered on biennial basis on the following areas for AS. Program audit geared to sized of Agreement State. (Small program - 100 licensees - 1 staff week on site; Large program - 2,000 licensees - 7-9 staff weeks on site)

Reviews cover the following: (Draft Revised questionnaire attached) - presently under revision due to new guidelines (5/92) and practical experience

legislation and regulations
organization
management and administration
personnel
licensing
compliance

- Covers all aspects of the authority under the Agreement such as medical, academic and industrial licensees, sealed source device evaluations, uranium mill programs, and low-level waste programs.

NRC Regional Review

- Focus on activities conducted by the regions (which is part of the NRC responsibility). Program audit usually scheduled for a week or less (last cycle - two days on site with team sizes from 3-6). NRC review is based on year's daily interaction with hdqtrs. Also review is more a internal QA program and enhancing communications between regions and hdqtrs

National Program Review covers:
licensing
inspection
enforcement
incident response
resource and staffing
interaction with hdqtrs and others
initiatives

- Covers only the activities the regions are responsible and not those areas reserved to NRC headquarters such as sealed source and device evaluations or waste product reviews.
- Staff presently working on revisions to look in more detail at a specific area (vertical slice) each year and limit teams. Also would involve OSP in the national reviews.

Using the Agreement State Indicators, some preliminary cuts on information both program should have to compare these programs

I. LEGISLATION AND REGULATIONS

A. Legal Authority (Category I)

Atomic Energy Act/Suggested State Legislation - Standard

Agr St NRC needs to review AS program

B. Status and Compatibility of Regulations (Category I)

NRC - has lead for development and issuing new reg.

Agr St NRC needs to review AS program against NRC regs.
should maintain information on each AS what regs have been adopted
for compatibility and when. Date of most recent revision.

II. ORGANIZATION

A. Location of the Radiation Control Program Within the State Organization (Category II)

NRC does not need to compare with States

Agr St NRC needs copies of AS org.

B. Internal Organization of the RCP (Category II)

NRC does not need to compare with States

Agr St NRC needs copies of AS org.

C. Legal Assistance (Category II)

NRC - set legal interpretations of AEA and regs

Agr St NRC reviews state's program - consistent with NRC

D. Technical Advisory Committees (Category II)

NRC - covered in regulations, has several

Agr St Need info on state committees. Should track # of request to NRC.
conflict of interest

E. Contractual Assistance (Category II)

NRC - have rules for conflict of interest. rules for contracting.

Agr St NRC needs to examine State arrangements

III. MANAGEMENT AND ADMINISTRATION

A. Quality of Emergency Planning (Category I)

NRC has plan/op center - constant revision and upgrading -
comparison probable not applicable

Agr St NRC reviews State's plan consistent with types of material
regulated

B. Budget (Category II)

NRC budget from Congress - comparison to States not applicable

Agr St NRC needs info on AS budget

C. Laboratory Support (Category, II)

NRC gets support as needed via contracts - comparison probable not
applicable

Agr St Need to examine AS information on support, types etc.

D. Administrative Procedures (Category II)

NRC has a administrative procedures - can compare States against
NRC

Agr St NRC check admin procedures for licensing, inspections, fees
license termination etc. (comparison to NRC)

E. Management (Category II)

NRC - information on management of case work. Audits performed

Agr St # of management reviews of license cases performed. All reviewers
audited . Audits of regional offices. (area for comparison ?)

F. Office Equipment and Support Services (Category II)

NRC - budgets for equipment, support staff and document control

Agr St Need to check to see enough equipment, # sear support and
document control (area for comparison?)

G. Public Information (Category II)

NRC - material is available and hearings outlined in reg.

Agr St Files available per States procedures, hearing according to State procedures. Protect proprietary if. (compared to NRC but not required to be same in several areas)

IV. PERSONNEL

A. Qualifications of Technical Staff (Category II)

NRC - has qualifications for each series. Has info. on employees

Agr St # of New employees.(info on each) Check each state minimum qualification - degree in science or engineering. (area for comparison)

B. Staffing Level (Category II)

NRC - has information. Should have # staff/100 licensees for comparison to States

Agr St States - # staff/100 licensees, minimum of 2 staff. More for unusual programs such as mills and llw. (area for comparison)

B. Staff Supervision (Category II)

NRC - has lines of supervision setup

Agr St Need to examine states lines of supervision (comparison probably not applicable)

C. Training (Category II)

NRC - list of training of staff

Agr St AS - list of training. Area of comparison. Probable should have a minimum standard for various jobs.

D. Staff Continuity (Category II)

NRC - tracks and has problems in area similar to State at times. May be less of a problem that AS due to higher salaries and better opportunities

Agr St State infor on staff loss. (Possible area to track and compare)

V. LICENSING

A. Technical Quality of Licensing Actions (Category I)

NRC set standards which AS are judged against. Can List of major licensees by category or by state. Reviews a sample of licenses issued. Technical assistance from hdqtr to region throughout the year.

Agr St Area of Comparison. List of licensees. List of major licensees. List of unusual or complex licensees. List those who require contingency plans. Also, OSP reviews technical quality of licenses issued - sample of casework including terminations, 100% review of issued license document.

B. Adequacy of Product Evaluations (Category I)

NRC - sets standards which AS work is judged against (seal source and devices (SS&D) and topical reports on waste products). Staff has information on case work. (Area of comparison.)

Agr St Goal of NRC review of all SS&D evaluations during period. Statistics on number issued and number pending.

C. Licensing Procedures (Category II)

NRC current licensing guides, checklists, and policy memoranda are used as standards for States (area of comparison)

Agr St Review procedures in place and changes against NRC's. Examine exchange of information between NRC and states.

VI. COMPLIANCE

A. Status of Inspection Program (Category I)

NRC maintains info on inspections program - Significant area of comparison between NRC and the States

Agr St For States - table of overdue inspections by category and 50% of inspection frequency. Number of close out inspections prior to termination and number pending. Number of reciprocity notices received and number inspected. Not including than reciprocity, # field inspections of radiographers.

B. Inspection Frequency (Category I)

NRC sets minimum standard AS must meet. Significant area of comparison between NRC and the States

- Agr St Review states inspections frequency. Should maintain national comparison between NRC and States. (Note - categories and groupings may be different)
- C. Inspector's Performance and Capability (Category I)
- NRC reviews inspector performance in regions and also from hdqtrs.
- Agr St Check to see State is reviewing inspectors. NRC accompanies State inspectors to evaluate performance (frequency of accompaniments - possible area of comparison)
- D. Responses to Incidents and Alleged Incidents (Category I)
- NRC has a significant program in this area. Significant area of comparison between NRC and States.
- Agr St Procedures for responses. List of incidents and notification to licensees and NRC. Information on equipment failure (details of cases). Criminal wrongdoing. Any unusual circumstances. Information given to AEOD. Need more work in area to insure nation information is gathered and trends identified. Also track follow-up
- E. Enforcement Procedures (Category I)
- NRC - enforcement in Part 2. Information gathered on actions taken. Area of significant comparison between NRC and States.
- Agr St Review against NRC procedures although State are not required to have same system or even approach. Request information on State issued orders, applied civil penalties, sought criminal penalties, impounded sources, or held formal enforcement hearings and description of each case.
- F. Inspection Procedures (Category II)
- NRC current inspection guides and current NRC guidance should be used as standard.
- Agr St Review policies in place and any changes.
- G. Inspection Reports (Category II)
- NRC reviews regions inspections reports.
- Agr St Review states inspections reports (sample of casework for each inspector). Clear documentation of items of noncompliance, scope of license activities, previous noncompliance, independent measurements. Often comparison between NRC and States reports.(probable should be examined

H. Confirmatory Measurements (Category II)

NRC inspectors perform confirmatory measurements. Regions have equipment

Agr St Review states are performing appropriate confirmatory measurements for type of licensee. List of equipment available.

Statistics requested from each Agreement State.
PROGRAM STATISTICS

as of (____date____)

1. How many specific licenses are currently in effect?
2. During the last calendar year,
 - a. how many new licenses were issued?
 - b. how many licenses were terminated?
 - c. how many licenses were renewed?
 - d. how many amendments were issued?
 - e. how many SS&D evaluations were completed?
3. How many prelicensing visits were made during this past calendar year?
4. How many new licenses (or major amendments) were hand delivered to the licensee?
5. How many materials incidents, other than unfounded allegations, occurred during the last calendar year?
6. How many on-site investigations of incidents were conducted during the last calendar year?
7. How many incidents required NRC notification, either by telephone or by written report?
8. How many of the incidents required Abnormal Occurrence Reports?
9. How many of the incidents involved leaking from sealed sources?
10. How many misadministration occurred during the last calendar year?
11. How many civil penalties were imposed during the last calendar year?
12. How many orders were issued during the last calendar year?
13. How many technical FTE's (not including administrative, clerical or unfilled vacancies) are currently assigned to the:

Radioactive materials program?
Low-Level waste program?
Uranium mills program?
14. Compute the professional/technical person-year effort of person-years per 100 licenses (excluding management above the direct RAM supervisor, vacancies and personnel assigned to mills and burial site licenses). Count only time dedicated to radioactive materials.
15. List the RCP salary schedule as follows:

Position Title

Annual Salary Range

16. Please complete the following table using the license categories as shown, and including the total number of specific licenses in each category, the priority or inspection frequency, the number of inspections made during the review period, and the number of overdue inspections in each category. (In Priorities 1-3, include those overdue by more than 50% of their scheduled inspection frequency; in lower priorities, include those overdue by more than 100% of their scheduled frequency.)

<u>License Category</u>	<u>No. of Licenses</u>	<u>Insp. Freq. (years)</u>	<u>No. Insp. Made</u>	<u>No. Overdue Insp.</u>
Broad A Academic (Medical)				
Broad A Industrial				
Broad A Medical				
Broad A Mfg. & Dist.				
Industrial Radiography				
Irradiator - Pool or Large				
LLW Broker or Service - Processing, Incineration, Repackaging				
LLW Disposal & Burial				
Nuclear Pharmacy				
Source Material Processing				
Teletherapy (Human Use)				
U-Mill Operation				
(2 more pages of licensee categories available - sample of listing)				