



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

May 17, 2024

David M. Howe, M.A., Program Director
Radiation Protection Services
Oregon Health Authority
Public Health Division
800 NE Oregon Street, Suite 640
Portland, OR 97232-2162

SUBJECT: OREGON PERIODIC MEETING LETTER AND SUMMARY

Dear David Howe:

A periodic meeting was held with you and your staff on February 22, 2024, at your offices in Portland, Oregon. The purpose of this meeting was to review and discuss the status of the Oregon Agreement State Program. The scope of the meeting was limited to activities conducted by the Radiation Protection Services (RPS). The U.S. Nuclear Regulatory Commission (NRC) was represented by Tamara Bloomer, Director, Division of Radiological Safety and Security, and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from discussions. Based on the criteria established in Section IV.D.1 of NMSS Procedure SA-116 "Periodic Meetings between IMPEP Reviews," a Management Review Board (MRB) meeting for this periodic meeting is not required at this time.

If you feel that our conclusions do not accurately summarize the meeting discussion or have any additional remarks about the meeting in general, please contact me at 817-200-1132, or by email at Jackie.Cook@nrc.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jacqueline D. Cook".

Signed by Cook, Jacqueline
on 05/17/24

Jacqueline D. Cook
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
Oregon Periodic Meeting Summary



INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

PERIODIC MEETING WITH THE STATE OF OREGON

TYPE OF OVERSIGHT: NONE

February 22, 2024

Enclosure

PERIODIC MEETING PARTICIPANTS

NRC

- Tamara Bloomer: Director, Division of Radiological Safety and Security, Region IV
- Jacqueline Cook: Regional State Agreements Officer, Division of Radiological Safety and Security, Region IV

State of Oregon

- David Howe: Program Director, Oregon Health Authority (OHA)/Radiation Protection Services (RPS)
- Lee Lind: Radioactive Materials Licensing (RML), OHA/Center for Health Protection (CHP)/RPS
- Hillary Haskins: Emergency Response Manager, RPS/Operations
- Thomas Mynes: Health Physicist, RPS
- Daryl Leon: Health Physicist – EHS-3, RPS
- Judith Smith: Administrative Specialist, RPS
- Erin DeSemples: OHA/RPS/RML
- Brent Herring: OHA/RPS/X-ray
- Rama Wusirika: OHA/RPS
- Patty Thompson: OHA/RPS
- Rich Patterson: OHA/RPS (attended virtually)
- Michelle Martin: OHA/RPS (attended virtually)
- Andre Ourso: CHP (attended virtually)
- Todd Carpenter: OHA/RPS
- Alex Parker: OHA/RPS (attended virtually)
- Tom Pfahler: OHA/CHP/RPS (attended virtually)
- Toby Irving: OHA/RPS

1.0 INTRODUCTION

The last IMPEP review was August 9-13, 2021, with the Management Review Board (MRB) being held on November 10, 2021. The recommendation from the 2017 IMPEP review was closed, and a new recommendation related to the Technical Quality of Incident and Allegation Activities was opened. All six performance indicators were found to be satisfactory. The MRB directed that the next periodic meeting take place in approximately 2.5 years and the next IMPEP review take place in approximately 5 years.

2.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC Office and Agreement State radiation control 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 (2021 Satisfactory)

There is a total of 18 full-time equivalent in the RPS when fully staffed. All staff are crossed trained to do many disciplines. Also, all staff perform emergency response. There is currently 1 vacant Radiation Health Physicist (RHP) position as a result of the operations manager retiring and a previous staff member completing a 2-year management job rotation and subsequent permanent promotion into the operations manager position. The RHP position has been vacant for 3 years and RPS is currently completing a financial assessment with the intent of filling the RHP position.

RPS is implementing Inspection Manual Chapter (IMC) 1248 or its equivalent. Effective July 1, 2021, the Oregon Legislature approved a Legislation Concept and related Policy Option Package permitting statutory and Oregon Administrative Rule amendments to increase Radioactive Material Licensing (RML) and X-ray/Tanning device registrant user-fees. The fee increases occurred through implementing a new RML fee schedule; restructuring X-ray device registrant biennial fee schedule; initiate a new X-ray vendor annual licensing fee; and implementing a tanning registrant annual user-fee cap increase. These fee increases have allowed RPS to continue protecting workers, patients and public from harmful radiation exposure, regulation of registrants/licensees to use radiation safely, and fulfillment of state obligations with the NRC and U.S. Food and Drug Administration (FDA). The added revenue has been essential to sustain adequate staffing and services to ensure beneficial uses of radiation, and the health and safety of all Oregonians.

A challenge the RPS faced was the ability to attend NRC sponsored training sessions. This was due to limited class size and the fewer number of class offerings. Therefore, to help alleviate this challenge, RPS hosted a state delivered NRC G-108 (Inspection Procedures) in June 2023 (on-site) and G-109 (Licensing Procedures) in December 2023 (hybrid) training courses. In addition to Oregon staff, staff from Indiana, Nevada, Washington, Maryland, and Virginia were also able to attend both courses.

2.2 Status of the Materials Inspection Program (2021 Satisfactory)

Twelve priority 1, 2, and 3 inspections were performed overdue. All were completed at the time of the periodic meeting using the previous [IMC 2800](#). Oregon is planning to update their inspection database.

Eleven initial inspections were performed during the review period. The Pre-Licensing Visit Guidance is followed. The Pre-Licensing Visit Guidance is not normally done for known entities. Oregon inspects portable gauges every 3 years and fixed gauges every 4 years; this is more restrictive than the current updated IMC 2800 inspection frequency of every 5 years for both portable gauges and fixed gauges.

2.3 Technical Quality of Inspections (2021 Satisfactory)

Accompaniments were not performed in each calendar year for the performance indicator objective - Supervisory Accompaniments of Qualified Inspectors. Temporary Instruction (TI) [TI-003](#), *Evaluating the Impacts of the COVID-19 Public Health Emergency as Part of the Integrated Materials Performance Evaluation Program* can be invoked because supervisory accompaniments were not performed in 2021 due to COVID-19 pandemic (PHE) (they were suspended) ; however, they were performed in 2022 and 2023. This performance indicator objective may be adversely affected by the COVID-19 pandemic (PHE) and could, under normal circumstances, impact the overall performance indicator rating. This impact appears to be outside of the Program's control and should not be considered by the IMPEP team while establishing the overall indicator rating.

In closing an inspection report there is a 7-step process that must be followed. If there are no items of non-compliance or items of non-compliance are found during the inspection, the management process is as follows: RPS Operations Manager, RPS Section Manager, and the RML Administrative Specialist, respectively signs off on the inspection report. All inspection staff are currently fully trained and are in the process of being cross trained to perform specific inspection types.

2.4 Technical Quality of Licensing Actions (2021 Satisfactory)

RPS has approximately 269 specific licensees. They have completed 377 licensing actions since the 2021 IMPEP which included news, amendments, renewals, and terminations.

Oregon has several licensees with large, complicated or unusual authorizations for use of radioactive materials. In addition, RPS had three major decommissioning and license termination actions with two of them being completed; one is still in progress.

2.5 Technical Quality of Incident and Allegation Activities (2021 Satisfactory)

There were 3 allegations referred to Oregon from the NRC. There were 11 incidents during this review period.

Recommendation: The team recommended that Oregon develop a process to ensure allegations and incidents are documented at inception, to ensure status updates are included in the log, and to ensure proper closure of incidents and allegations in a manner that all inspectors have access to the log to be able to maintain, update and ensure that all information is comprehensive and consistent from one inspector to another. As part of this recommendation,

Oregon will also perform a retrospective review of events from 2017 to present to ensure appropriate supporting information is documented in the log.

The section administrative specialist performed a review of the incident reports from 2017 to 2022. The database has been electronic since 2022. The section administrative specialist noticed a trend of time spent not being entered into the database. To correct this, they looked at the dates of emails and added the time and the date into the database based on how many emails were sent on a given day. Additionally, there were also documents in the file that were not logged in the time log. The section administrative specialist entered the information into the database according to the documentation they had available. The location of the file after it was closed was sometimes blank or had the inspector's initials listed. The section administrative specialist updated the location of the file to the known location of the file in the database.

3.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State/NRC Region programs: (1) Legislation, Regulations, and Other Program Elements (formerly Compatibility Requirements), (2) Sealed Source and Device (SS&D) Evaluation Program, (3) Low-Level Radioactive Waste Disposal Program, and (4) Uranium Recovery Program. NRC retains authority for the SS&D Evaluation Program, Low-Level Radioactive Waste Disposal Program and Uranium Recovery Program. Therefore, only Legislation, Regulations, and Other Program Elements non-common performance indicator was discussed.

3.1 Legislation, Regulations, and Other Program Elements (formerly Compatibility Requirements) (2021 Satisfactory)

According to Oregon's State Regulations Status Sheet, eight regulation amendments were due since the last IMPEP review. Five were submitted in a timely manner.

At the time of the periodic meeting, the following 3 amendments were overdue:

- "Miscellaneous Corrections," 10 CFR Parts 1, 2, 34, 37, 50, 71, 73, and 140, that was due for Agreement State adoption on July 30, 2022 (time overdue: 6 months and 24 days overdue).
- "Miscellaneous Corrections," 10 Parts 2, 21, 37, 50, 52, 73, and 110, that was due for Agreement State adoption on December 18, 2022 (time overdue: 2 months and 5 days overdue).
- "Organizational Changes and Conforming Amendments," 10 CFR Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150, that was due for Agreement State adoption on December 30, 2022 (time overdue: 1 month and 24 days overdue).

These 3 overdue regulation amendments were minor in nature (i.e., Miscellaneous Corrections and Organizational Changes and Conforming Amendments) and did not impact the health and safety of Oregon licensees.

It takes RPS 3-4 months to go through the rulemaking process.

4.0 SUMMARY

Oregon's program initiatives include updating their radiation response plan which includes the use of drones and RadEye personal dose rate meters; updating their database to a web-based

portal which they hope to be completed by the end of the year; updating their inspection focus elements to risk modules; and hosting an NRC intern for 10 weeks.

Oregon's priorities include professional development opportunities for RPS staff; finalization of the 2024 Public Health Division State Radiological Emergency Response Plan; acquisition of personal electronic dosimetry for emergency response team members; fully integrated databases for licensing, inspections, and incidents to have electronic documentation.

Oregon's challenge is Biology Guided Radiotherapy (a new technology approved by U.S. Food and Drug Administration in February 2023) and determining the training and experience qualifications required for the operators of this technology.

OREGON PERIODIC MEETING LETTER AND SUMMARY DATE May 17, 2024

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