



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

June 20, 2024

John Follette, Manager
Nevada Radiation Control Program
4150 Technology Way, Suite 200
Carson City, Nevada 89706

SUBJECT: NEVADA 2024 PERIODIC MEETING SUMMARY

Dear Mr. Follette:

A periodic meeting with Nevada was conducted on May 2, 2024. 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 Tamara Bloomer, Director, Division of Radiological Safety and Security; and Jeremy Groom, Deputy Director, Division of Radiological Safety and Security, RIV; and me.

I have completed and enclosed a general meeting summary. If you feel that our comments, conclusions, or actions to be taken 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,

A handwritten signature in black ink that reads "Randy Erickson".

Signed by Erickson, Randy
on 06/20/24

Randy Erickson
Regional State Agreements Officer

Enclosure:
Nevada Periodic Meeting Summary



INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

PERIODIC MEETING WITH THE STATE OF NEVADA

TYPE OF OVERSIGHT: NONE

May 2, 2024

Enclosure

PERIODIC MEETING PARTICIPANTS

NRC

- Tamara Bloomer, Director, DRSS, NRC Region IV
- Jeremy Groom, Deputy Director, DRSS, NRC Region IV
- Randy Erickson: RSAO, DRSS, NRC Region IV

State of Nevada

- Janice Hadlock-Burnett, Bureau Chief, HPP
- John Follette, Radiation Control Manager
- Corey Creveling, Radiation Control Supervisor-Licensing
- Ron Woodburn, Radiation Control Supervisor-Inspection
- Shannon Mena, Radiation Control Specialist III
- Hannah Hoffman, Radiation Control Specialist II
- Joeseeph Manring, Radiation Control Specialist II

State of Nevada-Management Exit

- Cody Phinney, Administrator
- Kyle Devine, Deputy Administrator
- Janice Hadlock-Burnett, Bureau Chief, HPP
- John Follette, Radiation Control Manager
- Corey Creveling, Radiation Control Supervisor-Licensing
- Ron Woodburn, Radiation Control Supervisor-Inspection
- Shannon Mena, Radiation Control Specialist III
- Hannah Hoffman, Radiation Control Specialist II
- Joeseeph Manring, Radiation Control Specialist II
- Tamara Bloomer, Director, DRSS, NRC Region IV
- Jeremy Groom, Deputy Director, DRSS, NRC Region IV
- Randy Erickson: RSAO, DRSS, NRC Region IV

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 May 2, 2024, and was conducted in accordance with Nuclear Materials Safety and Safeguards (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 (the Program). The Program is part of the Bureau of Health Protection and Preparedness (Bureau) which is located within the Division of Public and Behavioral Health. At the time of the meeting, the Nevada Agreement State Program regulated approximately 225 specific radioactive materials licensees authorizing the possession and use of radioactive materials. The review focused on the Nevada Agreement State 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 Program is fee funded. Fees are collected and go into a dedicated fund for the radioactive materials program. Their last fee increase was in 2016, and they are currently analyzing costs and considering a fee increase to recover increased costs. The Beatty Low Level Radioactive Waste site is funded by "tipping" fees collected on hazardous waste received at the Beatty hazardous waste site and by some fines collected by the program. Unused funds are placed in "Reserves" and are usable in following years with approval from the Board of Examiners and/or Interim Finance Committee depending upon the amount of funds requested. Reserve funds are not exempt from being swept for State use if needed.

The Program last underwent an Integrated Materials Performance Evaluation Program (IMPEP) review from November 1-5, 2021. The report is located in the NRC's Agencywide Documents Access and Management System Accession Number [ML22042B287](#). A Management Review Board (MRB) meeting to discuss the outcome of the IMPEP review was held on February 3, 2022.

During the February 3, 2022, MRB meeting, the Nevada Agreement State Program's performance was found to be satisfactory for all indicators reviewed. The team determined that the recommendation from the 2017 IMPEP review should be closed and made two new recommendations. Accordingly, the team recommended, and the MRB agreed, that the Nevada Agreement State Program is adequate to protect public health and safety and compatible with the NRC's program. The team also recommended, and the MRB agreed, that the next IMPEP review should take place in approximately 5 years with a periodic meeting in approximately 2.5 years.

2.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC's 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 (2021 IMPEP Rating: Satisfactory)

The program is comprised of eight full time equivalents (FTE) when fully staffed including the program manager, a licensing supervisor, an inspection supervisor, and five technical staff. Additionally, the program is utilizing the services of a former FTE now working as a contractor to the program. At the time of the meeting the program had two vacancies. During the review period, six health physicists left the program and four were hired, resulting in those two vacancies. The health physicists perform all licensing and inspection activities for the program.

The Program has a training and qualification program that is 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 2 years and provides ample opportunities for staff to fulfill this requirement.

2.2 Status of the Materials Inspection Program (2021 IMPEP Rating: Satisfactory)

The Program inspects Priority 1-3 inspections at the same frequency as NRC; however, all Priority 5 inspections (mostly gauges and small medical) were recently moved to a three-year inspection interval. Since the 2021 IMPEP review no routine inspections were performed overdue, but due to errors within the program's Centralized Licensing, Inspections, and Certification System (CLICS) database system, several initial inspections were not identified as due and were inspected late. Between years 2022 and 2023, a total of 13 initial inspections were completed overdue. Nevada's database tracking system has been an issue for the program for many years and continues to be an issue for them. Because of this, the 2021 IMPEP team recommended that Nevada make the necessary improvements to the CLICS system to allow for its use as full implementation as an effective management tool for Nevada's inspection program. The program's long-term corrective action is to move from CLICS to NRC's Web Based Licensing system which is expected to be completed by the end of 2024. At the time of the meeting, no routine inspections were overdue.

The program continues to use a 20% reciprocity inspection requirement and achieved its inspection goals for 2022 and 2023. The priority of reciprocity inspections continues to be 1, 2, 3 and is based on the health and safety risk. In 2022, the program completed 41 percent candidate reciprocity licensees, and in 2023 the program completed a total of 71 percent.

The Program reported that inspection findings are routinely sent to licensees within 30 days of the inspection exit.

2.3 Technical Quality of Inspections (2021 IMPEP Rating: Satisfactory)

The Program uses inspection procedures that are consistent with the inspection guidance outlined in IMC 2800. Inspector accompaniments were performed for all qualified inspectors for 2021, 2022 and 2023. Accompaniments are performed by the program manager or one of the two supervisors. The program manager who also performs inspections is accompanied by one of the supervisors annually. All inspection reports are reviewed and signed off by the inspection supervisor.

2.4 Technical Quality of Licensing Actions (2021 IMPEP Rating: Satisfactory)

The Program had approximately 225 specific licensees at the time of the meeting and had completed 705 licensing actions between November 2021 and February 2024. The Program also reported that at the time of the meeting that their license templates, procedures, regulatory guides, pre-licensing guidance, and risk-significant radioactive materials checklists were now equivalent to the NRC's guidance documents which is a change from their 2021 IMPEP review. At that time, the IMPEP team had identified instances in which Nevada's licensing guidance and standard license conditions had not been updated in accordance with NRC's revisions. The team found that Nevada's delayed use of updates or alternative approaches for the affected documents and conditions were sufficient to protect health, safety, and security with respect to technical quality of licensing actions; however, the failure to fully implement current guidance presented a potential vulnerability to fully use all components available in these guides and checklists. Because of this, the team recommended that Nevada fully implement compatible versions of licensing guidance and other program elements within 6 months of NRC designation to ensure the maintenance of an adequate and compatible program.

The inspection staff performs all licensing actions, which after completion are signed out by the licensing supervisor. The program has also extended license renewal periods from 5 to 10 years.

2.5 Technical Quality of Incident and Allegation Activities (2021 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 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 2021 IMPEP review, the program reported a total of five events to the Nuclear Material Events Database. At the time of the periodic meeting, one event had been investigated and closed with the remainder in various states of closure. The Program also reported that when an event is received requiring reporting to the NRC's Headquarters Operations Officer (HOO), those events are identified, and reporting to the HOO is performed within the required time frame, and in accordance with the guidance found in [SA-300](#), "Reporting Materials Events."

Three allegations were referred from the NRC since the 2021 IMPEP review. The program reported that when allegations are received, they are reviewed and investigated by the program, concerned individuals are notified of the actions taken, and allegeders' 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 Program. The NRC's Agreement with Nevada relinquishes regulatory authority for the SS&D and the LLRW Programs, so three non-common performance indicators was discussed.

3.1 Legislation, Regulations and Other Program Elements (2021 IMPEP Rating: Satisfactory)

The Program reported that there had been no legislative actions since the last 2021.

The program also reported that they were facing challenges in the area of regulation revision and development primarily due to a lack of long-term staffing. Because of long-term limited staffing, the program has focused on licensing, inspections, and responding to incidents and allegations. Trained staff has not been available to work on regulation updates, so none have been completed since the last IMPEP review. A total of eight regulation amendments are currently overdue. The program stated that they recognize the importance of maintaining a regulatory program that is compatible with the NRC and is working towards a long-term solution to adopt NRC regulations by reference. The program has identified a contractor who can provide regulation revision services and is currently pursuing a contract with them. The program also reported that regulations applicable to the Nevada Agreement State Program were not subject to sunset requirements.

3.2 Sealed Source and Device Evaluation Program (2021 IMPEP Rating: Satisfactory)

While Nevada's agreement with the NRC authorizes an SS&D program, Nevada does not have a highly active program. During the previous IMPEP review period, Nevada did not perform any SS&D actions, nor did they perform any actions between the 2021 IMPEP review and the date of the meeting. The Program reported that should they receive an action; they have an agreement with California to perform any actions they may receive.

3.3 LLRW Disposal Program (2021 IMPEP Rating: Satisfactory)

The Beatty LLRW disposal facility ceased the 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). 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 Bureau is the licensee for the State.

On October 18 and 19, 2015, an industrial fire occurred at the closed LLRW disposal facility in the area of Trench 14. The fire was a result of the intrusion through the trench cover of several inches of rainwater over a short period of time coming in contact with sodium buried in the trench during the early 1970s. Radiation surveys conducted at the time by Nevada, HWMF operator, and local county did not indicate any radiation release from the facility as a result of the fire. After initial repairs to the cover, Nevada contracted with the HWMF operator later in 2016 to use approximately 166,000 cubic yards of native soil from a newly constructed hazardous waste disposal cell to construct a temporary cover. The temporary cover added from a few feet to 15 feet of soil depth over the entire LLRW disposal facility and was sloped from the middle towards all sides to facilitate rainwater runoff.

From September 2020 to February 2021, the HWMF operator added approximately 631,000 cubic yards of soil from another newly constructed hazardous waste disposal cell over the 2016 cover. This second phase added up to 12 feet of cover to the slopes and up to 20 feet on the top of the cover. Two additional phases are planned in 2025 and 2030 to complete the new

cover. When completed, the new cover for the closed LLRW facility will be integrated into the two adjacent hazardous waste disposal cells that are currently closed.

Nevada continues to conduct radiation surveys and surveillance inspections of the closed facility, minimally on a quarterly basis, which is more frequent than the 6-month interval required in the "Site Stabilization and Closure Plan."

No incidents or allegations involving the LLRW program were identified during the review period.

4.0 SUMMARY

Despite staffing challenges that have stressed them, the Nevada program continues to be an effective and well managed Agreement State program. As discussed, maintaining long-term staffing has been an issue for the program. At the time of the meeting, the program had two vacancies. The Program is effectively managing its licensing and inspection activities well. The Program responds to events as appropriate, and while their CLICS database has been a problem for the program, they are currently switching over to the NRC's Web Based Licensing System. And while the program has been challenged maintaining regulatory compatibility with the NRC, they are pursuing a contract with a contractor to provide assistance in this area.

The NRC staff recommends that the next IMPEP review for the Nevada Program be conducted as scheduled in 2026. The Program did not request a Special MRB.

NEVADA 2024 PERIODIC MEETING SUMMARY DATE June 21, 2024

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