



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

February 18, 2010

Leslie P. Foldesi, CHP, Director
Division of Radiological Health
Virginia Department of Health
James Madison Building
109 Governor Street
Richmond, VA 23219

Dear Mr. Foldesi:

An orientation meeting with Virginia was held on January 20, 2010. The purpose of this meeting was to review and discuss the implementation of Virginia's Agreement State program. The U.S. Nuclear Regulatory Commission was represented by John Kinneman, Director of the Region I Division of Nuclear Materials Safety, Monica Orendi and Carmen Rivera of the Office of Federal and State Materials and Environmental Management Programs, and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

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 (610) 337-5214, or email to James.Kottan@nrc.gov to discuss your comments.

Sincerely,

/RA/

James J. Kottan
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

cc w/encl:
Diane Helentjaris, Commonwealth of Virginia
Michael Welling, Commonwealth of Virginia
Monica Orendi, FSME
John Kinneman, RI DNMS

AGREEMENT STATE ORIENTATION MEETING SUMMARY FOR VIRGINIA DEPARTMENT
OF HEALTH (VADH)

DATE OF MEETING: January 20, 2010

NRC Attendees	VADH
John Kinneman, Director, Division of Nuclear Materials Safety, Region I	Diane Helentjaris, MD, MPH, Deputy Director, Office of Epidemiology
James Kottan, Region I RSAO	Leslie Foldesi, CHP, Director, Division of Radiological Health
Monica Orendi, Health Physicist, FSME	Michael Welling, Assistant Director, Radioactive Materials
Carmen Rivera , FSME	

DISCUSSION:

Virginia became the 36th Agreement State on March 31, 2009. The Agreement discontinued NRC regulatory authority in the Commonwealth for: a) byproduct materials as defined in Section 11e.(1), 11e.(3), and 11e.(4) of the Act; b) source materials; and c) special nuclear materials not sufficient to form a critical mass. The Agreement does not cover safety evaluations of sealed sources and devices or regulation of 11e.(2) byproduct material resulting from the extraction or concentration or source material from ore processed primarily for its source material content or its management or disposal

FSME Procedure SA-118, *Orientation Meetings for New Agreement States*, requires that orientation meetings with new Agreement States take place approximately nine months after the signing of the agreement. The orientation meeting serves as a forum to hold discussions, to exchange information, to identify areas of concern during the initial implementation for the new Agreement State program, and to assess IMPEP review planning. The orientation meeting is not a formal evaluation.

The Virginia Agreement State Program is located in the Division of Radiological Health of the Office of Epidemiology within the Virginia Department of Health under the Deputy Commissioner for Public Health.

This summary describes Virginia's orientation meeting.

Topics covered during the meeting included:

Program Strengths

An experienced and well trained staff is the strength of the Program. There is a good working relationship among staff and management. Two staff work from home in various parts of the Commonwealth. This allows program coverage of the entire Commonwealth on short notice if required. There is support for training from Program and Office management. Office and Program management have a clear vision for the Program. The program has a good mix of staff with respect to new hires and experienced staff.

Management Support of the Agreement State Program

There is support for the Program from Division and Office management. Recently the Office has been focused on H1N1 pandemic issues. This has resulted in some loss of senior management attention to the program. However the program has been able to adequately function under the direction of the Division Director.

Feedback on the NRC's Program

The Assistant Director commented that both the overall relationship and communication with the NRC are good and welcomed the NRC funding of training. The Assistant Director also stated that the National Source Tracking System (NSTS) is cumbersome to use, and most licensees are entering data into the system via paper, rather than electronically. One member of the Program has access to the NSTS system, with one additional staff in the process of applying for access.

Agreement State Program Staffing and Training

The Program is fully staffed. Six FTE are allotted to the Program. This consists of the Assistant Director, four Radiation Safety Specialists, an administrative assistant and fiscal support technician. Future Program plans call for the addition of an additional Radiation Safety Specialist.

Support for staff training exists in the Program. Virginia welcomed the NRC's revised policy on funding training for Agreement States. Program staff have attended NRC and other training courses, including the NRC's Security Systems and Principles Course. The Program plans are for staff to attend six NRC training courses in 2010. The Assistant Director noted that other activities that are not specifically training, such as attendance at professional organization meetings, also provide valuable opportunities for knowledge sharing.

Materials Inspection Program

The Program's inspection frequencies are at least as frequent as NRC's. At the time of the Agreement, NRC Region I provided an approximate three-month "cushion" of completed inspections to allow Virginia time to concentrate on structuring its Program without concern about the need to immediately conduct inspections. No inspections were overdue, and there is no inspection backlog. Virginia has performed 51 inspections since becoming an Agreement State. The Program maintains a data base for tracking inspection activities. Approximately 80 inspections are due within the next six months. Of these inspections, six are Priority 1 inspections, 10 are Priority 2 inspections, and 20 are Priority 3 inspections.

The Program has conducted eight reciprocity inspections of 44 candidate licensees that have entered the Commonwealth. The Assistant Director is conducting inspection accompaniments on at least an annual basis. The Program maintains a sufficient number and variety of calibrated radiological survey instrumentation for use during inspections. Additionally, the Program has access to both a mobile radioanalytical laboratory and the Commonwealth's fixed radioanalytical laboratory for sample analyses.

Licensing

No licensing backlog exists. The Program has approximately 425 active radioactive materials licenses. At the time of this meeting approximately 46 licensing actions were being processed, and six applications for new licenses were in process. All medical licenses have been merged to include NARM, and new licenses have been issued to these licensees. Pre-licensing visits are conducted.

Regulations and Legislative Changes

There have not been any legislative changes or proposals that have affected the Program.

Virginia has no regulations that are overdue. The Virginia regulations are fully compatible with the NRC's.

Program Budget/Funding

The Virginia Agreement State Program is 100 percent funded by the fees charged to licensees by the Program. At the present time, the Program is adequately funded. Fees are placed into a restricted account that is available only to the Program.

Financial Assurance

The Commonwealth has ten licensees that require financial assurance. Of these ten, six are Commonwealth Universities. The Program is working with the Attorney General's Office to convert the beneficiary on the financial instruments from NRC to the Commonwealth of Virginia, and to obtain financial assurance for the Commonwealth institutions.

Event Reporting

The Program communicates reportable incidents to the NRC Operations Center and Region I, when appropriate, in a prompt manner. Since Virginia became an Agreement State, four events were reported to the NRC.

Response to Incidents and Allegations

The Program is sensitive to notifications of incidents and allegations. The Assistant Director stated that incidents are quickly reviewed for their effect on public health and safety, and staff are dispatched to perform onsite investigations when necessary. The Program is aware of the need to maintain an effective response to incidents and allegations. No allegations have been received by the Program since becoming an Agreement State.

General Licensing Program

Virginia has an active program for generally licensed devices. The Program has contacted the generally licensed device users within the Commonwealth. There are approximately 3100 total general licensees in the Commonwealth. Approximately 180 generally licensed devices are subject to fees by the Commonwealth. The Program plans to work with general licensees to establish an accurate and accountable inventory list for general licensed devices in Virginia

Security

The current security climate and potential future security measures were discussed in detail, including discussions on fingerprinting requirements and security of self-shielded irradiators. The Program is aware of relevant security issues.

The Program has completed the initial round of inspections of licensees subject to the Increased Controls Order. Subsequent inspections are conducted in conjunction with routine safety inspections.

CONCLUSIONS:

The Virginia Agreement State Program appears to be a capable, stable Agreement State program. Staffing has remained consistent since the implementation of the Agreement, and the training and experience level for the staff is good. Management support for the Program is also good.

NRC staff recommends that the initial IMPEP review should be conducted as scheduled in early FY 2011 (tentatively October 2010).