

July 6, 2004

Paul S. Schmidt, Manager  
Radiation Protection Section  
Division of Public Health  
Department of Health and Family Services  
P. O. Box 2659  
Madison, WI 53701-2659

Dear Mr. Schmidt:

An orientation meeting with Wisconsin was held on June 10, 2004. The purpose of this meeting was to review and discuss the implementation of Wisconsin's Agreement State program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Lloyd Bolling from the NRC's Office of State and Tribal Programs, Gary Shear of the NRC Region III office and me.

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

If you believe that the comments, conclusions, or actions to be taken do not accurately summarize the meeting discussion, or you have any additional remarks about the meeting in general, please contact me at (630) 829-9661, or e-mail to JLL2@NRC.GOV to discuss your comments.

Sincerely,

*/RA/*

James L. Lynch  
State Agreements Officer

Enclosure: As stated

cc: T. Sieger, WI

Distribution:

J. Piccone, STP  
L. Bolling, STP  
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## ORIENTATION MEETING SUMMARY FOR WISCONSIN

DATE OF MEETING: JUNE 10, 2004

ATTENDEES:	<u>NRC</u>	<u>STATE</u>
	Gary Shear	Thomas Sieger
	Lloyd Bolling	Paul Schmidt
	James Lynch	Cheryl Rogers

### DISCUSSION:

#### Agreement

Wisconsin became the 33<sup>rd</sup> Agreement State on August 11, 2003. The Agreement discontinued NRC regulatory authority in the State for: a) Byproduct materials as defined in Section 11e.(1) of the Atomic Energy Act; b) Source materials; and c) Special nuclear materials in quantities not sufficient to form a critical mass. The Agreement does not cover land disposal of radioactive material, uranium recovery processes, or sealed source and device evaluation.

#### Organization

The Radiation Control Program is administered by the Radiation Protection Section, Division of Public Health, Department of Health and Family Services. Paul Schmidt is the Manager of the Radiation Protection Section. Cheryl Rogers is the Supervisor of the Radioactive Materials Licensing and Inspection Unit, which is part of the Section. Wisconsin regulates approximately 363 specific licenses, including naturally occurring or accelerator-produced radioactive material (NARM). Management support for the program appears good.

Paul Schmidt is the former chair of the Conference of Radiation Control Program Directors, Inc., served in an advisory role with the Department of Health and Human Services, Centers for Disease Control and Prevention, and is a member of the National Materials Program Steering Committee for Pilot Project 1.

#### Radiation Control Program Staffing

The Program is fully staffed, with no vacancies or significant turnover since the Agreement signing. Six staff members perform inspections and licensing reviews. Another staff member provides approximately one-half time to the program, primarily in incident response. All are cross-trained in both inspection and licensing to provide maximum flexibility and backup. In addition, a half-time training coordinator assists the program with training needs.

#### Training

A training matrix was developed for all employees to track their training history. Formalized training requirements were developed for inspectors and license reviewers. Dan Stefenel, the training coordinator, conducts in-house courses and coordinates participation in outside training courses. The materials program supervisor trains and accompanies each inspector before certifying them to conduct independent inspections.

## Inspections

At the time of Agreement, Region III provided an approximate six-month "cushion" of completed inspections to allow Wisconsin to concentrate on structuring its program without concern about overdue inspections. The State used the time saved to further develop its licensing, NARM and general license programs. No inspections are overdue. Inspection frequencies were modified in coordination with the October 2003 changes to NRC Manual Chapter 2800 "Materials Inspection Program." Wisconsin inspection frequencies are at least as frequent as NRC's.

## Licensing

No significant licensing backlogs exist. A total of 84 licensing actions were completed since Wisconsin became an Agreement State. These actions included administrative changes to convert from NRC to Wisconsin documents, new applications, amendments and several terminations. Approximately 100 licenses have not yet been converted to Wisconsin format.

A total of 17 Wisconsin licenses had active financial surety instruments at the time of the Agreement. Since then, 14 instruments (13 from the University of Wisconsin) were converted to change the beneficiary from NRC to Wisconsin. Of the remaining three licensees, two are completed and one is nearing completion. When the last Instrument is resolved, confirmation will be sent to Region III to allow closure of the remaining instruments.

## Self Assessments

A baseline self assessment was performed by the Section of the radioactive materials program using IMPEP criteria. Annual program audits are intended.

The materials program supervisor produces a monthly report which summarizes program activities. The latest report, dated June 8, 2004, provided information on licensing, inspections, incident response, rulemaking, training, development of a licensing template for portable gauges, standard license conditions, and supervisory inspector accompaniments.

## Regulations

To date, the State's regulations are up-to-date and fully compatible. Discussions with State officials indicate that they are already drafting regulations that are due for adoption in calendar years 2005 and 2006.

## Security

The current security advisories, orders, and the proposed 274i agreements were discussed with State managers. Wisconsin does not have licensees in the categories addressed by the currently proposed 274i agreements which direct licensee compliance with NRC-ordered additional security measures.

## Incidents

Wisconsin staff responded to five reportable incidents since the Agreement signing. In one case, involving the shipment of leaking brachytherapy seeds, the staff did not recognize the need for immediate onsite response. After consultation with NRC Regional office staff, the State inspectors conducted an onsite investigation. No significant health and safety issues were identified at the licensee's or the recipient's facilities.

Program management stated that additional efforts will be directed to future incident response to assure that an appropriate level of response is coordinated. Close communication with NRC during significant incidents was emphasized.

Inspectors input incident information directly into the Nuclear Material Events Database (NMED) as incidents occur. A review of NMED identified timely and quality input of incidents.

### Allegations

One allegation was transferred to Wisconsin from NRC since the Agreement. The allegation involved security of industrial radiography sources. Wisconsin staff investigated the allegation and took prompt, appropriate action. Investigation results were provided to the Regional State Agreements Officer.

### General Licenses

Wisconsin has an active program for registering and inspecting generally licensed devices. Program staff constructed a database and performed an initial series of inspections of generally licensed devices and produced a report describing the experience. The report was shared with the NRC and other Agreement States at the annual Conference of Radiation Control Program Directors meeting.

### Sealed Sources and Devices

The Wisconsin Agreement does not include Sealed Source and Device (SS&D) authority. Amendment of the Agreement to include an SS&D program may be considered in the future.

### CONCLUSIONS:

The Wisconsin Radiation Control Program appears to be a capable, stable Agreement State program. Staffing has remained consistent since the Agreement and the training level for staff members is good.

Management support for the program is very good.

Program management will provide additional evaluation of incident reports to assure appropriate response.

The initial IMPEP review of the Wisconsin Radiation Control Program is scheduled for July 2005.