

July 29, 2005

Donald A. Flater, Chief  
Bureau of Radiological Health  
Iowa Department of Public Health  
Lucas State Office Building  
321 East 12<sup>th</sup> Street  
Des Moines, IA 50319

Dear Mr. Flater:

A periodic meeting with Iowa was held on July 13, 2005. The purpose of this meeting was to review and discuss the status of Iowa's Agreement State program. The NRC was represented by Lloyd Bolling from the NRC's Office of State and Tribal Programs, Gary Shear from the NRC Region III office, and me. Specific topics and issues of importance discussed at the meeting included: IDPH succession planning, regulation development and your recent program self-assessment.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

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 (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 w/encl.: D. McGhee, Iowa State Liaison Officer  
T. Newton, Director, Health Protection and Environmental Health Division

Distribution w/encl:

D. Rathbun, STP  
L. Bolling, STP  
J. Zabko, STP  
G. Shear, RIII  
S. Reynolds, RIII

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## AGREEMENT STATE PERIODIC MEETING SUMMARY FOR IOWA

DATE OF MEETING: JULY 13, 2005

**ATTENDEES:**

NRC

James Lynch  
Lloyd Bolling  
Gary Shear

STATE

Thomas Newton  
Donald Flater  
Daniel McGhee  
Nancy Farrington  
Randal Dahlin  
Ramona Ubaldo

**DISCUSSION:**

The following is a summary of the meeting held in Des Moines on July 13, 2005, between representatives of the NRC and the State of Iowa.

Previous IMPEP Review Findings

The previous Integrated Materials Performance Evaluation Program (IMPEP) review was conducted during the period, July 29 through August 1, 2003, with the findings discussed in a meeting between the State and the IMPEP Management Review Board (MRB) on September 30, 2003. The results were issued in a final report dated November 7, 2003. The MRB found that the Iowa radiation control program was adequate to protect public health and safety and compatible with NRC's program. No recommendations were made for the State. The MRB approved a good Iowa licensing practice that was then shared with NRC regional offices and other Agreement State programs.

Radiation Control Program Staffing and Training

The Iowa Department of Public Health (IDPH) radiation control program staffing has been stable since the last IMPEP review. The program is fully staffed at this time. Ramona Ubaldo is now training in the inspection area and is performing some inspection activities.

The Bureau staff has excellent management support for training and out-of-State travel, when needed.

Succession planning was discussed with IDPH management as the Bureau Chief and Program Coordinator are eligible to retire in 2006. Tom Newton indicated that he was very aware of the potential challenge the loss of program management would represent.

Program staff members have received appropriate training courses as needed. Randy Dahlin is scheduled to attend the Basic Health Physics course in August 2005. Ramona Ubaldo is scheduled for the industrial radiography course in September 2005. Dan McGhee, Nancy Farrington, and Randy Dahlin are scheduled to attend the materials security training course at Sandia National Laboratory in autumn 2005.

Bureau management identified the need to conduct inspector accompaniments during 2005 for two of the three program inspectors.

The Bureau continues its program for training of first responders and law enforcement operations throughout the State. The training covers radiological awareness and response for the Iowa State Patrol, fire departments, hazmat teams, and other emergency response personnel.

#### Inspection Program

The materials program staff completes approximately 56 inspections annually. Bureau management indicated that there are not currently any overdue inspections. Team inspections were performed at Iowa State University and the University of Iowa.

Reciprocity inspections have not yet been performed to meet the Bureau's annual goal. The logistical difficulties associated with reciprocity inspections were cited as the main impediment. The Program Coordinator indicated that an effort will be made to complete the required number of inspections by the end of the year.

The Bureau continues to interact with other agencies regarding decontamination activities at the Iowa Army Ammunition Plant in Burlington, Iowa. Mr. Flater asked the NRC representatives to look into the transfer of a damaged cesium-137 source from the plant by the Army Corps of Engineers to a laboratory in St. Louis, Missouri, to determine that appropriate authorizations were in place.

Fansteel/Wellman Dynamics Corporation, Creston, Iowa, characterized its buried thorium waste legacy site and concluded that the burial meets current decommissioning standards. The Bureau evaluated the characterization and agreed with the licensee's conclusion. Fansteel continues to maintain institutional controls at the site. The waste is in an old 10 CFR 20.304 (before Iowa became an Agreement State) thorium slag burial site. The parent corporation filed Chapter 11 bankruptcy in 2001 and emerged from bankruptcy in 2004.

#### Licensing Program

Iowa currently has 185 specific licenses. A total of 93 licensing actions were completed in 2004. Dan McGhee stated that the program does not have a licensing backlog.

The Bureau has an active industrial radiography certification program, brokered by the Conference of Radiation Control Program Directors, Inc. In the last year, Iowa administered certification tests to 50 radiographers.

The State's Radon program was recently returned to the Bureau's jurisdiction.

One licensee, requiring financial surety, requested an opinion from the State relative to the State's ability to administer the surety instrument.

## General Licenses

Iowa's General License device registration and inspection program, begun in 1999, actively tracks approximately 150 general licenses. Annual inventory forms are sent to general licensees with a fee assessed for each type of device. Inspections are scheduled at three-year intervals.

## Self-Assessments

The Bureau annually performs a self-assessment of the radioactive materials program. The assessment covers training and staffing, licensing and inspection status, incidents and allegations, policies and procedures, decommissioning, the general licensing program, regulations, and the industrial radiography certification testing program. The current draft assessment was shared with the NRC during this periodic meeting. The timing of future self-assessments will be for a fiscal year period, rather than calendar year.

## Regulations

IDPH updates its regulations on an annual basis. In January 2005, a package of proposed regulation changes was sent to the NRC for comment. The NRC provided three comments on the proposed rule package. The State was also reminded to incorporate changes suggested from the previous year's NRC review into the final regulations.

The regulation review program, described in the Office of State and Tribal Programs (STP) procedure SA-201, "Review of State Regulatory Requirements," was discussed in detail. Agreement States are reminded to submit both draft and final regulations as specified in the procedure to provide uniformity and help expedite the process. The "State Regulation Status" form, found in this procedure, is maintained by NRC to track Agreement State regulations.

Bureau management indicated that they supported the Organization of Agreement States' petition to change the compatibility categories for the "General License Rule."

Don Flater stated that there is a proposal for dedicated fee-based funding which would go directly to the radiation control program rather than the State's general fund. A separate proposal will propose a \$3 to \$5 per year charge to all licensees, registrants, and permit holders to fund an updated data processing system.

The NRC Staff discussed the current status of the portable gauge rule, the need to protect Safeguards information, security measures, and the final medical training and experience rulemaking.

## Incidents and Allegations

No allegations were transferred to Iowa from the NRC since the last review; however, three allegations were received internally and were promptly investigated. One of the allegations involved a linear accelerator issue and the other two involved radioactive materials.

Prior to the periodic meeting, NRC staff queried the Nuclear Materials Events Database (NMED) to identify the events reported by the State since the last IMPEP review. A transportation incident reported by Florida, involving an Iowa facility, was the only event identified in the database during that timeframe.

One reportable medical event occurred in the State since the last IMPEP review. The Bureau investigated the event and communicated the results of the investigation to the NRC. The event was not, however, reported to the NRC Operations Center nor was the event entered into NMED as specified in STP procedure SA-300, "Reporting Material Events." The reporting process and the benefits of the NMED system were discussed in detail with Bureau staff.

#### Waste Disposal

Iowa regulations were modified in 2002, incorporating a provision for charging fees for radioactive waste shipments, both high and low-level, within the State. Fees received pursuant to the rule are used for purposes related to transporting hazardous material, including the emergency response training program.

#### Security

The State has indicated a willingness to enter into future 274i security agreements with the NRC. Jim Lynch expressed appreciation to the Bureau for their prompt response to a request from Luis Reyes, NRC Executive Director of Operations, in regard to the State's ability to implement security provisions.

The NRC's Nuclear Materials Management and Safeguards System inspections of Iowa licensees were also discussed.

#### **CONCLUSIONS:**

The Iowa Radiation Control Program has had a stable program since the last IMPEP review, but may face a loss of managers in the next one to two years. Succession planning for program management will ensure that the radiation control program remains strong.

The inspection and licensing programs do not have backlogs in either program.

Don Flater reiterated his previous comments that NRC's presence in Iowa only at two-year intervals, is not desirable in their efforts to maintain a strong, compatible program. Mr. Flater suggested that NRC invest a little more time in the State to increase direct communications and foster a stronger national materials program.

Program managers indicated that they will ensure that annual accompaniments are performed for all inspectors and that reciprocity inspections will be conducted to meet program goals.

Program managers also said that future nuclear materials events will be reported to the NRC Operations Center and NMED, as required.

NRC staff will investigate whether the transfer of a cesium-137 source from the Iowa Army Ammunition Plant to a laboratory outside of the State was performed properly.

At the 2003 Management Review Board meeting, it was recommended that the next Iowa IMPEP review be scheduled in four years. Those present at this meeting agreed to schedule the review as planned, approximately August 2007.