

September 18, 2009

Melanie Rasmusson, Chief
Bureau of Radiological Health
Iowa Department of Public Health
Lucas State Office Building, 5th Floor
321 East 12th Street
Des Moines, IA 50319

Dear Ms. Rasmusson:

A periodic meeting with your program was held on August 25, 2009. The purpose of the meeting was to review and discuss the status of Iowa's Agreement State Program. The Nuclear Regulatory Commission was represented by Steve Reynolds, Aaron McCraw, and me.

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 email to james.lynch@nrc.gov to discuss your comments.

Sincerely,

/RA/

Jim Lynch
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
As stated

cc w/ encl: Ken Sharp, Director
Iowa Division of
Environmental Health

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR THE IOWA
BUREAU OF RADIOLOGICAL HEALTH

DATE OF MEETING: AUGUST 25, 2009

NRC Attendees	Iowa Attendees
Jim Lynch, RSAO	Ken Sharp, Division Director
Steve Reynolds, Division Director	Melanie Rasmusson, Bureau Chief
Aaron McCraw, FSME	Randy Dahlin, Health Physicist
	Nancy Farrington, Health Physicist
	Amanda Tostlebe, Clerk Specialist

DISCUSSION:

The Bureau of Radiological Health (the Bureau), located within the Division of Environmental Health (the Division), administers the Iowa Agreement State Program. The Division is a part of the Department of Public Health (the Department). The Program currently regulates 174 specific licenses and approximately 200 general licenses.

The previous IMPEP review was conducted in September 2007. The review team found Iowa's performance to be satisfactory for all performance indicators reviewed. The review team made one recommendation regarding program performance and identified one good practice. Accordingly, the review team recommended, and the Management Review Board agreed, that the Iowa Agreement State Program was adequate to protect public health and safety and compatible with NRC's program.

The status of the recommendation from the 2007 Iowa Final IMPEP Report is summarized below:

- The review team recommended that the State evaluate their decommissioning financial assurance program to identify and secure original financial assurance documentation from current and future licensees who are required to comply with Iowa's financial assurance requirements.

Status: The Bureau evaluated all of their licenses and acquired original, up to date financial surety documentation, as required. The surety instruments are properly secured in a safe. New licenses are evaluated for financial assurance need, prior to issuance. This recommendation should be verified and closed at the next IMPEP review.

Other topics covered at the meeting included:

Program Strengths: The experienced, dedicated staff is the most notable strength of the program. The two technical staff members and the support staff member are able to

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perform a commendable amount of work that is comparable to an Agreement State with four or five program staff members. The Bureau has excellent communications between staff members and has streamlined many processes without sacrificing the quality of regulatory products or the emphasis on protection of health and safety. The staff is very knowledgeable of the status of the program. Bureau staff has a good understanding of new regulatory initiatives and the expectations.

The Bureau has good managerial and financial support.

Program Weaknesses: The Bureau noted that they are currently subject to a hiring freeze and out-of-State travel restrictions. As noted above, the Bureau has good managerial support and can get exemptions to the out-of-State travel restrictions for mission-critical travel. The hiring freeze has not had an effect on the Agreement State program, as the program is currently fully staffed.

Feedback on NRC's Program:

The Bureau expressed frustration with the National Source Tracking System (NSTS). The Bureau stated that inventory updates have taken several days to several weeks to get incorporated into NSTS. The Bureau also commented that the quality of data in NSTS is suspect, as there are dual entries for some sources. The Bureau indicated that they appreciated the good support they receive from NRC Region III and enjoy the good relationship and communication that they have with NRC in general. The Bureau was appreciative of NRC's funding for Agreement State training.

Staffing and Training:

As noted above, the Iowa program has two experienced technical staff members who are fully trained. During the 2007 IMPEP review, the review team noted that staffing levels did not present any performance issues affecting implementation of the Agreement State program; however, loss of a technical staff member could potentially impact the Bureau's ability to remain current on all regulatory actions. This potential vulnerability was discussed with the Division Director, who acknowledged the issue and indicated that they would assess staffing needs. The staffing vulnerability is especially important with one of the staff members considering retirement in the next few years. The State's economic woes and a State-wide hiring freeze have limited their ability to hire additional staff. The Division Director indicated that hiring another technical staff member is a priority and can hopefully be accomplished as economic conditions improve.

Program Reorganizations:

The Bureau has not experienced any program reorganizations since the previous IMPEP review and none are expected.

Changes in Program Budget/Funding:

The Bureau has a solid source of funding through a dedicated fee fund.

Materials Inspection Program:

The Bureau reported that they have not performed any inspections overdue and had no overdue inspections at the time of the meeting. The Bureau typically performs between 50 and 70 inspections per year. The Bureau has performed all initial Increased Controls inspections and is performing subsequent inspections in conjunction with the routine health and safety inspections.

The Bureau performs pre-licensing visits for all new license applicants that are unknown to the Bureau, including applicants that may hold a license from NRC or another Agreement State. NRC staff noted that this is a conservative approach to the pre-licensing guidance, but encouraged the State to continue this approach as resources allow.

The Bureau regularly performs reciprocity inspections. The Bureau conducts reciprocity inspections based on the inspection priority of the type of work the reciprocity licensee is performing. For example, the Bureau will perform one reciprocity inspection per year of a particular reciprocity licensee performing radiography at a temporary jobsite, but will only perform a reciprocity inspection of a mobile nuclear medicine lab once every three years. NRC staff cautioned the Bureau on how reciprocity inspections are looked at during IMPEP reviews, as defined in Inspection Manual Chapter 1220.

In 2009, the Bureau learned that an Illinois inspector performed an inspection of a common licensee at the licensee's Iowa office. As Illinois did not inform the Bureau of the planned inspection, Iowa was not aware of the inspection until it was completed. As the Illinois inspector cited the licensee for issues which the Bureau felt were within Iowa's jurisdiction, the Bureau criticized Illinois for overstepping their jurisdiction. In discussions with Illinois, NRC learned that the inspector did not follow policy when he failed to notify Iowa of the planned inspection. Illinois believed that they had jurisdiction to enter Iowa to inspect activities that the licensee performed in Illinois. NRC staff suggested that Iowa communicate with Illinois to work together so that the licensee may be properly inspected by both Iowa and Illinois.

Materials Licensing Program:

The Bureau performs approximately 100 to 120 license actions per year. License actions are kept current with no licensing backlog. The license template used for all licenses contains an "Official Use Only" marking.

Regulations and Legislative Changes:

The Bureau is up to date on all regulation amendments currently required for compatibility. The Bureau is in process of addressing two upcoming regulation amendments that are not due until November 2010 and February 2011, respectively.

Event Reporting, including Follow-up and Closure Information in NMED:

The Bureau had reported 13 events to NMED since the 2007 IMPEP review. All of the events were appropriately reported to the NRC, and were properly entered into, and updated, within NMED.

Response to Incidents and Allegations:

The Bureau continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their affect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Bureau Chief has placed a high emphasis on maintaining an effective response to incidents and allegations.

Status of Allegations and Concerns Referred by the NRC for Action:

The NRC referred one allegation to Iowa since the last IMPEP review. The allegation involved potentially improperly buried radioactive waste. The Bureau investigated the concern appropriately and in a timely fashion.

Significant Events and Generic Implications:

The Bureau did not identify any significant events or generic issues since the 2007 IMPEP review.

Current State Initiatives:

The Bureau is considering moving to an annual licensing fee approach. Currently, fees are collected on a per-inspection and per-licensing-action basis.

The Bureau, through a partnership with Iowa State University, has an orphan source program which allows the State to remove potentially dangerous radioactive materials from the public domain until it can be disposed of properly.

Emerging Technologies:

None noted.

Large, Complicated, or Unusual Authorizations for use of Radioactive Materials:

None noted.

State's Mechanisms to Evaluate Performance:

The Bureau has monthly staff meetings to discuss the status and quality of regulatory products. Inspectors are accompanied annually by the Bureau Chief.

Current NRC Initiatives:

NRC staff discussed ongoing initiatives with the Bureau. These included pre-licensing guidance, fingerprinting orders, national source tracking, web based licensing, generally licensed devices, and the issues associated with tritium exit signs.

CONCLUSIONS:

The Iowa Agreement State Program remains a strong, stable program with good management support. The technical staffing level for the Program is adequate but extremely vulnerable, as the loss of one individual (of two total) would have serious ramifications. Department managers are aware of this issue and intend to resolve the situation, when State economic conditions improve.

Schedule for the Next IMPEP Review:

NRC staff recommends that the next IMPEP review to be held, as currently scheduled, in NRC Fiscal Year 2011.