



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

August 21, 2014

Ms. Angela Leek, 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. Leek:

A periodic meeting with your program was held on August 7, 2014. 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 Pat Loudon 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 you 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

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

| NRC Attendees | Iowa Attendees |
|-------------------------------|--------------------------------|
| Jim Lynch, RSAO | Ken Sharp, Division Director |
| Pat Loudon, Division Director | Angela Leek, Bureau Chief |
| | Randy Dahlin, Health Physicist |
| | Leo Wardrobe, Health Physicist |

DATE OF MEETING: AUGUST 7, 2014

DISCUSSION:

The Bureau of Radiological Health (the Bureau), located within the Division of Acute Disease Prevention, Emergency Response, and 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 approximately 166 specific licenses.

The previous IMPEP review was conducted in August 2012. The review team found Iowa's performance to be satisfactory for all performance indicators reviewed. No recommendations were made by the review team. 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 the U.S. Nuclear Regulatory Commission's (NRC) program.

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 are able to 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 health, safety and security. The staff is very knowledgeable of the status of the program. Bureau staff has a good understanding of new regulatory initiatives.

The Bureau has good managerial and financial support.

Program Weaknesses: The Program's small size means that the loss of a single person can have significant negative effects. The Bureau's radioactive materials database is in need of improvement. The NRC representatives discussed the possibility of Iowa using the new NRC web based licensing program. One particular advantage of the system is that all IT functions are performed by an NRC contractor and thus would spare the State that responsibility.

Enclosure

Feedback on NRC's Program:

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 2012 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 were hoping to add a third health physicist position in the near future. Recently, the Bureau lost its administrative support staff member. The Division Director said that rather than filling that position, a technical staff member may be hired. This decision would push some administrative duties to the technical staff, but reduces the staffing vulnerability of the program.

The NRC's training process in Inspection Manual Chapter (IMC) 1248 was discussed with Bureau representatives. Since the IMPEP process looks for Agreement State programs to be compatible with IMC 1248, the Bureau should be aware of the procedure and should ensure that Iowa's training program has the necessary elements.

Program Reorganizations:

The Bureau has not experienced any program reorganizations since the previous IMPEP review and none are expected. Angela Leek was promoted to the Bureau Chief position.

Changes in Program Budget/Funding:

The Bureau has a solid source of funding through a dedicated fee fund. Fees collected are significantly less than NRC fees.

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.

Based on inspection experience, the Bureau is exploring a goal of having no inspection frequencies longer than three years. More interaction with licensees is viewed as positive reinforcement of license requirements.

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. They do not define "candidate" licensees as NRC uses in IMC 1220. If an industrial radiography licensee enters Iowa under reciprocity, the program will attempt to perform an inspection, if staff is available. The NRC staff cautioned the Bureau on how

reciprocity inspections are looked at during IMPEP reviews, as defined in IMC 1220. Iowa's more restrictive schedule will likely meet the IMC 1220 standard, but the Bureau should make sure that is the case.

The Bureau issued an Information Notice to Iowa portable gauge licensees when they noticed an uptick in the number of portable gauge incidents being reported across the country.

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 State's Chapter 37 rule, which is equivalent to NRC's Title 10 of the *Code of Federal Regulations* (CFR) Part 37, was adopted on July 16, 2014. The Bureau has chosen to wait until the March 2016 deadline for Agreement State implementation to enforce the new requirements beyond the current Increased Controls requirements.

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

The Bureau reported seven events to NMED since the 2012 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 effect on public health and safety. The 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 radioactive material security at a nuclear pharmacy. Another allegation regarding dosimetry for gauge licensee employees was received by the Bureau, as well. The Bureau investigated the concerns appropriately and in a timely fashion.

Significant Events and Generic Implications:

The Bureau did not identify any significant events or generic issues since the 2012 IMPEP review.

State's Mechanisms to Evaluate Performance:

The Bureau has monthly staff meetings to discuss the status and quality of regulatory products. Inspection and licensing reports are reviewed to ensure that timeliness and quality are maintained. Inspectors are accompanied at least annually by the Bureau Chief.

Current NRC Initiatives:

NRC staff discussed ongoing initiatives with the Bureau. These included the FSME/NMSS reorganization, web based licensing, and future training webinars planned by the NRC.

The NRC representatives discussed planned technical webinars which will be broadcast to Agreement States in the future. A webinar on medical event detection is planned to be offered in September 2014. The Bureau representatives requested that copies of PowerPoint slides be made available to Agreement States prior to the webinar.

The Bureau Chief expressed appreciation for the State Liaison briefing conducted by Region III in March 2014. The briefing provided her with a lot of relevant information and included valuable face-to-face meetings with Regional, HQ and resident inspection staff.

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 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.

Schedule for the Next IMPEP Review:

The NRC staff recommends that the next IMPEP review to be held, as currently scheduled, in late 2017.