



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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ARLINGTON, TEXAS 76011-4005

August 3, 2007

Ms. Karen Beckley, Supervisor
Radiological Health Section
Bureau of Health Protection Services
Nevada State Health Division
4510 Technology Way, Suite 300
Carson City, Nevada 89706

Dear Ms Beckley:

A periodic meeting with Nevada was held on July 10, 2007. The purpose of this meeting was to review and discuss the status of Nevada's Agreement State Program. The NRC was represented by me, Ms. Linda McLean, and Mr. Leonard Wert from NRC's Region IV office.

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

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 (817) 860-8143 or e-mail RRE@NRC.GOV to discuss your concerns.

Sincerely,

/RA/

Randy Erickson
Regional State Agreements Officer

Enclosure:
As stated

cc w/enclosure:
Janet Schlueter, Director
Office of Federal and State Materials and
Environmental Management Programs (FSME)

PERIODIC MEETING SUMMARY FOR NEVADA

DATE OF MEETING: July 10, 2007

ATTENDEES:

State	NRC
Karen Beckley, Supervisor Adrian Howe, Radiation Physicist Eric Matus, Radiological Staff Specialist Tim Mitchell, Radiation Control Specialist Ed Sweeten, Radiation Physicist Wayne Yates, Radiation Control Specialist Howard Hale, Radiation Control Specialist Louisa Ellis, Administrative Assistant Nicole Millim, Administrative Assistant Kimberly Fahey, Administrative Svcs. Officer	Randy Erickson, Regional State Agreements Officer Linda McLean, Regional State Agreements Officer Leonard Wert, Director, Division of Nuclear Materials Safety Dennis Sollenberger, FSME

DISCUSSION:

The Nevada Agreement State program is administered by the Radiological Health Section (the Section). The Section is located within the Bureau of Health Protection Services, which is part of the State Health Division. The State Health Division reports to the Department of Human Resources. Within the Section, there are two offices (Carson City and Las Vegas). Both offices have the responsibility for the inspection of radioactive materials licenses and response to radioactive materials incidents. In addition, both offices are responsible for machine produced radiation and mammography. Program management and radioactive material licensing is based in the Carson City office.

The last Integrated Materials Performance Evaluation Program (IMPEP) Review was conducted during the week of March 15-18, 2005. At the conclusion of the review, the team recommended that Nevada's performance be found satisfactory for all eight performance indicators reviewed. Accordingly, the review team recommended that the Nevada Agreement State program be found adequate to protect public health and safety and compatible with NRC's program, and that the next full review take place in approximately four years. The review team also recommended that the period of monitoring of the State be discontinued.

Status of State's actions to address all open previous IMPEP review findings and/or open recommendations. Below are the IMPEP recommendations:

1. *The review team recommended that the State develop and implement a staffing plan to fill current vacancies, meet growing program needs and maintain long-term program stability.*

Status: The Section continues to experience staffing shortages, primarily due to the differences between the cost of living in both Carson City and Las Vegas, the salaries that can be offered, and the existing competition for the available health physics personnel in the area. However, the Section has been relatively successful in both replacing staff that has left the Section, and in securing new positions for the program. While they have been unable to increase salaries, they have developed a "Grow Your

Own” program. The Section has been able to hire staff with experience in emergency response or with other related environmental health experience, and train them to be health physics staff, through on the job training and by sending them to training courses. They have found that this method, while it takes longer, has worked to help them maintain a viable staff with the means they have available to them. The legislature has approved five new staff positions which they will begin filling in October 2007, and they are working to obtain authorization for even more staff in the future. It is recommended that this item be closed.

2. *The review team recommends that the Section revise their inspection procedures and provide training to implement a policy for timely and orderly license termination of licensed materials not in use.*

Status: The Section has implemented new procedures to ensure that licenses are terminated in a timely manner. The Section now also has the support of the Attorney General’s office in requiring payment of fees, confiscation of materials, and the revocation of licenses, something they did not have before. Prior to this, the Section relied on the licensee’s cooperation, whereas now they can take administrative and civil action to resolve issues. The Section continues to work with the Attorney General’s office to resolve these cases. It is recommended that this item remain open.

3. *The review team recommends that the Section develop, implement and maintain a reliable and comprehensive licensing and inspection database that serves as an effective and efficient planning, tracking and management tool.*

Status: The Section is still working to achieve a database environment that they are fully satisfied with. They are working through a contractor to develop a database that meets all their needs. However, while this project is still in the development stages, the Section has taken steps towards automating their process which has helped increase work flow. Inspectors now carry Tablet PCs on inspections. These PCs have been loaded with all the inspection forms which has helped the inspection staff increase productivity. The Section believes that the methods they use now, while not optimum, still allow them to maintain a handle on their work as newer programs are developed. It is recommended that this item remain open.

Other topics discussed:

Strengths and/or weaknesses of the State program as identified by the State or NRC including identification of actions that could diminish weaknesses.

Strengths: While the Section has lost some staff members, they have been successful in hiring new and enthusiastic staff through their Grow Your Own program, and the remaining staff has stepped up to help train and mentor the new staff. The program is fully fee funded so funds are no longer an issue, money is available for training, equipment, etc. All of the staff now carry cell phones in an effort to improve communication. The Section now has a new incident response program, and has coordinated with both state and local law enforcement agencies to be an integral part of any activities involving radioactive material. The legislature has been

supportive of the Section as well. Initially the new governor submitted a budget with provisions that would have resulted in reduced funding for the Section and no new staff. The legislature not only defeated the governor's budget, they added five new positions to the program.

Weaknesses: While the Section has been successful in hiring new staff due to their Grow Your Own program, they continue to experience low salaries with little hope of reclassification or an increase to the salary structure. While these new hires have worked well, the Section would still like to be able to have a salary structure that would allow them to hire more experienced staff.

Status of State Program including:

a. Staffing and training:

The Section has a total of 17 staff members. A total of 5.5 positions are dedicated to the radioactive materials program, and of those a total of 2.5 are fully qualified. The Section currently has three vacancies in addition to the five new positions that the legislature has approved. Of those five new positions, a total of one, possibly two new positions will be dedicated to the radioactive materials program. The Section has the funding and the authorization to use overtime pay which they have been using when necessary. Training for the new staff members has been ongoing. Funding for training has not been an issue, but the Section has identified the availability of training classes, the timing of the classes, and the increased competition to get into the available classes as issues they are facing.

b. Materials Inspection Program:

Currently there is one overdue inspection, but this is a mobile nuclear medicine van that is only in the state two days per month and works in a town located on the opposite side of the state from their office. The Section is working with the licensee to perform this inspection. The Section is working to perform reciprocity inspections, has completed all their Increased Controls inspections, and is working towards implementation of the General License Program.

c. Regulations and Legislative changes:

Currently they have one regulation change that is behind schedule. However, in reviewing the SRS Data Sheet report with the Section, it appeared that several regulations had been reviewed by NRC, some with comments, some without comments, but that no final review of the regulations had been performed. The Section reviewed their records and confirmed that while the regulations have been implemented, a final review had not been performed. The Section indicated they would send these to NRC for review.

d. Program reorganizations:

There have been no program reorganizations since the last review.

e. Changes in Program budget/funding:

In conjunction with the approval for new staff, the legislature approved a fee increase which should take effect in January 2008.

Event Reporting, including follow-up and closure information in NMED:

A total of 52 events were open during the previous Periodic Meeting on March 2, 2006. The Section has worked to close those and only seven remain open.

Response to Incidents and Allegations:

a. Status of allegations and concerns referred by the NRC for action:

No allegations were referred by NRC to the Section since the previous Periodic Meeting on March 2, 2006.

b. Significant events and generic implications:

Nothing to report.

Information exchange and discussion:

a. Current State initiatives:

The Section has been active in the area of emergency response. They have successfully integrated with state and local law enforcement agencies to share information and become known to them. The Section has also worked with state and federal agencies, including emergency response organizations to become an integral part of their activities. The Section is also working with Homeland Security as part of their response program for any radiological terrorism events.

b. Emerging technologies:

Nothing to report.

c. Large, complicated or unusual authorizations for use of radioactive materials, including, (e.g., major decommissioning and license termination actions):

Nothing to report.

d. State's mechanisms to evaluate performance (as applicable):

The Section has been working to better organize and establish formalized internal auditing. Some of these initiatives include improved tracking of staff training and an improved training plan, more structured inventories of material's possessed, and inspector accompaniments. The Section looks to improve licensee and inspection tracking when a new database is ultimately developed and implemented.

Other topics discussed:

The Section moved to new offices since the previous Periodic Meeting on March 2,

2006. These offices better serve their needs, including an improved and more secure source storage room.

The Section recently lost one staff member in the Las Vegas office, a position they have found difficult to fill. While they have a plan to send staff from Carson City to Las Vegas to accommodate the workload, the Las Vegas area supports approximately 60 percent of the State's approximate 250 licensees. Consideration of replacing that staff member in the Las Vegas office was discussed with the Section.

The Section has modified their licensing program since the recent GAO audit. They are now hand delivering all new licenses and requiring government ID verification prior to providing the license. All notifications for reciprocity are telephonically verified with the licensing entity prior to authorizing reciprocity in their state. The Section is also considering the use of security paper for all licenses.

Summary:

The Nevada program appears to be a strong, viable, and stable Agreement State program. The program has a strong foundation, has found alternate avenues to problems they have faced such as staffing and salaries, is becoming fully integrated within the law enforcement and emergency response communities, and has worked to develop an enforcement capability that has previously not been available to them. There also appears to be strong management and legislative support for the program.

The next IMPEP review is currently scheduled for FY 2009.