



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

September 30, 2016

Mike Broderick, Manager
Radiation Management Section
Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101

Dear Mr. Broderick:

A periodic meeting with you and your staff was held on August 10, 2016. The purpose of this meeting was to review and discuss the status of the Oklahoma Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Mark Shaffer, Director, Division of Nuclear Materials Safety (DNMS) and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions. A Management Review Board (MRB) meeting to discuss the outcome of the periodic meeting has been scheduled for January 12, 2017 at 1:00 p.m. (ET). Call in information for the MRB will be provided in a separate transmission.

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) 200-1143 or via e-mail at Randy.Erickson@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Randy R. Erickson
State Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
Periodic Meeting Summary

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
 OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
 DATE OF MEETING: AUGUST 10, 2016

U.S. Nuclear Regulatory Commission (NRC) Attendees	Oklahoma Department of Environmental Quality Attendees
Randy Erickson, State Agreements Officer, Region IV	Mike Broderick, Environmental Programs Manager Radiation Management Section
Mark Shaffer, Director, Division of Nuclear Materials Safety, Region IV	Pam Dizikes, Attorney Department of Environmental Quality
	Kevin Sampson, Environmental Program Specialist
	John Flynn, Professional Engineer
	Libby McCaskill, Environmental Program Specialist
	Jennifer McAllister, Environmental Program Specialist
	Keisha Cornelius, Environmental Program Specialist
	Michael Reid, Environmental Program Specialist

DISCUSSION:

The Oklahoma Agreement State Program (Program) is administered by the Radiation Management Section of the Land Protection Division which is a part of the Department of Environmental Quality.

The previous IMPEP review (ML14273A535) was conducted the week of August 4-8, 2014. The Program was found to be satisfactory for all performance indicators reviewed. The review team made two recommendations for the Program regarding the marking of sensitive documents and incident reporting. The Management Review Board (MRB) determined the recommendation concerning information security could be removed since the Program took action following the onsite review to fully address the issue. The remaining recommendation will be discussed later in this summary. The review team also recommended and the MRB agreed that the Oklahoma Program was adequate to protect public health and safety and is compatible with NRC's program. The team recommended that the next full IMPEP review take place in four years and that a periodic meeting take place in approximately two years.

Program Challenges

The Program reported that they are not having any specific challenges at the present time. In the past they have experienced staffing issues, but those are no longer problems for the Program.

Feedback on NRC's Program

The Program noted that they appreciate the State Agreement Officer (SAO) program and view it as an invaluable resource. They also encouraged SAO participation in national meetings involving the Agreement States as these interactions are also viewed as invaluable.

A discussion was held regarding Cesium-137/Barium generators, their use and availability. This was referred to NMSS who has it under review.

Program Reorganizations

There have been no reorganizations since the 2014 IMPEP review.

Program Budget/Funding

The Program reported that their budget is stable.

Technical Staffing and Training (2014 IMPEP: Satisfactory)

The Oklahoma Agreement State Program is composed of a Section manager, eight technical staff positions, and one administrative staff person. Technical staff members conduct inspections, perform licensing actions, and respond to incidents and allegations.

The Program reported that since the 2014 IMPEP review, they lost one staff member who they replaced with a highly qualified individual. At the time of the meeting, the Program was fully staffed.

The Program has a documented training plan that is consistent with NRC's Inspection Manual Chapter (IMC) 1248, "Qualification Programs for Federal and State Materials and Environmental Management Programs."

Status of Materials Inspection Program (2014 IMPEP: Satisfactory)

Technical Quality of Inspections (2014 IMPEP: Satisfactory)

The Program conducted 122 Priority 1, 2 and 3, and 9 initial inspections since the 2014 IMPEP review. Two of the inspections were conducted overdue, one due to illness of an inspector, and one was the result of a database entry error. No inspections were overdue for inspection at the time of the meeting. The Program reported they are meeting the 30 day goal of transmitting inspection findings to licensees following an inspection.

The Program reported that they inspected more than 20 percent of all candidate licensees, as defined in Inspection Manual Chapter 1220, applying to work in the state under reciprocity in both 2014 and 2015.

Annual supervisory accompaniments of the inspection staff have been performed for all but one staff member since the 2014 IMPEP review. One inspector who was absent from the Program for an extended period due to illness, was not accompanied in 2015.

Technical Quality of Licensing Actions (2014 IMPEP: Satisfactory)

The Program currently has 232 specific licensees and completed a total of 451 licensing actions since the last review. The Program currently has 8 licenses under timely renewal.

The Program reported they follow the NRC's revised pre-licensing guidance when performing pre-licensing verifications. The Program performs pre-licensing site visits of all new applicants.

Technical Quality of Incidents and Allegations (2014 IMPEP: Satisfactory)

When notification of an incident or an allegation is received, the Program manager determines the appropriate level of initial response and assigns it to an inspector. Staff then use an action flow chart and standard operating procedures to initiate their response.

The 2014 IMPEP review team found that some staff did not fully understand the process to be followed for incident follow-up which resulted in late notifications to the NRC and to NMED. As a result, the review team recommended that the Program provide additional training to the staff on their revised standard operating procedure "Environmental Complaints Program" and associated flowcharts to ensure consistent, timely, and accurate reporting and adequate follow-up of incidents. The program responded by updating their procedures and providing additional training to the staff on the process.

Since the 2014 IMPEP review, the Program had reported 20 events to the NMED database with only one event still open due to enforcement action being taken by the Program.

Since the 2014 IMPEP review, 10 allegations involving Oklahoma licensees and 6 allegations involving non-licensees were received by the Program. No allegations were referred from NRC to Oklahoma over the same period. All the allegations has been investigated and closed.

Regulations and Legislative Changes (2014 IMPEP: Satisfactory)

The Department is authorized as the State's radiation control agency under the Radiation Management Act Chapter 27A, of the Oklahoma Statutes, Section 2-9-101 et seq.

Oklahoma adopts regulations by reference. All are up-to-date.

Part 37 was implemented by license condition on March 18, 2016 and Program staff are inspecting against it. Final Part 37 equivalent regulations should be in place in September 2016.

Information Exchange

Current State Initiatives

Program managers presented initiatives ongoing within the Department. This included:

- The Program is following up on non-military radium use locations provided to them by NRC to determine if legacy radium still exists at those sites.

Current NRC Initiatives

NRC managers presented several initiatives ongoing at NRC. These included:

- Project AIM 2020
- Rebaselining
- NMSS Management Changes
- Agreement State training
- Changing licensing renewals from 10 to 15 years

- Proposed Rulemaking
- WBL
- Non-military radium
- Revising Inspection Manual Chapter (IMC) 2800

CONCLUSIONS:

NRC staff recommends that the next IMPEP review be conducted as scheduled in August 2018.