



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

July 14, 2015

David M. Howe, Program Director  
Radiation Protection Services  
Oregon Public Health Division  
Oregon Health Authority  
800 NE Oregon Street, Suite 640  
Portland, OR 97232-2162

Dear Mr. Howe:

A periodic meeting with you and your staff was held on June 18, 2015. The purpose of this meeting was to review and discuss the status of the Oregon Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Mark Shaffer, Lisa Dimmick, 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 August 3, 2015 at 1:00pm (EST). 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](mailto:Randy.Erickson@nrc.gov) to discuss your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Erickson".

Randy Erickson  
State Agreements Officer  
Division of Nuclear Materials Safety

Enclosure:  
Periodic Meeting Summary for Oregon

David M. Howe, Program Director  
 Radiation Protection Services  
 Oregon Public Health Division  
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Randy Erickson  
 State Agreements Officer  
 Division of Nuclear Materials Safety

Enclosure:  
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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR  
OREGON'S PUBLIC HEALTH DIVISION  
RADIATION PROTECTION SERVICES

DATE OF MEETING: JUNE 18, 2015

<b>U.S. Nuclear Regulatory Commission (NRC) Attendees</b>	<b>Oregon Radiation Protection Services Attendees</b>
Randy Erickson, State Agreements Officer, Region IV	David Howe, Director, Radiation Protection Services
Mark Shaffer, Director, Division of Nuclear Materials Safety, Region IV	Richard Wendt, Program Manager, Operations
Lisa Dimmick, Senior Health Physicist, Agreement State Programs Branch, Office of Nuclear Material Safety and Safeguards	Todd Carpenter, Program Manager, Licensing
	Richard Beaman, Health Physicist, Inspector
	Daryl Leon, Health Physicist, Inspector
	Erin DeSemple, License Reviewer
	Connie Grater, Administrative Assistant
	Nancy Curry, Administrative Assistant
	Glenda Villamar, X-ray Inspector

**DISCUSSION:**

During the 2013 Integrated Materials Performance Evaluation Program (IMPEP) review of the Oregon Agreement State Program (Program), the review team found the State's performance satisfactory for the indicators Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Inspection, and Compatibility Requirements and satisfactory, but needs improvement for the indicators Technical Quality of Licensing Actions and Technical Quality of Incidents and Allegation Activities. The finding of satisfactory but needs improvement for the indicators Technical Quality of Licensing Actions and Technical Quality of Incident and Allegation Activities had remained the same from the 2009 IMPEP review and the finding of satisfactory for the indicator Technical Quality of Inspections was an improvement from the 2009 IMPEP review.

The review team made a total of five recommendations in the indicators Technical Quality of Licensing Actions, Technical Quality of Incident and Allegation Activities, and Compatibility Requirements. The review team closed two recommendations from the 2009 IMPEP report and kept one recommendation open. The open recommendation was in the indicator Technical Quality of Incident and Allegation Activities.

The review team recommended, and the Management Review Board (MRB) agreed, that the Oregon Agreement State Program was adequate to protect public health and safety and was compatible with the NRC's program. The MRB also agreed with the review team that the next IMPEP review take place in approximately four years.

## TOPICS COVERED DURING THE MEETING INCLUDED:

### Program Strengths

1. Well Established Staff Training Program
  - Radiation Protection Services (RPS) takes advantage of all the training resources available to them including NRC training, local training, topical meetings, and the staff work cohesively and comprehensively to help train each other. The number of staff is small so that works well for them. Staff is well trained.
2. Highly Motivated and Talented Staff
  - The Oregon program is a busy program with a highly motivated staff responsible for the licensing and inspection of 409 specific materials licensees. RPS managers believe they have made good selections for open positions filling them with talented staff with solid and varied backgrounds who work collaboratively.
3. Supportive Management
  - Management support to the Program is outstanding at all levels, and access to senior management is unencumbered. Some of the senior managers are unfamiliar with exactly what RPS does on a daily basis, but RPS management is working with them to help them gain that knowledge.
4. Competitive Salaries
  - Salaries have remained competitive which has allowed the Program to attract the quality candidates that they have hired in recent years.

### Program Challenges

1. Budget
  - The RPS budget is 95 percent fee funded and they receive 5 percent of their budget from grants for first responder training and from FDA under the MQSA program. In recent years overhead cost allocation has risen from 11 percent of their budget to 40 percent of their budget. It is anticipated that fee increases will allow them to maintain the 19 full time equivalents (FTE) they are currently authorized but they are not allowed to expand staffing even though they believe it would enhance quality services.
2. IT Issues
  - Even though the RPS budget funds one FTE, they still experience issues with IT support to the Program. Specifically, they would like to be a part of Web Based Licensing (WBL), but issues with the IT staff have made that not possible at this time. Primarily there is no fiscal component that would allow for e-payments.
3. Insufficient Staffing
  - With the Program only having 2.5 materials inspectors and 19 total staff, they often experience times when they need additional staff. Staff are often spread too thin to be as effective as they would prefer to be.

### Feedback on the NRC's Program

The Program was complimentary of the IMPEP process and the training provided by NRC. However, the Program mentioned they often feel overwhelmed with the volume of expectations placed upon them from NRC. They often feel inundated with requests for information, requests for input on documents and other requests from NRC. They come at a rapid pace and while the Program would like to provide input, they simply often don't have the time.

Another issue brought forward by the Program was that they feel like they are always being sold on WBL as it is today and not really listening to the needs of the Agreement States. The Program believes that listening to the State's needs is necessary to obtain widespread participation.

### Organization

The Oregon Agreement State Program is administered by the Radiation Protection Services Section which is located within the Center for Health Protection. The Center is part of the Oregon Public Health Division.

There have been no reorganizations since the 2013 IMPEP review.

### Program Budget/Funding

As indicated earlier in this report, RPS is 95 percent fee funded and receives about 5 percent of their funding from grants for emergency response training and from FDA under the MQSA program. The money goes into a dedicated fund specific for agency use.

### Technical Staffing and Training (2013 IMPEP: Satisfactory)

At the time of the periodic meeting, the Program had 16 staff positions across the entire Program (both RAM and X-Ray). Of those positions they have 2.5 FTE dedicated to materials inspections and 1.5 FTE dedicated to materials licensing. They currently have 409 specific licenses. The Program has one Program Director and two managers, one for inspections and one for licensing. The Program had three vacancies, one in the materials program.

At the time of the 2013 IMPEP review, the Program had a documented training plan consistent with NRC's Inspection Manual Chapter (IMC) 1246, "Formal Qualification Programs in the Nuclear Material Safety and Safeguards Program Area." They still follow that plan but were advised during the meeting that IMC 1246 had been superseded by IMC 1248, "Qualification Programs for Federal and State Materials and Environmental Management Programs," and a discussion was held to point out the differences between the former and current guidance and to ensure the Program continued forward using IMC 1248.

Status of Materials Inspection Program (2013 IMPEP: Satisfactory)  
Technical Quality of Inspections (2013 IMPEP: Satisfactory)

The Program had conducted 157 Priority 1, 2, and 3 inspections since the last IMPEP review. None were conducted overdue. The Program performed 24 percent of all reciprocity notifications in 2014 and 40 percent as of June 16, 2015. Additionally, the Program has rolled out a new electronic reciprocity notification system. Licensees file online and that information is automatically pushed out to all the inspector's email which they are able to access while in the field. When they are in the area, they can perform the inspection. This has enhanced their ability to perform reciprocity inspections.

Technical Quality of Licensing Actions (2013 IMPEP: Satisfactory)

The Program reported they have 409 specific licensees. All licensing actions are worked on in a timely manner. Since the last IMPEP review the Program has implemented a peer review system for licensing actions. The Program has received 630 licensing actions since the last IMPEP review. They have a goal of processing most licensing actions within 30 days, but will extend that up to 90 days if necessary. Signature authority is the Program Manager for Licensing. The guidance used by the Program is equivalent to the NRC's NUREG 1556 Series guidance.

The 2013 IMPEP review team made three recommendations for the indicator Technical Quality of Licensing Actions. The recommendations and status are listed below.

**Recommendation 1:** The review team recommends that the Section follow its licensing procedure flow sheet and re-implement the peer review process to ensure consistency and accuracy for all licensing actions.

**Status:** Since the IMPEP review, the Program's long term license reviewer recently retired and the individual who was only partially qualified at the time of the review is now their primary reviewer. She is now qualified to work independently on all license types. Immediately following the IMPEP review, they began fully following their licensing flow chart by reestablishing peer reviews of all completed licensing documents. They use the peer reviews as training opportunities by having open communication among staff.

**Recommendation 2:** The review team recommends that the State verify that all previously approved authorized users, authorized medical physicists, radiation safety officers on medical licenses, and authorized nuclear pharmacists have the proper board certification or training requirements and preceptor attestation, since the new requirements were initiated in 2006.

**Status:** At the time of the IMPEP review, the review team noted that authorized users were being added to licenses without evidence of documentation verifying that appropriate training had been completed; or with limited documentation or incorrectly filled out attestation forms. Following the IMPEP review, the Program created a new procedure ensuring that complete and appropriate documentation is obtained, verified and that all forms are complete and accurate. The Program also went back and identified all licensing actions that occurred from 2006 to 2013 and looked at the authorization process for each individual approved. What they eventually found was that all of the individuals who had been authorized were properly qualified.

**Recommendation 3:** The review team recommends that the State develop and implement a pre-licensing protocol based on the RCPD-08-020 letter issued on September 22, 2008 to enhance the basis for confidence that radioactive materials will be used as specified on a radioactive materials license.

**Status:** The Program was previously applying the revised pre-licensing guidance to all licensees who possessed IC quantities of radioactive materials. However, for the rest of the new materials licensees, if they had been registered as a business with the Oregon Secretary of State, they were considered a known entity and the pre-licensing guidance was not applied. Following the IMPEP review, the Program changed their policy and now use the pre-licensing guidance for all new license applications. They also perform pre-licensing visits on all new licensees. If they are an IC licensee, they also perform a security inspection. If all is ok, then the license is hand delivered to the licensee.

Technical Quality of Incidents and Allegations (2013 IMPEP: Satisfactory)

The Program is aware of the need to maintain an effective response to incidents and allegations. At the time of the periodic meeting the Program had reported nine events to NMED since the last IMPEP review. All HOO reportable events were conveyed to the NRC in the correct manner. At the time of the meeting, only two events were currently open.

The 2013 IMPEP review team made two recommendations for the indicator Technical Quality of Incident and Allegation Activities. The recommendations and status are listed below.

**Recommendation 4:** The review team recommends that the Section implement a process to ensure all required information is submitted to NMED and to also promote timely completion of NMED entries. This recommendation remains open from 2009 IMPEP review.

**Status:** Following the IMPEP review the Program implemented a new process for the handling and disposition of incoming events. The Program has selected the Program Manager for Operations to be the point person for this effort, but it involves all members of the staff. When an event is received by RPS, staff and management consult to determine what level of effort is needed to address the issue based on risk significance. Then staff is dispatched according to the plan that has been established. HOO and NMED reports are tracked and each is discussed during monthly staff meetings to ensure that each is closed properly and in a timely manner.

**Recommendation 5:** The review team recommends that the State revise its protocol for reviewing incidents for reportability in accordance with FSME Procedure SA-300 and to ensure timely reporting of events to the NRC Operations Center and to NMED.

**Status:** As identified in Recommendation 4, the Program implemented a new process for the handling and disposition of incoming events. This procedure also addresses reviewing incidents for reportability in accordance with NMSS Procedure SA-300 and the timely reporting of events to the HOO and to NMED.

Regulations and Legislative Changes (2013 IMPEP: Satisfactory)

The current effective statutory authority is contained in Volume 11 Chapter 453 Hazardous Substances, Radiation Sources, of the Oregon Revised Statutes. The Section is designated as the State's radiation control agency. The Program is implemented by the Radiation Protection Services Section. Oregon's regulations are located in Chapter 333, Divisions 100-124 of the Oregon Administrative Rules. No legislative changes affecting the Program have occurred since the last IMPEP review.

At the time of the 2013 IMPEP review there were no amendments overdue for adoption and at the time of the 2015 Periodic Meeting, there also were no amendments overdue for adoption. Oregon's equivalent to Part 37 had been developed, reviewed by NRC and accepted. The Program anticipates implementation by September 2015.

The 2013 IMPEP review team made one recommendation for the indicator Compatibility Requirements. The recommendation and its status is listed below.

**Recommendation 6:** The review team recommends that the State develop and implement a protocol to ensure that regulations required for adoption are adopted within 3 years as required in the Policy Statement on Adequacy and Compatibility of Agreement State Programs.

**Status:** While there were no overdue amendments at the time of the 2013 IMPEP review, during that review period seven amendments had been submitted, of which five were submitted overdue and the Program had no established procedure or timeline for rule development. Following the IMPEP review, the Program developed a new procedure for rule development and assigned the Program Manager for licensing to be the point person for the effort. Rules can now be developed as quickly as 60 days and submitted to NRC for review. They do have one impediment to the process. No rules can be developed while the legislature is in session five months of each odd-numbered year and one month of each even-numbered year. Amendments are now submitted in a timely manner.

**CONCLUSIONS:**

The Program continues to be an effective, well maintained Agreement State program. There is presently one staff level vacancy. The Program has addressed the six open recommendations from the 2013 IMPEP review and continues to demonstrate sustained performance in those areas. The Program is effectively managing its licensing and inspection activities. The Program is responding to incidents and allegations as appropriate and has no overdue regulation amendments.

NRC staff recommends that the next IMPEP review be conducted as scheduled in August 2017.