



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

February 7, 2017

Mr. Chuck Warzecha, Deputy Administrator
Division of Public Health
Wisconsin Department of Health Services
P.O. Box 2659
Madison, WI 53701-2659

Dear Mr. Warzecha:

A periodic meeting with your program was held on February 1, 2017. The purpose of the meeting was to review and discuss the status of Wisconsin's Agreement State Program. The Nuclear Regulatory Commission was represented by Christine Lipa 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: Jeff Phillips, Director
Bureau of Environmental
& Occupational Health
Paul Schmidt, Manager
Radiation Protection Section

**AGREEMENT STATE PERIODIC MEETING SUMMARY FOR THE WISCONSIN
DEPARTMENT OF HEALTH SERVICES**

NRC Attendees	Wisconsin Attendees
Jim Lynch, RSAO	Chuck Warzecha, Deputy Administrator
Christine Lipa, Deputy Director, DNMS	Jeff Phillips, Bureau Director
	Paul Schmidt, Section Manager
	Mark Paulson, Unit Supervisor

DATE OF MEETING: FEBRUARY 1, 2017

DISCUSSION:

Agreement and Reviews

Wisconsin became the 33rd Agreement State on August 11, 2003. The Agreement discontinued NRC regulatory authority in the State for: a) Byproduct materials as defined in Section 11e.(1) of the Atomic Energy Act; b) Source materials; and c) Special nuclear materials in quantities not sufficient to form a critical mass. The Agreement does not cover land disposal of radioactive material, uranium recovery processes, or sealed source and device evaluation.

The last Integrated Materials Performance Evaluation Program (IMPEP) review of the radioactive materials program was conducted in 2014. All performance indicators were found to be satisfactory and no recommendations were made. A Good Practice was identified for the use of a Pre-Inspection plan by inspectors to ensure that all required information is addressed during special or follow-up inspections. The Wisconsin program was found to be adequate to protect public health and safety and compatible with NRC's program. The State's earlier IMPEP reviews, in 2005 and 2009, yielded similar results.

Organization

The Radiation Control Program is administered by the Radiation Protection Section, Division of Public Health, Department of Health Services. Paul Schmidt is the Manager of the Radiation Protection Section. Mark Paulson is the Supervisor of the Radioactive Materials Licensing and Inspection Unit, which is part of the Section. Wisconsin regulates approximately 292 specific licenses. Management support for the program appears good and the program is well funded. A dedicated fee fund allows the program to be 100% fee recoverable.

Paul Schmidt has previously chaired the Organization of Agreement States and the Conference of Radiation Control Program Directors. Mr. Schmidt is also the State Liaison Officer.

Technical Staffing and Training (2014 IMPEP: Satisfactory)

The program has had significant turnover in the past few years. At this time, the sole vacancy is approved for hiring. That process is underway. Previously, the program dealt with a hiring freeze and furloughs. The program is adequately staffed, with a total of 7.5 FTE dedicated to the inspection and licensing programs.

Enclosure

One of the staff members, Megan Shoher, is located in the Green Bay field office. All staff members are cross-trained in both inspection and licensing to provide maximum flexibility and backup.

Mr. Paulson and senior health physics staff train and accompany each inspector before certifying them to conduct independent inspections.

The Wisconsin training program is comparable to NRC's Inspection Manual Chapter (IMC) 1248.

Status of Materials Inspection Program (2014 IMPEP: Satisfactory)

Wisconsin inspection frequencies are at least as frequent as found in IMC 2800. Mr. Paulson said that no inspections are currently overdue, however, a few inspections, including initial inspections, were conducted late during the review period. He was well aware of the due dates but made informed decisions based on program priorities. Some new licensees were inspected late as the program was inspecting within 12 months of material receipt rather than after license issuance. This priority was modified to align with IMC 2800. Reciprocity inspections are performed in accordance with the frequencies identified in IMC 1220.

Technical Quality of Inspections (2014 IMPEP: Satisfactory)

Mr. Paulson stated that he accompanies all inspectors on at least an annual frequency.

The National Source Tracking System annual reconciliation is complete for 2016. The program contacted those licensees that were slow to update the system and achieved 100 percent completion.

Technical Quality of Licensing Actions (2014 IMPEP: Satisfactory)

Mr. Paulson stated that no significant licensing backlogs exist. He stated that pre-licensing visits are performed for all new license applicants. A pre-licensing checklist is used for all licensing actions. The program is aware of the recently proposed modifications to the Risk-Significant Radioactive Materials checklist.

Mr. Schmidt commented on the close working relationship between NRC and Wisconsin on the construction permit and the proposed operating license for SHINE Medical Technologies which is proposing an accelerator-based system to produce medical isotopes, including molybdenum-99.

Technical Quality of Incident and Allegation Activities (2014 IMPEP: Satisfactory)

Wisconsin staff members responded to approximately 14 reportable incidents since the last IMPEP review. On-site inspections were performed, when appropriate, and staff communicated reportable incidents promptly to the NRC Operations Center and to Region III.

Inspectors input incident information directly into the Nuclear Material Events Database (NMED) as incidents occur. A review of NMED identified timely and quality input of incidents.

One allegation, involving a nuclear pharmacy, was transferred to Wisconsin from NRC since the last IMPEP review. The allegation involved potential improper handling, radiation surveys, and

transportation of radioactive material. Wisconsin staff investigated the allegation and took prompt, appropriate action, including feedback to the alleged. Investigation results were provided to the Regional State Agreements Officer.

Compatibility Requirements (2014 IMPEP: Satisfactory)

Changes to the rulemaking process in Wisconsin has resulted in a backlog of compatibility required regulations. According to Mr. Schmidt, the process for a large rule package incorporating many changes can take up to 3 years to complete. In December 2016, the program submitted three regulation packages, consisting of 13 individual updates. NRC has provided comments to the State on two of the packages and is evaluating the third package. Since the rulemaking process takes such a long time, Mr. Paulson said that, for future NRC regulation changes, the State will have to initiate the process immediately to accomplish promulgation in the three year period afforded to Agreement States.

Security

According to Wisconsin managers, security inspections are being performed on schedule, in conjunction with routine inspections.

General Licenses

Wisconsin has an active program for registering generally licensed devices. General licensees are required to update inventories on an annual basis. Inspections of these licensees are performed as time permits.

Current NRC Initiatives:

NRC staff discussed ongoing initiatives with the Wisconsin representatives. These included: pre-licensing guidance, NRC Commission transition, training opportunities, and control of sensitive information.

CONCLUSIONS:

The Wisconsin Radiation Control Program remains a fully adequate and compatible Agreement State program. Although staffing has been challenging over the past several years, program managers have been able to hire and train qualified personnel. They appreciate the training support provided to the Agreement States by the NRC.

Management support for the program is very good. The managers liked the IMPEP process and saw great benefit in Wisconsin's participation in the program. A senior staff member is scheduled to attend IMPEP training in February 2017.

NRC staff recommends that the next IMPEP review be conducted, as scheduled, in 2019.