



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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January 6, 2000

Mr. Stanley R. Marshall, Supervisor
Radiological Health Section
Bureau of Health Protection Services
Nevada State Health Division
1179 Fairview Drive, Suite 102
Carson City, Nevada 87901-5405

Dear Mr. Marshall:

This year's periodic meeting with the State of Nevada was held on December 9, 1999. The purpose of this meeting was to review and discuss the status of Nevada's Agreement State program. The NRC was represented by Linda McLean and myself from NRC's Region IV office, and Kevin Hsueh from the NRC's Office of State Programs.

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 if you have any additional remarks about the meeting in general, please contact me at (817) 860-8287 or e-mail mrs@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Mark R. Shaffer
Regional State Agreements Officer

Enclosure: As stated
cc w/enclosure:
Paul Lohaus, Director, OSP
Fred Combs, Deputy Director, OSP

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR NEVADA

Date of Meeting: December 9, 1999

ATTENDEES:

NRC

Mark Shaffer, Regional State Agreements Officer
M. Linda McLean, Regional State Agreements Officer
Kevin Hsueh, Agreement State Project Officer, Office of State Programs

State of Nevada

Larry Boschult, Radiation Staff Specialist, Carson City Office

DISCUSSION

The following is a summary of the meeting held in Carson City, Nevada, on December 9, 1999, between representatives of the NRC and the State of Nevada. During the meeting, the topics suggested in a letter dated November 3, 1999, from Mr. Shaffer to Mr. Marshall were discussed. The discussion pertaining to each topic is summarized below.

Action on Previous IMPEP Review Findings

The previous Integrated Materials Performance Evaluation Program (IMPEP) review was conducted during the period August 25-29, 1997, with the findings discussed in a meeting between the State and the IMPEP Management Review Board (MRB) on November 18, 1997. The results were issued in a final report dated December 2, 1997. At that time, the MRB found that the Nevada Radiation Control Program was adequate to protect public health and safety and compatible with NRC's program. The recommendations in the final report that were not recommended for closure following the previous annual meeting on August 26, 1998, are listed below. A summary of the State's response to the staff's recommendations follows each item.

Recommendation 2: The review team recommends that the general training and qualification procedure be adopted in writing.

Response during 08/26/98 meeting: Nevada had written a draft policy regarding general training and qualifications; however, the State had not yet finalized the policy. The State commented that the policy is to include other disciplines (e.g., X-Ray inspectors), and that they will incorporate this into the draft policy before finalization.

Response during 12/09/99 meeting: The State has finalized its written policy regarding general training and experience for staff to accomplish the technical work performance standards in the radioactive materials program, including the areas of licensing, inspection, investigation, emergency response, etc. It was also noted that all current staff have received the required training and are fully qualified.

The staff recommended that this item be closed at the next IMPEP review.

Recommendation 3: The team recommends that, as provided by the implementing procedures ("Adequacy and Compatibility of Agreement State Programs," draft NRC Management Directive 5.9, Handbook Part V), State regulations or other generic legally binding requirements equivalent to the NRC rules be adopted as expeditiously as possible but not later than September 3, 2000 (three years after the September 3, 1997, [62 FR 46517] publication of the final policy.) (Section 4.1.2)

Response from 08/26/98 meeting: The State is working on the regulations. Several regulations that were scheduled to be adopted during 1998 have not yet been adopted; however, they are scheduled to be adopted by October 1998. The State explained the rulemaking process and the reasons for some of these delays (i.e., odd year legislative activities and extended legislative counsel review process).

Response during 12/09/99 meeting: The State continues to work on regulations. Some regulations have been adopted since the last annual meeting, but some of the rules required to be adopted during 1999 and 2000 have not yet been completed. While some regulations may not be adopted prior to the due dates, the Nevada staff indicated that the State had other legally binding methods of applying regulatory requirements on a temporary basis as needed. Regulatory requirements will be imposed by license condition for any rules that are overdue, with the intention of adopting the requirements before January 2001.

The staff recommended that this issue remain open.

Strengths and Weaknesses of the Program

The State emphasized many of the same strengths noted during the previous annual meeting. The State has an experienced, versatile staff with a good internal working relationship, and are often called upon as resources by both Federal and other State agencies. Nevada staff perform risk-informed, performance-based inspections and have good upper management and legislative support.

Although no weaknesses were identified by the State, a continuing area of concern still exists regarding training and travel. It has been difficult for the State to make up the difference in training and travel funds lost by NRC's discontinuance of funding. The State continues to urge NRC to provide training courses at alternative locations more convenient to the State. Also discussed was the possibility of the State hosting some training courses in their offices. This would allow more Nevada staff to receive needed training, and could reduce the travel expense for other Agreement States located near Nevada.

Recent or Pending State Program Changes

Changes in program staff: Two technical staff members have left the program since the last annual meeting. One of these positions has already been filled, while the other position remains vacant.

Program reorganizations: A reorganization has not taken place since the previous annual meeting.

Legislative changes: Nothing notable since the last annual meeting.

Changes in program budget/funding: Program funding remains appropriate for the workload.

NRC Program or Policy Changes That Could Impact Agreement States

Mr. Shaffer discussed management changes within the NRC since the previous annual meeting with the State. Also discussed were recent changes in NRC's Enforcement Policy and upcoming changes to the inspection program. Mr. Shaffer explained how inspections are to be performance based with emphasis on "indicators" of actual, or potential, health and safety significance.

Internal Program Audits or Self Assessments

The State performs routine quality assurance audits of inspection reports and licenses, inspection accompaniments, and financial audits. No other program audits have been conducted.

Status of Allegations Referred by NRC to the Nevada Radiation Control Program

No allegations were forwarded to the State since the last annual meeting.

Compatibility of Agreement State Regulations

The State continues to work on regulations. Some regulations have been adopted since the last annual meeting, but some of the rules required to be adopted during 1999 and 2000 have not yet been completed. While some regulations may not be adopted prior to the due dates, the Nevada staff indicated that the State had other legally binding methods of applying regulatory requirements on a temporary basis as needed. Regulatory requirements will be imposed by license condition for any rules that are overdue, with the intention of adopting the requirements before January 2001.

Nuclear Material Events Database (NMED)

Nevada has been using the NMED system and forwarding NMED data to NRC's contractor (INEEL) for each event. Updated information is also forwarded to the contractor as new information becomes available and/or upon closure of the event. The State indicated that the Y2K compliant software recently received by Nevada does not work very well with Windows-95 software. This has not proven to be a problem though because the State continues to use its previous version of software and continues to provide data directly to INEEL. In addition, use of the Internet (query only) version of NMED and the process of NRC review of NMED reports and significant events were discussed.

The NRC staff noted that several events involving lost or stolen nuclear gauges had recently been entered into the NMED system. Discussions with Nevada staff indicated that there may have been some confusion regarding which events should be entered, how soon after the discovery of the events the state should notify NRC and/or enter data to the NMED system, and the event information that should be included for a complete NMED record. In addition to contacting the regional state agreements officers for assistance, the NRC staff suggested that the State refer to OSP Procedure SA-300 for clarification with reporting requirements.

Schedule for next IMPEP Review

The State suggested that the next IMPEP review be tentatively scheduled for the August 2001 time period.

Distribution: w/encl

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