

(STP-03-044, June 2003, Program, IMPEP)

June 12, 2003

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA, WISCONSIN

**OPPORTUNITY TO COMMENT ON REVISION TO THE INTEGRATED MATERIALS
PERFORMANCE EVALUATION PROGRAM (IMPEP) QUESTIONNAIRE (STP- 03-044)**

Enclosed for your review and comment is a redline/strikeout copy of the Integrated Materials Performance Evaluation Program (IMPEP) questionnaire. We have revised the questionnaire based on the IMPEP Lessons Learned Working Group report and IMPEP experience to date. The questionnaire will be undergoing clearance by the Office of Management and Budget (OMB) in 2003, and any comments or suggestions you may have to improve the questionnaire's effectiveness would be appreciated. We would appreciate receiving your **comments within 45 days*** from the date of this letter.

Thank you for your attention to this matter. If you have any questions regarding this correspondence, please contact me on 301-415-3340 or the individual named below.

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/RA by Josephine M. Piccone for/

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Enclosures:
As stated

*This information request has been approved by OMB 3150-0029, expiration 06/30/04. The estimated burden per response to comply with this voluntary collection is approximately 6 hours. Forward any comments regarding the burden estimate to the Information and Records Branch (T-6F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0029), Office of Management and Budget, Washington, DC 20503. If a document does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information.

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

QUESTIONNAIRE

Name of State/Regional Program

Reporting Period: Month XX, [YEAR], to Month XX, [YEAR]

Note: If there has been no change in the response to a specific question since the last IMPEP questionnaire, the State or Region may copy the previous answer if appropriate. Please note that previous IMPEP questionnaires responses can be found on the STP webpage.

A. COMMON PERFORMANCE INDICATORS

III. Technical Staffing and Training

1. Please provide the following organization charts, including names and positions:
 - (a) A chart showing positions from Governor down to Radiation Control Program Director;
 - (b) A chart showing positions of current radiation control program including management; and
 - (c) Equivalent charts for sealed source and device, low level radioactive waste and uranium recovery programs, if applicable

402. Please provide a staffing plan, or complete a listing using the suggested format below, of the professional (technical) person-years of effort applied to the agreement or radioactive material program by individual. Include the name, position, and, for Agreement States, the fraction of time spent in the following areas: administration, materials licensing & compliance, emergency response, LLW, U-mills, other. If these regulatory responsibilities are divided between offices, the table should be consolidated to include all personnel contributing to the radioactive materials program. Include all vacancies and identify all senior personnel assigned to monitor work of junior personnel. If consultants were

¹ Estimated burden per response to comply with this voluntary collection request: 53 hours. Forward comments regarding burden estimate to the Records Management Branch (T-6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0183), Office of Management and Budget, Washington, DC 20503. If an information collection does not display a currently valid OMB control number, NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

used to carry out the program's radioactive materials responsibilities, include their efforts. The table heading should be:

Name Position Area of Effort FTE%

- 443. Please provide a listing of all new professional personnel hired since the last review, indicate the degree(s) they received, if applicable, and additional training and years of experience in health physics, or other disciplines, if appropriate.
- 424. Please list all professional staff who have not yet met the qualification requirements of license reviewer/materials inspection staff (for NRC, Inspection Manual Chapters 1246; for Agreement States, please describe your qualifications requirements for materials license reviewers and inspectors). For each, list the courses or equivalent training/experience they need to attend and a tentative schedule for completion of these requirements.
- 435. Please identify the technical staff who left the Agreement State RCP/Regional DNMS program during this period.
- 446. List the vacant positions in each program, the length of time each position has been vacant, and a brief summary of efforts to fill the vacancy.
- 7. Does the Agreement State program have an oversight board composed of licensees and other members of the public? If so, what are the conflict of interest procedures in place?

II. Status of Materials Inspection Program

- 38. Please identify individual licensees or categories of licensees the State/Region is inspecting more or less frequently than called for in NRC Inspection Manual Chapter 2800 and state the reason for the difference.
- 9. Please provide for the review period, the number of Priority 1, 2, and 3 inspections that were completed and the number of initial inspections that were completed.
- 410. Please prepare a table identifying the licenses with inspections that are overdue by more than 25% of the scheduled frequency set out in NRC Inspection Manual Chapter 2800. The list should include initial inspections that are overdue.

<u>Licensee Name</u>	<u>Insp. Frequency (Years)</u>	<u>Due Date</u>	<u>Months O/D</u>
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Please submit a table, or a computer printout, that identifies inspections of Priority 1, 2, and 3 licensees, and initial inspections that are presently overdue or

which were conducted at intervals that exceed the NRC Inspection Manual Chapter (IMC) 2800 frequencies over the course of the entire review period. (See STP Procedure SA-101, *Reviewing the Common Performance Indicator, Status of Materials Inspection Program*, for detailed guidance in preparing this information).

At a minimum, the list should include the following information for each inspection that is overdue or conducted overdue during the review period:

- (1) Licensee Name
- (2) License Number
- (3) Priority
- (4) Last inspection date or license issued date if initial inspection
- (5) Date Due
- (6) Date Performed
- (7) Amount of Time Overdue
- (8) Date inspection findings issued

211. ~~Do you currently have an action plan for completing overdue inspections?~~ **If you have any overdue inspections, do you have an action plan for completing them?** If so, please describe the plan or provide a written copy with your response to this questionnaire.

124. ~~Please complete the following table for licensees granted reciprocity during the reporting period:~~

Priority	Number of Licensees Granted Reciprocity Permits Each Year	Number of Licensees Inspected Each Year
Service Licensees performing teletherapy and irradiator source installations or changes	YR YR YR YR	YR YR YR YR
1	YR YR YR YR	YR YR YR YR
2	YR YR YR YR	YR YR YR YR

Priority	Number of Licensees Granted Reciprocity Permits Each Year	Number of Licensees Inspected Each Year
3	YR YR YR YR	YR YR YR YR
4		
All Other		

Please provide the number of reciprocity licensees that were candidates for inspection per year as described in NRC IMC 1220 and the number of candidate reciprocity inspections that were completed each year during the review period.

5. For NRC Regions, did you establish numerical goals for the number of inspections to be performed during this review period? If so, please describe your goals, the number of inspections actually performed, and the reasons for any differences between the goals and the actual number of inspections performed. [Recommend that NMSS eliminate this question for the Regions, since this information is captured in the operating plans on a quarterly basis]

III. Technical Quality of Inspections

613. What, if any, changes were made to your written inspection procedures during the reporting period?
714. Prepare a table showing the number and types of supervisory accompaniments made during the review period. Include:
- | Inspector | Supervisor | License Category | Date |
|-----------|------------|------------------|------|
|-----------|------------|------------------|------|
815. Describe internal procedures for conducting supervisory accompaniments of inspectors in the field.
916. Describe or provide an update on your instrumentation and methods of calibration. Are all instruments properly calibrated at the present time? Were there sufficient calibrated instruments available through the review period?

IV. Technical Quality of Licensing Actions

17. How many radioactive material licenses does the Program regulate at this time?

- 4518. Please identify any major, unusual, or complex licenses which were issued, received a major amendment, were terminated, decommissioned, submitted a bankruptcy notification or renewed in this period. Also identify any new or amended licenses that now require emergency plans.
- 4619. Discuss any variances in licensing policies and procedures or exemptions from the regulations granted during the review period.
- 4720. What, if any, changes were made in your written licensing procedures (new procedures, updates, policy memoranda, etc.) during the reporting period?
- 4821. For NRC Regions, Identify by licensee name, license number and type, any renewal applications that have been pending for one year or more. Please indicate why these reviews have been delayed.

V. Responses to Incidents and Allegations

~~1922. For Agreement States, please provide a list of the reportable incidents (i.e., medical misadministration, overexposures, lost and abandoned sources, incidents requiring 24 hour or less notification, etc. See Handbook on Nuclear Material Event Reporting in Agreement States for additional guidance.) that occurred during the review period. Information included in previous submittals to NRC need not be repeated (i.e., those submitted under OMB clearance number 3150-0178, Nuclear Material Events Database). The list should be in the following format:~~

For Agreement States, please provide a list of any reportable incidents not previously submitted to NRC (See STP Procedure SA-300, Reporting Material Events for additional guidance, OMB clearance number 3150-0178). The list should be in the following format:

<u>Licensee Name</u>	<u>License #</u>	<u>Date of Incident/Report</u>	<u>Type of Incident</u>
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2023. During this review period, did any incidents occur that involved equipment or source failure or approved operating procedures that were deficient? If so, how and when were other State/NRC licensees who might be affected notified? For States, was timely notification made to NRC? For Regions, was an appropriate and timely PN generated? For Agreement States, was information on the incident provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency? Please provide details for each case.

~~21. For Agreement States, for incidents involving failure of equipment or sources, was information on the incident provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency? Please provide details for each case.~~

2224. Identify any changes to your procedures for handling allegations that occurred during the period of this review.

VI. General

2325. Please prepare a summary of the status of the State's or Region's actions taken in response to the comments and recommendations following the last review. Describe Provide the results of any program audits (including self audits) completed during the review period.
24. For NRC Regions, briefly describe any recent efforts, or future plans, on your part to: (1) improve the safety performance of licensees operating below acceptable levels for ensuring public health and protection, (2) increase the public confidence in your program, (3) increase your effectiveness, and efficiency, or (4) reduce any unnecessary regulatory burden for your stakeholders. [Recommend that NMSS eliminate this question, since this information is captured in the operating plans on a quarterly basis]
2526. Provide a brief description of your program's strengths and weaknesses. These strengths and weaknesses should be supported by examples of successes, problems or difficulties which occurred during this review period.

B. NON-COMMON PERFORMANCE INDICATORS

I. Legislation and Program Elements Required for Compatibility

2627. Please list all currently effective legislation that affects the radiation control program (RCP).
2728. Are your regulations subject to a "Sunset" or equivalent law? If so, explain and include the next expiration date for your regulations.
2829. Please complete the enclosed table based on NRC chronology of amendments. Identify those that have not been adopted by the State as detailed in the current RATS form; explain why they were not adopted, and discuss any actions being taken to adopt them. Identify the regulations that the State has adopted through legally binding requirements other than regulations. Please review and verify that the information in the enclosed State Regulation Status sheet is correct. For those regulations that have not been adopted by the State, explain why they were not adopted, and discuss actions being taken to adopt them.
- If legally binding requirements were used in lieu of regulations, please describe their use.
2930. If you have not adopted all amendments within three years from the date of NRC rule promulgation, briefly describe your State's procedures for amending regulations in order to maintain compatibility with the NRC, showing the normal length of time anticipated to complete each step.

II. Sealed Source and Device Program

3031. Prepare a table listing new and revised SS&D registrations of sealed sources and devices issued during the review period. The table heading should be:

<u>SS&D Registry Number</u>	<u>Manufacturer, Distributor or Custom User</u>	<u>Product Type or Use</u>	<u>Date Issued</u>	<u>Type of Action</u>
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3132. What guides, standards and procedures are used to evaluate registry applications?

3233. Please include information on the following questions in Section A, as they apply to the Sealed Source and Device Program:

Technical Staffing and Training - ~~A.III.10-14~~ Questions 1-7
Technical Quality of Licensing Actions - ~~A.IV.15-18~~ Questions 17-21
Responses to Incidents and Allegations - ~~A.V.19-22~~ Questions 22-24

III. Low-Level Radioactive Waste Disposal Program

3334. Please include information on the following questions in Section A, as they apply to the Low-Level Radioactive Waste Disposal Program:

Technical Staffing and Training - ~~A.III.10-14~~ Questions 1-7
Status of Materials Inspection Program - ~~A.I.1-3, A.I.5~~ Questions 8-11
Technical Quality of Inspections - ~~A.II.6-9~~ Questions 13-16
Technical Quality of Licensing Actions - ~~A.IV.15-18~~ Questions 17-21
Responses to Incidents and Allegations - ~~A.V.19-22~~ Questions 22-24

IV. Uranium Mill Recovery Program

345. Please include information on the following questions in Section A, as they apply to the Uranium Mill Recovery Program:

Technical Staffing and Training - ~~A.III.10-14~~ Questions 1-7
Status of Materials Inspection Program - ~~A.I.1-3, A.I.5~~ Questions 8-11
Technical Quality of Inspections - ~~A.II.6-9~~ Questions 13-16
Technical Quality of Licensing Actions - ~~A.IV.15-18~~ Questions 17-21
Responses to Incidents and Allegations - ~~A.V.19-22~~ Questions 22-24

TABLE FOR QUESTION 28:

10 CFR RULE	DATE DUE	DATE ADOPTED OR EFFECTIVE	OR	
			CURRENT STATUS	EXPECTED ADOPTION
Any amendment due prior to 1993. Identify each regulation (refer to the Chronology of Amendments)				
Emergency Planning; Parts 30, 40, 70	4/7/93			
Standards for Protection Against Radiation; Part 20	1/1/94			
Safety Requirements for Radiographic Equipment; Part 34	1/10/94			
Notification of Incidents; Parts 20, 30, 31, 34, 39, 40, 70	10/15/94			
Quality Management Program and Misadministrations; Part 35	1/27/95			
Licensing and Radiation Safety Requirements for Irradiators; Part 36	7/1/96			
Definition of Land Disposal and Waste Site QA Program; Part 61	7/22/96			
Decommissioning Recordkeeping: Docu- mentation Additions; Parts 30, 40, 70	10/25/96			
Uranium Mill Tailings: Conforming to EPA Standards; Part 40	7/1/97			
Timeliness in Decommissioning Parts 30, 40, 70	8/15/97			
Preparation, Transfer for Commercial Dis- tribution, and Use of Byproduct Material for Medical Use; Parts 30, 32, 35	1/1/98			
Frequency of Medical Examinations for Use of Respiratory Protection Equipment	3/13/98			
Low-Level Waste Shipment Manifest Information and Reporting	3/1/98			
Performance Requirements for Radiography Equipment	6/30/98			
Radiation Protection Requirements: Amended Definitions and Criteria	8/14/98			
Medical Administration of Radiation and Radioactive Materials:	10/20/98			
Clarification of Decommissioning Funding Requirements	11/24/98			
10 CFR Part 71: Compatibility with the International Atomic Energy Agency	4/1/99			
Termination or Transfer of Licensed Activities:- Recordkeeping Requirements:	6/16/99			

10-CFR RULE	— DATE — DUE	— DATE — ADOPTED— — OR — EFFECTIVE	OR	
			— CURRENT — STATUS	EXPECTED ADOPTION
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act	1/9/2000			
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State	2/27/2000			
Criteria for the Release of Individuals Administered Radioactive Material	5/29/2000			
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations; Final Rule	6/27/2000			
Radiological Criteria for License Termination	8/20/2000			
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea	1/2/2001			
Deliberate Misconduct by Unlicensed Persons	2/12/2001			
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations; Clarifying Amendments and Corrections	7/9/2001			
Minor Corrections, Clarifying Changes, and a Minor Policy Change	10/26/2001			
Transfer for Disposal and Manifest; Minor Technical Conforming Amendments	11/20/2001			
Radiological Criteria for License Termination of Uranium Recovery Facilities	6/11/2002			
Respiratory Protection and Controls to Restrict Internal Exposures	2/2/2003			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications	5/17/03			
New Dosimetry Technology	1/8/04			
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material	2/16/04			
Revision of the Skin Dose Limit	4/5/05			
Medical Use of Byproduct Material	4/24/05			

MATERIALS REQUESTED TO BE AVAILABLE FOR THE ONSITE PORTION OF AN IMPEP REVIEW

Please have the following information available for use by the IMPEP review team when they arrive at your office:

ORGANIZATION CHARTS

Clean, sized 8½ X 11" including names and positions

- One showing positions from Governor down to Radiation Control Program Director (RCPD)
- One showing positions of current radiation control program with RCPD as Head
- Equivalent charts for LLRW and mills programs, if applicable

LICENSE LISTS

Printouts of current licenses, showing total, as follows:

Name	License #	Location	License Type	Priority	Last Inspection	Due Date
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— Sort alphabetically

— Also, sort by due date and by priority (if possible)

THE FOLLOWING LISTS

- List of open license cases, with date of original request, and dates of follow up actions
- List of licenses terminated during review period.
- Copy of current log or other document used to track licensing actions
- Copy of current log or other document used to track inspections
- List of Inspection frequency by license type
- List all incidents occurring during the review period. Show whether incident is open or closed and whether it was reported to the NRC
- List of all allegations occurring during the review period. Show whether the allegation is open or closed and whether it was referred by NRC
- List of all wrongdoings occurring during the review period. Show whether the allegation is open or closed

ALSO, PLEASE HAVE THE FOLLOWING DOCUMENTS AVAILABLE:

- | | |
|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> All State regulations <input type="checkbox"/> Statutes affecting the regulatory authority of the state program <input type="checkbox"/> Standard license conditions <input type="checkbox"/> Technical procedures for licensing, model licenses, review guides <input type="checkbox"/> SS&D review procedures <input type="checkbox"/> Instrument calibration records <input type="checkbox"/> Inspection procedures and guides <input type="checkbox"/> Inspection report forms | <ul style="list-style-type: none"> <input type="checkbox"/> Records of results of supervisory accompaniments of inspectors <input type="checkbox"/> Emergency plan and communications list <input type="checkbox"/> Procedures for investigating allegations <input type="checkbox"/> Procedures for investigating incidents <input type="checkbox"/> Enforcement procedures, including procedures for escalated enforcement, severity levels, civil penalties (as applicable) <input type="checkbox"/> Copies of Job descriptions <input type="checkbox"/> Copies of audits or self audits conducted |
|--|--|