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State Health Officer

DEPARTMENT OF HUMAN RESOURCES
HEALTH DIVISION

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January 11, 2002

Paul H. Lohaus, Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: State Response to Nevada IMPEP Draft Report Dated November 21, 2001

Dear Mr. Lohaus:

Please find attached the State Health Division response to the review of the Nevada Agreement State Program conducted on September 10 through 14, 2001.

It is unclear as to whether the prescriptive protocols and procedures referenced in the extended narrative of pages 1 through 12 are requirements for the state to implement or whether they are optional.

In addition, please clarify the regulation denoted as 63 FR 393477 on page 11 of the draft report as we are unable to locate a NRC regulation with this number.

If you have any questions, please feel free to contact me at (775) 684-4200.

Sincerely,

A handwritten signature in cursive script that reads "Yvonne Sylva".
Yvonne Sylva
Administrator

Enclosure

cc: Alex Haartz, Deputy Administrator

Alan Tinney, Chief
Bureau of Health Protection Services

Stan Marshall, Supervisor
Radiological Health Section

Bob Loux, Director
Nevada Agency for Nuclear Projects

SPC1

State agency responses to recommendations on draft report pages 12 - 13.

Recommendation 1: The review team recommends that the Section take appropriate measures to conduct core inspections (including initial inspections) in accordance with the NRC's inspection priority system, and to assess the current priority system. (Section 3.1)

Response: Nevada inspection frequencies will be revised and implemented by February 11, 2002 to correspond to NRC inspection frequencies. A copy of the revised frequency schedule will be provided to NRC staff by that date.

Recommendation 2: The review team recommends that the Section adopt an initial inspection policy similar to the schedule for initial inspections contained in IMC 2800. (Section 3.1)

Response: Nevada inspection frequencies will be revised and implemented by February 11, 2002 to correspond to NRC inspection frequencies. A copy of the revised frequency schedule will be provided to NRC staff by that date.

Recommendation 3: The review team recommends that the Section perform reciprocity inspections as specified in IMC 1220. (Section 3.1)

Response: Nevada inspection frequencies will be revised and implemented by February 11, 2002 to correspond to NRC inspection frequencies. A copy of the revised frequency schedule will be provided to NRC staff by that date.

Recommendation 4: The review team recommends that the Section conduct annual accompaniments of both new and experienced staff to ensure continued technical quality of inspections and to assist in the training and qualifications of staff. (Section 3.2)

Response: Nevada policy will be revised and implemented by February 11, 2002 to require all technical inspection staff to be accompanied by a senior staff person or the section supervisor on an annual frequency for the purpose of determining or reconfirming adequacy of staff inspection performance. Documentation of the accompaniment/inspection assessment should be documented within 30 days after the performance audit. A copy of the revised policy will be provided to NRC staff by that date.

Recommendation 5: The review team recommends that the Division review the level of staff effort needed for the program and ensure that an adequate complement of staff is devoted to the Agreement State program. (Section 3.3)

Response: On two occasions, two technical positions became vacant. Extended difficult recruitment for the vacancies since the previous audit in 1997 was necessary to fill the positions. Inspection backlog increased during the recruitment periods and when the vacancies were filled, further backlog was generated for some time as existing

trained personnel became less efficient as they provided orientation, on-the-job training, accompaniments and auditing activities to release new staff for inspection activities.

Two staff vacancies noted during the audit were filled by January 7, 2002. Orientation and training in this program will begin as soon as orientations and training in other programs is completed. Completion of a nuclear medicine inspection audit for one existing staff will also be accomplished by February 28, 2002 to help reduce inspection backlog.

Staff has been reminded since the recent audit to conduct core initial, routine and overdue inspections of Categories 1, 2, and 3 as priority fieldwork over lower priority license inspections.

Adjustment of primary work responsibilities may be considered including reassignment of staff from non-Agreement programs to support inspection activities. Review of the audit findings and associated details has been underway since receipt of the draft report to consider various options. Options include pursuing full cost recovery through fees and revision of appropriate legislation if determined necessary.

Recommendation 6: The review recommends that the Section report all significant and 30-60 day notification event and follow-up event information, to the NRC in accordance with the STP Procedure SA-300, Reporting Material Events. (Section 3.5)

Response: All information noted as lacking during the NRC's review of the incident file was provided to NRC personnel during the audit.

New section policy now requires immediate reporting of incidents to the NRC Operations center via fax utilizing a standardized form (attached) from this agency.

Meanwhile, efforts are underway to effect a conversion of the existing state database software to a Windows-based system to accomplish more timely and simpler data transfer for various program purposes including transfer into the NRC NMED database. We also await the upgraded Microsoft Access 97/2000 version of the NMED software program from your agency.

Staff has also made numerous requests for NMED training and believes that until such training is obtained and appropriate software acquired, we may continue to struggle with implementation of streamlined transfer of incident data as it is accumulated. We will utilize hard copy transfer of the information until these issues are resolved.

Staff notes that during a visit by NRC staff since the last audit, Dr. Kevin Hsueh, STP, provided helpful clarification about the NRC event reporting criteria. However, discussion with NRC staff during the recent IMPEP audit indicated that some members of the NRC audit team did not appear to be in agreement with Dr. Hsueh's remarks about the reporting criteria.

We would appreciate hearing from your staff concerning acquisition procedures for the upgraded NRC software, confirmation about the process to obtain NRC NMED training and clarification concerning incident reporting guidance from STP staff on this issue.

Upon receipt of the information, we will install the software and utilize the training to initiate automated transfer of our data into the NRC NMED database.

Recommendation 7: The review team recommends that the Section develop and implement an action plan to adopt NRC regulations in accordance with current policy on adequacy and compatibility. (Section 4.1)

Response: - It is anticipated that the agency policy to unilaterally amend licenses as necessary to incorporate NRC requirements after adoption by NRC will be effective to ensure that the requirements are placed on Nevada licensees in a timely manner.

For your information, the following regulations are under review by the Nevada Legislative Counsel Bureau in the final legal review in our adoption process. Adoption of the regulations by the Nevada State Board of Health is anticipated in early 2002.

61 FR 24669,
61 FR 65120,
62 FR 1662,
62 FR 4120,
62 FR 28948,
62 FR 39058,
62 FR 63634,
63 FR 1890,
63 FR 37059.

Staff will also amend licenses as appropriate for the requirements of 63 FR 45393, 63 FR 50127, 64 FR 54543, 63 FR 55525, 64 FR 20337 and 65 FR 63749.

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**Nevada Health Division
Radiological Health Section**

Fax—Urgent

To:	NRC Operations Center	From:	Stan Marshall, Supervisor
Fax:	(301) 816-5151	Pages:	
Phone:	(301) 816-5100	Date:	01/04/02
Re:	Significant Event Report	CC:	

1. **Event Report ID No. NV-**
 2. **License name, address, license No.**
 3. **Date and time of occurrence**
 4. **Date notified of event by licensee or non-licensee**
 5. **Radionuclide, activity**
 6. **Any exposures (indicate short and long-term effects)**
 7. **Sealed source, device, etc. (make, model #, serial #**
 8. **Leak test information, if applicable**
 9. **Equipment (make, model #, serial #), and clear description of any equipment problems**
 10. **Persons involved, consequences**
 11. **Transportation, identify shipper, package type and ID No.**
 12. **Abnormal Occurrence (Y/N)**
 13. **Cause and contributing factors**
 14. **Notifications: patient, physician**
 15. **Licensee corrective actions**
 16. **Provide status through resolution (update record when found)**
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January 4, 2002

17. **Notifications, local police, FBI and other States; as needed.**
18. **Enforcement Actions**
19. **Identify any possible generic safety concerns**
20. **Potential for others to experience the save event**

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