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Department of Health and Family Services

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February 11, 2002

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

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Dear Mr. Lohaus,

This letter responds to your January 31, 2002 letter request for updated information about Wisconsin's agreement state program development. We continue to be pleased with the excellent working relationship established with Lloyd Bolling of your office. Most recently, we relied on his expertise as we processed the response to public comments from the hearings on Wisconsin's 'Radiation Protection' Rule, HFS 157.

There has been continuing positive activity in the development of the radioactive materials program, as follows:

- The initial two staff nuclear engineers have attended approximately 70% of the required NRC core courses for conducting license reviews and inspections. Mr. Jason Hunt, Mr. Paul Caleb, and new hire Mr. Michael Welling have been accepted and will attend the Five-Week Applied Health Physics Course in March, 2002. The three remaining core courses needed by Mr. Hunt and Mr. Caleb have recently been scheduled by NRC and both staff will complete their required training this August. (Nuclear Medicine, Tele./Brachy., and Industrial Radiography).
- In addition, a third staff nuclear engineer, Mr. Michael Mack, has been accepted and will attend the both the Inspections and Inspecting for Performance Course in March, as well as the Industrial Radiography Course in April. Mr. Mack will continue to be assigned full time.
- Two additional newly hired Nuclear Engineers will begin attending the required NRC core courses. Ms. Leola deKock is planning on attending both the Nuclear Medicine and Tele./Brachy. Courses, as well as the Inspecting for Performance Course in March. She is scheduled to attend the Industrial Radiography Course in April and the Transportation Course in June. Mr. Michael Welling is currently scheduled for the June Transportation Course and the August Industrial Radiography Course. An application for Mr. Welling for both August medical courses, (Nuclear Medicine and Tele./Brachy.) will be submitted. We will also attempt to get the new staff members into both the Licensing and Inspection Courses in September, however, our understanding is that these courses are full at this time.

- An Agreement State Management Plan was developed based on SA-700 and is being used to track the tasks necessary to submit a draft application. Tasks include development of: WI Regulatory Guides modeled on the NUREG 1556 series, Inspection checklists and reports, and Radioactive Materials Program Procedures (RMPP). We expect to submit 3 Regulatory Guides and Inspection Checklists for Portable Gauges/XRFs, Fixed Gauges and Nuclear Pharmacies as well as a draft version of the Radioactive Materials Program Procedures (RMPP).
- The administrative assistant, Ms. Priscilla Sarow, has set up a preliminary file, organized by a proposed Wisconsin License Number, for all NRC licenses. We have utilized the electronic version of the current Wisconsin NRC licenses as well as recent hard copies supplied by Region III. We continue to update and improve our database of future Wisconsin licensees, and have added a field for inspection date that is currently used to track our progress in conducting NARM inspections.
- One additional nuclear engineer continues to assist in program development activities, (.50 FTE) as we work on procedures and identify training needs for emergency response and handling allegations.
- The hiring process continues as we are approved to hire two additional nuclear engineers.
- HFS 157, the draft rule, was approved by the department and has been transmitted to the Legislature. The planned effective date is June 1, 2002.
- The surcharge fee was successfully collected from 95% of the Wisconsin NRC licensees. Program development revenue and expenditures continue to meet projections.
- Statutory changes required to address three NRC comments have been implemented and your letter dated January 9, 2002 stated that these comments were appropriately addressed.

The following activities are planned for CY 2002:

- June, 2002-It is anticipated that HFS 157 will be implemented prior to submission, or within 30 days of submittal of the draft agreement state application. HFS 157 will include the Wisconsin equivalents to 10 CFR 19 and 20 and enforcement provisions, although the specific parts of the rule pertaining only to radioactive materials will not be in effect until Wisconsin becomes an Agreement State in 2003. (Subchapters II, VI and VII; Licensing, Medical Use and Irradiators respectively, will have a delayed implementation.)
- Complete training for staff nuclear engineers through attendance of remaining NRC core courses-subject to the courses being offered in this time period. Staff will continue to accompany NRC on inspections/investigations and shadow NRC license reviewers. Announced courtesy reviews will continue for Wisconsin NARM registrants, including portable gauges and XRFs, fixed gauges, nuclear medicine and PET pharmacy.

We have reviewed your projected schedule and plan to prepare and submit a complete draft application in June, 2002. Other dates related to this submittal are shown below:

April 1, 2002:	Notification of proposed submittal of draft application in 60 days.
June 3, 2002:	Submit draft agreement state application for NRC review.
September 9, 2002:	Submit formal request for agreement from Governor to NRC.
July, 2003:	Wisconsin becomes an Agreement State.

I look forward to continued interaction with your agency as we pursue becoming an Agreement State. Please contact Cheryl Rogers (608-266-8135 or rogerck@dhfs.state.wi.us), Materials Program Supervisor, for routine information requests and status of the development of the radioactive materials program.

Sincerely,



Paul Schmidt, Chief
Radiation Protection Section

cc: Tom Sieger