UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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ARLINGTON, TEXAS 76011-4005

July 26, 2005

Mr. Mike Broderick
Environmental Program Manager
Radiation Management Section
Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677

Dear Mr. Broderick:

A periodic meeting with Oklahoma was held on July 12, 2005. The purpose of this meeting was to review and discuss the status of Oklahoma's Agreement State Program. The NRC was represented by me from NRC's Region IV office, and Richard Blanton from the Office of State and Tribal 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 have any additional remarks about the meeting in general, please contact me at (817) 860-8116 or e-mail mlm1@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Linda McLean
Regional State Agreements Officer
Region IV

Enclosure:
Agreement State Periodic Meeting
Summary for Oklahoma

cc w/enclosure:
Paul Lohaus, Director,
Office of State and Tribal Programs

bcc: (via ADAMS e-mail distribution):
LWert
CCain
VCampbell
JZabko, STP
AMcCraw, STP
RBlanton, STP

SISP Review Completed: ADAMS: Yes No Initials:___mlm__

ADAMS: : Yes 9 No Initials: _mlm_____

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PERIODIC MEETING SUMMARY FOR OKLAHOMA

DATE OF MEETING: July 12, 2005

ATTENDEES:

STATE

Mike Broderick, Environmental Program Manager
Pamela Bishop, Senior Environmental Specialist

NRC

Linda McLean, Regional State Agreements Officer, Region IV
Richard Blanton, Agreement State Project Officer, Office of State and Tribal Programs

DISCUSSION:

The last IMPEP Review was the week of July 15-19, 2002. The review team found Oklahoma's performance to be satisfactory for all performance indicators. The review team recommended that the State program to be found adequate and compatible with NRC's program, and that the next full review should be in approximately four years.

Program items discussed:

1. Status of State's actions to address all open previous IMPEP review findings and/or open recommendations.

   The review team recommended that the Section take appropriate measures to assure timely dispatch of inspection findings to licensees.

   Current Status: There has been some progress made for timely despatch of inspection findings; however, there is still need for improvement.

2. Strengths and/or weaknesses of the State program as identified by the State or NRC including identification of actions that could diminish weaknesses.

   Strengths: The program has capable and competent staff despite some turn-over. The program manager and the supervisor each have greater than 10 years experience at DEQ. The new hires have good credentials (e.g., one has a bachelor's degree in chemical engineering). Currently, the program has one vacancy. Also, the program and is able to fund staff training. The Program is 100% fee funded. A 25% fee increase was approved in 2004.

   Weaknesses: The backlog of license actions is improving, but there is still a backlog. Another stated weakness is the State's salary structure. The concern is in the program's ability to retain qualified staff for succession planning. Currently the program has five qualified inspectors, with three of them over 60 years old. Several new (and younger) staff have left the program after about two years. Two years is around the time it takes to qualify them as inspectors.

3. Feedback on NRC's program as identified by the State and including identification of any action that should be considered by the NRC:

The program manager expressed his appreciation of the NRCs consideration for flexibility with the Category 1-4 security inspections by considering placing them under the health and safety programs. However, he encourages the NRC not to have the caveat of "all or none" of the States, in making the final decision.

The program manager stated that the periodic meetings between the IMPEP reviews are beneficial and effective tools, and he is not in favor on reducing the number of periodic meetings. He also stated that he believes that they should be at least once a year.

Mike Broderick gave his thanks and the program's appreciation for the aid I provided to Pamela Bishop at the CRCPD meeting. When Ms. Bishop became very ill, I took her to a hospital emergency room and spent the evening with her until her release.

4. Status of State Program including:

a. Staffing and Training: Currently, the program has one vacancy, and is able to fill the vacancy. There were two technical staff hires since the IMPEP review. In addition, the program plans to add an additional technical person in July.

b. Materials Inspection Program: The program provided updated information regarding the number of inspections completed and overdue since the IMPEP Review. Although there are some inspections overdue by 25%, the program appears to be making progress in completing timely inspections. Also, the program is trying to assure timely dispatch of inspection findings to licensees. Although there has been some improvement, they acknowledge that there is still a need to improve in this area.

The program manager usually conducts annual accompaniments of both new and experienced inspectors to ensure continued technical quality of inspections and to assist in the training and qualifications of new staff. However, no accompaniments were conducted in 2004. The program manager recognized this as a concern, and stated that he will complete all accompaniments in 2005.

c. Regulations and Legislative changes: Oklahoma adopts regulations for AEA materials by reference. Adopting regulations by reference allows the State to implement regulations quickly and avoid potential compatibility conflicts.

d. Program reorganizations: No reorganizations are planned.

e. Changes in Program budget/funding: A 25% fee increase was approved in 2004. The program is financially sound. No changes are anticipated.

5. Event Reporting, including follow-up and closure information in NMED: All reportable incidents are entered into the NMED database. All NMED events for Oklahoma are closed and completed.

6. Response to Incidents and Allegations: Referred allegations have been investigated and completed.

7. Information exchange and discussion:

a. Current State initiatives: The State is requiring persons who manufacture, produces, acquires, owns, transfer, possess and use radium sealed sources or accelerator-produced material to apply for a specific license.

b. Emerging technologies: The most recent emerging technology activity that the program was involved with was a cyber knife for use in medical treatments. In addition, the State has licensed two PET cyclotrons.

c. State's mechanisms to evaluate performance: Checks of program status are done on a weekly basis during inspector debriefs. A program audit will be conducted before the next IMPEP review.

8. Other topics discussed: Security inspections and the 274(i) agreement change were discussed. The program would like to participate in security inspections of licensees. They are currently assessing the possibility.

9. Schedule for the next IMPEP review: Projected for June 2006