



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
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ARLINGTON, TEXAS 76011-8064

December 29, 2000

John Erickson, Director  
Division of Radiation Protection  
Department of Health  
7171 Cleanwater Lane, Bldg. #5  
P.O. Box 47827  
Olympia, WA 98504-7827

Dear Mr. Erickson:

A periodic meeting with Washington was held on November 29, 2000. The purpose of this meeting was to review and discuss the status of Washington's Agreement State Program. The NRC was represented by Linda McLean, Russ Wise, and myself from NRC's Region IV office, and Dennis Sollenberger from the NRC's 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) 860-8143 or e-mail [VHC@NRC.GOV](mailto:VHC@NRC.GOV) to discuss your concerns.

Sincerely,

**/RA by Linda Howell for/**

Vivian H. Campbell  
Regional State Agreements Officer

Enclosure:  
As stated

cc w/encl

Paul Lohaus, Director, OSTP

John Erickson

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## AGREEMENT STATE PERIODIC MEETING SUMMARY FOR WASHINGTON

DATE OF MEETING: November 29, 2000

### ATTENDEES:

#### NRC

Vivian Campbell, Regional State Agreements Officer  
M. Linda McLean, Regional State Agreements Officer  
Russ Wise, Senior Allegations Coordinator, Region IV  
Dennis Sollenberger, Agreement State Project Officer,  
Office of State and Tribal Programs

#### State of Washington

John Erickson, Director, Division of Radiation Protection  
Terry Frazee, Supervisor, Radioactive Materials Section  
Gary Robertson, Supervisor, Waste Management Section

### DISCUSSION:

The following is a summary of the meeting held in Olympia, Washington, on November 29, 2000, between representatives of the NRC and the State of Washington. During the meeting, the topics suggested in a letter dated September 14, 2000, from Ms. Campbell to Mr. Erickson were discussed. The discussion pertaining to each topic is summarized below.

#### 1. Action on Previous IMPEP Review Findings

The previous Integrated Materials Performance Evaluation Program (IMPEP) review was conducted during the period August 30 - September 3, 1999. The status of the recommendations and suggestions outlined in Section 5.0 of the final IMPEP report were discussed. (A copy of Section 5.0 of the IMPEP report is attached for reference.) The proposed status of the recommendation is summarized below.

- a. **Recommendation:** The review team recommends that the State develop additional specialized inspection procedures for the uranium recovery program.

**Current Status:** The State has developed detailed draft inspection procedures to be used by the staff in Waste Management Section to inspect uranium mill, low level radioactive waste and waste processor licensees. The State developed a separate draft inspection procedure to be used to evaluate onsite construction. These procedures are being used by the staff on a trial basis before final approval and sign-off.

It is recommended that this item be closed at the next IMPEP review

2. Strengths and Weaknesses of the Program

Some of the program strengths discussed were:

- a. Experienced senior staff who have been employed by the Division for a long time;
- b. Inspection frequencies that provide a consistent presence in the licensed community;
- c. Fully funded by grants, contracts, and licensing and inspection fees which relieves staff from budget issues related to State general funds;
- d. Significant staff cooperation between Sections, and
- e. Highly qualified staff, specifically three certified health physicists.

Some of the program weaknesses discussed were:

- a. The need to develop succession planning for replacement of critical staff when they retire;
- b. Staffing levels of the Radioactive Materials and Waste Management Sections are fully funded by fees and therefore, directly affected by the number and type of licensees. (As a result of the loss of the uranium mill licensees, the staffing level for the Waste Management Section will be directly affected because of the loss of fees.);
- c. As a result of a staff member leaving, a backlog in inspection has developed. However, this backlog is being addressed through using staff from other sections. (One priority 2 inspection was overdue by NRC standards (per Manual Chapter 2800) at the time of this visit; the State's schedule of inspections was also not being met for some licensees;
- d. The Governor's directive that requires upper management concurrence on all communications with federal agencies may significantly affected the ability of Division staff to directly comment on NRC rules, guidance, and procedures, etc.;
- e. A State initiative that limits the program's ability to raise fees to cover program costs.

3. State Feedback on NRC's Program

The State:

- a. Provided positive comments about the IMPEP process (They have implemented a similar review of their entire program including self assessments and external audits.);

- b. Commended NRC's cooperation with the State on the Western Nuclear (Sherwood) capping of the tailings pile, the Trojan vessel project, and Spain's radioactive waste issue. (These efforts provided excellent examples of cooperation between the State and NRC staff.);
- c. Commented that the Office of State and Tribal Programs had always been helpful when assistance was requested; however, there are some lessons learned that need to be addressed (The State was the first Agreement State to close a conventional uranium mill using NRC's guidance on terminating uranium mill licenses. They had requested that NRC send a representative to the Sherwood site prior to and during final cover construction over the tailings pile. However, NRC did not provide assistance until the cover had been completed. The NRC then visited the site and identified issues which required rock placement and increased the expense on the licensee. The State would recommend that NRC get involved with the technical issues of termination of a mill much earlier since the NRC must concur with the termination of these sites.);
- d. Commended NRC's Division of Waste Management for providing specialized training on rock placement for covering a site containing low levels of radioactive material for the purpose of license termination (The State commented that this was an excellent mechanism for providing specialized training.); and
- e. Supports the concept of the National Materials Program; however, the State is concerned about the funding of the program by NRC and the States.

4. Recent or Pending State Program Changes

The State provided an updated organization chart. They have recently closed the Seattle office; however, no radioactive materials staff were affected. The Radiological Health Section is fully funded by grants and is staffed with contractors. The Section will be terminated December 31, 2000. The Waste Management Section will lose 1.5 FTE when the Western Nuclear mill license is terminated. There is currently a vacancy in the Radioactive Materials Section which is not fully funded because of a State initiative on fees. The State's staffing is ranked in HP-1, -2, and -3 positions, with the HP-3 position being the most senior. Currently, the State limits the number of HP-3 positions to two per program. The State expressed concern about the lack of promotional opportunities and the possibility of downgrading current HP-3 positions because of overages. The State does not anticipate any legislative changes.

5. NRC Program or Policy Changes That Could Impact Agreement States

Ms. Campbell discussed the Region IV organization and the division of state assignments between the Regional State Agreements Officers. Ms. Campbell and Mr. Sollenberger also discussed NRC rulemaking and guidance development, specifically Parts 35, 40, 70 and 71, control of solid materials, and the registration of generally licensed devices. Mr. Wise discussed the NRC's policy for handling allegations and specifically, the Region's procedures for referring allegations to the State.

6. Internal Program Audits or Self Assessments

The State conducted a self assessment beginning in October 1998. The State followed the State of Arkansas' format and developed action plans. Most of the action plans were closed by August 1999, before the 1999 IMPEP. The State indicated that they found the process to be very successful and intended to continue the self audit process.

7. Status of Allegations Referred by NRC to the State

The NRC referred three allegations to the State during the period. Two of the allegations have been closed. The third allegation, referred November 2000, is currently being addressed by upper management.

8. Compatibility of Washington Rules and Regulations

As of the date of this meeting, the State's regulations are up to date and they are on track to have future rule revisions completed before their assigned due dates. The State had reviewed the current Regulation Assessment Tracking System data sheet and provided the following comments:

- a. The superscript "a" should be deleted from RATS ID 1991-3. The superscript "a" should be added to the column header, "Final State Regulation (Effective Date)" because it provides an explanation of the effective date for all State Regulations.
- b. The State requested that NRC review the entries for RATS ID 1991-4. They believe that they have completed the rulemaking for this regulation.

9. Nuclear Material Events Database (NMED)

The State currently reports events by email, but does not input information into NMED. They have found that NMED is too difficult to use and does not provide any useful information to the State. The NRC staff commented that the State's process appears to be effective for reporting events. The NRC staff requested that the State ensure events are closed out in the NMED system, not just initially reported. The State agreed to close out all events but asked for help in determining which NMED events haven't been closed out.

10. Schedule for next IMPEP Review

The next IMPEP is scheduled for fiscal year 2003.