



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

March 10, 2005

Mr. Gary L. Robertson, Director
Office of Radiation Protection
Department of Health
7171 Cleanwater Lane, Bldg. #5
P.O. Box 47827
Olympia, WA 98504-7827

Dear Mr. Robertson:

A periodic meeting with Washington was held on February 8, 2005. The purpose of this meeting was to review and discuss the status of Washington's Agreement State Program. The NRC was represented by Osiris Siurano-Perez from NRC's Office of State and Tribal Programs (by telephone) and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

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 email VHC@NRC.GOV to discuss your concerns.

Sincerely,

/RA/

Vivian H. Campbell
Regional State Agreements Officer

Enclosure:
As stated

cc w/enclosure:
Paul Lohaus, Director, STP

Washington Office of Radiation Protection

bcc: (via ADAMS e-mail distribution):

- PHolahan
- CCain
- MMcLean
- KSchneider, STP
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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR WASHINGTON

DATE OF MEETING: February 8, 2005

ATTENDEES:

State

Gary Robertson, Director, Office of Radiation Protection
Terry Frazee, Western Regional Director
Arden Scroggs
Mikel Elsen
Anine Grumbles
Craig Lawrence
Dorothy Stoffel
Sean Murphy

NRC

Vivian Campbell, Regional State Agreements Officer, Region IV
Osiris Siurano-Perez, Agreement State Project Officer, Office of State and Tribal Programs (by telephone)

DISCUSSION:

The Washington Agreement State program is administered by the Office of Radiation Protection (Office) in the Division of Environmental Health, Department of Health. Management in the Office consists of the Office Director, the Western Regional Director, and the Eastern Regional Director. The program regulates approximately 420 specific licenses authorizing Agreement materials. The Office is responsible for the conduct of a statewide radiological health and safety program, and consists of six program areas: Radioactive Materials (RAM), X-ray, Environmental Radiation, Air Emissions & Defense Waste, Waste Management and Radiological Emergency Preparedness. For the purpose of this meeting, NRC staff focused on the activities of the RAM and Waste Management programs.

The following is a summary of the meeting held in Tumwater, Washington on February 8, 2005, between representatives of the NRC and the Office. During the meeting, the topics suggested in a letter dated November 29, 2004, from Ms. Campbell to Mr. Robertson were discussed. The discussion pertaining to each topic is summarized below.

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

The previous Integrated Materials Performance Evaluation Program (IMPEP) review was conducted during the period September 8 - 12, 2003. This review identified one recommendation and two good practices for evaluation and implementation. The status of the recommendation outlined in Section 5.0 of the final IMPEP report was discussed and is summarized below.

- a. **Recommendation:** The review team recommends that the Office develop and implement a plan to adequately and consistently address the financial assurance for decommissioning portions of material license regulations. (Section 3.4)

Current Status: Office management presented a plan to NRC's Management Review Board on December 10, 2003, describing the steps to be taken to address the financial assurance requirements for material licenses. In that plan, the Office projected full implementation by December 2005. During this periodic meeting, management informed the NRC staff that they have completed review of about half their materials licenses and made the appropriate corrections to meet Washington's financial assurance requirements. For Washington's licensees that actually possess material requiring financial assurance, their licenses have been appropriately updated. The remaining licenses require administrative changes to cap authorization below the threshold requiring financial assurance. It is recommended that this item be reviewed at the next IMPEP review.

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

- a. **Program Strengths:**

Office management attributes the strength of the program to the qualified, experienced staff. The Office has had a very low turnover rate and therefore, able to maintain expertise. Office management fosters a team approach to problem solving which is evidenced through the sharing of expertise between Sections.

- b. **Program Weaknesses:**

While the Office has been able to retain staff, salaries are becoming a potential challenge. The staff have not received a cost of living raise in the past four years. Management stated that their professional staff are underpaid by approximately 40 percent compared to private industry. Management anticipates that retaining and hiring qualified staff in the future may become an issue as this salary gap increases.

In addition, the Office is primarily fee supported with only a small apportionment coming from the State general fund. Office management stated that funding the waste program is becoming a challenge due to the decrease in waste volume. This loss in fee funding may affect the Office management's ability to maintain adequate staff to support the waste program.

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

Office management discussed generic concerns about cost and availability of NRC training courses. In addition, management identified explicit issues with one of NRC's training courses that was taught by NRC engineers. Specifically, the course material was not appropriately designed to meet the engineering knowledge of some of the audience and one instructor's presentation skills needed improvement. Overall, management stated that training staff is becoming an increasing national challenge. With diminishing State and Federal resources, it is time to consider other effective and

efficient mechanisms for training staff. Management asked that NRC consider developing basic correspondence courses (preferably on-line) to be used as a foundation for a radiation protection training program. These correspondence courses would be supplemental to a practical training component that could be provided by each organization. Management suggested that the development of a basic correspondence curriculum be considered as a possible pilot project for the National Materials Program.

4. Status of State Program including:

a. **Staffing and Training:**

- i) *Number of staff in the program and status of their training and qualifications:* The RAM program is fully staffed. They have actually added FTE since the IMPEP review. Program management chooses to train their staff by discipline. As resources become available, staff are trained in new disciplines. For example, the Office sent two staff to the SS&D workshop in September 2003. Since that time the manager has introduced the staff to the SS&D review process through participation in concurrence reviews. The Waste program continues to be staffed by full and part time personnel.
- ii) *Program vacancies:* There are no vacancies.
- iii) *Staff turnover:* There has been no turnover.
- iv) *Adequacy of FTE for the materials program:* The RAM program is adequately staffed. However, the Waste program may become challenged because of the funding issues.

b. **Materials Inspection Program:**

- i) *Discuss the status of the inspection program including if an inspection backlog exists and the steps being taken to work off the backlog.* The RAM program has no inspection backlog based on NRC's criteria.

c. **Regulations and Legislative changes:**

- i) *Discuss status of Washington's regulations and actions to keep regulations up to date, including the use of legally binding requirements:* The NRC staff reviewed the status of the Washington regulations with Office management. Some minor errors in the SRS sheet were discussed and corrected pertaining to RATS-ID 1994-2, 2000-1 and 2000-2. The Office had submitted the final rules for the GL rule (RATS-ID 2001-1). The NRC had provided comments on Washington's GL rule in a letter dated March 11, 2004. Currently, this rule is being re-reviewed. The Office plans to delay their response until the outcome of this final NRC review is completed.

The NRC staff also discussed the upcoming due date for the Medical Use of Byproduct Material amendment (RATS-ID 2002-2). Office management stated that they are working on the Medical rule but will probably not meet the April 24, 2005, implementation date. They have been waiting for the training and education issue for medical licensees to be resolved.

d. **Program reorganizations:**

- i) *Discuss any changes in program organization including program/staff relocations and new appointments:* Office management stated that no organization changes are anticipated at this time. However, they informed NRC staff that the Office will be moving to a new location later this year. As a part of this move, the staff is working to reduce the amount of paper files that will need to be relocated.

e. **Changes in Program budget/funding:**

Office management does not expect any changes to the RAM budget. However, because of the potential loss of fees associated with the processing and burial of waste, the Waste program will be challenged to maintain adequate staffing.

5. Event Reporting, including follow-up and closure information in NMED:

As part of the preparation for the periodic meeting, the NRC staff reviewed all the reportable events that were reported to NMED by the Office since the previous IMPEP review. The staff identified ten reportable events. Of the ten, two were identified as not being reported timely and seven needed additional follow-up information. These events were discussed with the Office management. Office management stated that all reportable incidents are entered into the NMED database. The NRC staff discussed the importance of reporting significant events to NRC within 24 hours of notification and of ensuring that routine and follow up event information is provided to NMED on at least a monthly basis.

6. Response to Incidents and Allegations:

Two allegations were referred since the 2003 IMPEP. The allegations were appropriately reviewed and closed.

7. Status of the following Program areas:

a. **Sealed Source & Device Program:**

The RAM program has two fully qualified SS&D reviewers and two more staff that have attended NRC's SS&D workshop. The new SS&D reviewers are currently being mentored to further develop their skills by participating in the concurrence reviews.

b. **Uranium Mills Program:**

The Office staff are involved in the remediation of the Dawn Mining Company site. Last summer they were involved in the characterization of 700 acres, approximately 300 acres were determined to be affected. The Office expects the licensee to submit their soil clean-up plan soon. The licensee is seeking to reduce their financial assurance. The Office has concerns because of the groundwater issues at the site.

c. **Low-Level Waste Program:**

The Waste Program is in the process of renewing U.S. Ecology's license. The final environmental impact statement was published in the summer 2004. They anticipate having a draft license to be reviewed within 3 months. The Office will then be involved with the expected appeal.

8. Information exchange and discussion:

a. **Current State initiatives:**

In December 2002, the States received a letter from NRC informing them of a regulatory proposal to enhance the security of portable gauges. As a result of that notification, the Office instituted a licensing policy requiring that gauge users implement three levels of security for their devices when not under the physical control of the operator. The Office requires, by license condition, that the licensee establish the two outer levels of security so that each independently prevents the transport box, with the gauge, from being removed from the vehicle. Since instituting this licensing policy, the Office reported that loss of portable gauges in their jurisdiction had significantly reduced.

b. **Emerging technologies:**

The Office discussed a number of emerging technologies that are being addressed in the State. One was a research and development licensee who is developing a new low-level waste processing system. Another was a pilot test at the Dawn Mining site to study a new methodology for groundwater remediation.

c. **Large, complicated or unusual authorization for use of radioactive materials:**

The Office is involved in a number of complex licensing issues including major decommissioning sites such as Dawn. The renewal of U.S. Ecology's waste license is a major undertaking for the staff.

d. **Washington's mechanism to evaluate performance:**

As a part of their Strategic Plan, the State has developed detailed performance measures for each program area. Each program must track and report this information on a quarterly basis.

e. **NRC current initiatives:**

The NRC staff discussed the current status of the portable gauge rule, sensitive information screening of documents in ADAMS, Security Measures, and Part 35 - Training and Experience rulemaking.

9. Schedule for the next IMPEP review:

The next IMPEP is tentatively scheduled for FY2007. Office management requested that NRC consider scheduling the review in fall of 2007 because they will be hosting the CRCPD in the spring of 2007.