



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

March 24, 2004

Terry D. Lindsey, Program Director
Radiation Protection Services
Oregon State Health Division
Department of Human Resources
P.O. Box 14450
Portland, OR 97214-0450

Dear Mr. Lindsey:

A periodic meeting with Oregon was held on March 10, 2004. The purpose of this meeting was to review and discuss the status of Oregon's Agreement State Program. 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

Enclosure:
Agreement State Periodic Meeting
Summary for Oregon

cc w/enclosure:
Paul Lohaus, Director, STP

bcc: (via ADAMS e-mail distribution):

EECollins
CLCain
VHCampbell
LRakovan, STP
AMcCraw, STP
OSiurano, STP

MIS System

ADAMS: Yes No Initials: _mlm_____

Publicly Available Non-Publicly Available Sensitive Non-Sensitive

DOCUMENT NAME: draft: C:\ORPCheckout\FileNET\ML040850273.wpd final r:_dnms

RIV:RSAO				
MLMcLean				
/RA/				
03/23/04				

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR OREGON
DATE OF MEETING: March 10, 2004

ATTENDEES:

NRC

Elmo Collins, Director, Division of Nuclear Materials Safety, Region IV
Linda McLean, Regional State Agreements Officer, Region IV
Lance Rakovan, Agreement State Project Officer, Office of State and Tribal Programs

State of Oregon

Terry D. Lindsey, Manager, Radiation Protections Services
Edwin L. Wright, Manager, Radioactive Materials Licensing

DISCUSSION:

The Oregon Agreement State program is administered by the Department of Oregon Human Services, Office of Public Health Systems, Radiation Protection Services Section (the Section). The Program regulates approximately 480 specific licenses authorizing possession and use of Agreement materials. The last Integrated Materials Performance Evaluation Program (IMPEP) Review of Oregon's Agreement State Program was August 26-30, 2002.

The following is a summary of the meeting held in Portland, Oregon, on March 10, 2004, between representatives of the NRC and the State of Oregon. In addition to the names above, we met with the Section's inspectors to discuss program activities, and at the conclusion of the meeting, we met with Ms. Gail Shibley, Administrator for Oregon Office of Public Health Systems. During the meeting, the topics suggested in a letter dated January 28, 2004, from Mrs. McLean to Mr. Lindsey were discussed. The discussion pertaining to each topic is summarized below.

Strengths and Weaknesses of the Program

Strengths

- The Section has capable and competent staff. The new hires have good credentials. Currently, the Section is fully staffed, is able to fill vacancies, and is able to fund staff training.
- The Section can and does respond to events/incidents quickly. The staff does an excellent job in emergency response, licensing of radioactive materials, inspections of licensees and enforcement activities.
- Training of staff is at a high level for relatively new staff. Currently, the staff training is at ~75% completion level with 90+% level expected by July 2005. The Section plans to be 100% completed by end of 2005-07 biennium (pending any losses).

Weaknesses

- The Section needs to provide more structured training and guidance on data entry, and develop written protocols for the licensing process. The Section plans to update licensing guides and application forms, as well as inspection forms and inspection and enforcement protocols by June 2005.
- In mid-2002, all information technology (IT) management positions were transferred to a newly reorganized IT office. The Section's programmer, a converted technical staff position, was lost as a result. Not only did the Section lose its programmer but the Section could not convert the position back to a technical staff position. The Section explained that the loss of full time, dedicated IT programming support has delayed the development of new program modules and program enhancements to their database. To maintain capability in this area, the Section needs complete development of the program management software.

State Feedback on NRC's Program/NRC Program or Policy Changes That Could Impact Agreement States

The following topics were discussed:

- Manual Chapter 2800 changes: Changes in NRC inspection frequencies and how they may affect the State's inspection program were discussed.
- A copy of the Region IV organization chart was provided to the Section.
- Security inspections and the 274(i) agreement change: Oregon has not negotiated or provided any draft agreement to NRC yet. However, the program manager confirmed that Oregon is potentially interested in signing a 274(i) agreement and performing the security inspections, but they have several concerns regarding this process. The program manager stressed the need for more guidance on handling of sensitive/safeguard materials and training for the staff in implementing the process. The program manager made some suggestions for a more uniform program. They are as follows:
- Suggested that NRC use the FDA MQSA model for contracting for inspections services per facility against an agreed upon list of facilities to be inspected.
- Recommended sending one installer/trainer from NRC to each Agreement State and assist in the installation of the security equipment and provide training to designated staff for security handling procedures and requirements.
- Recommended that NRC provide a unified reference manual to each State to use for answering questions regarding receipt, handling, security, required records/files, physical security standards, non-disclosure briefing documents, minimum security standards for destruction of paper records (shredder), etc.

Recent or Pending State Program Changes

There are no pending State program changes. The budget is established and expected to be sufficient through the 2005-2007 biennium. The Section has adequate funding for training and instrumentation.

Internal Program Audits or Self Assessments

The Section's future goals and objectives:

- Management/staff training;
- Greater involvement in emergency response planning and exercise development;
- Updating of enforcement procedures and use of dedicated staff for investigation of allegations and compliance inspections;
- Cross training of inspection staff members in all radiation regulatory programs;
- Streamlining of licensing and inspection procedures to lessen regulatory burdens and improve efficiency of system operations;
- Cross training of licensing administrative support staff.

Vulnerabilities:

- Information systems support is the most critical element not fully supported by dedicated staffing or external commitment from IT;
- Potential loss of trained staff with current salary freezes and restrictions.

Status of Allegations Referred by NRC to the State

Two allegations were referred by NRC to the State during the review period. Both allegations were investigated and closed.

Compatibility of Oregon Rules and Regulations

The State Regulation Status Data Sheet report was discussed. The Section will review and update the report, and the information will be forwarded to STP.

Nuclear Material Events Database (NMED)

The Section is using the NMED database system for submitting events to INEEL. The State reports significant events to NRC's Operations Center. During this review period, there have been several issues with the NMED data provided by the State (e.g., several not reported and not completed notations were observed on the NMED reports). The Section has been making corrections to the database as needed. Recently, NMSS requested additional information for closure of some of the State's NMED reports. The State promptly responded and closed the event reports.

Schedule for next IMPEP Review

The next IMPEP Review will be in FY 2006.