



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

July 18, 2005

Terry D. Lindsey, Section Manager
Radiation Protection Services
Office of Public Health Systems
Department of Human Resources
800 NE Oregon Street, Suite 640
Portland, OR 97232

Dear Mr. Lindsey:

A periodic meeting with Oregon was held on June 21, 2005. The purpose of this meeting was to review and discuss the status of Oregon's Agreement State Program. The NRC was represented by me from NRC's Region IV office, and Dr. Terry Brock 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
State Agreements Officer
Region IV

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

bcc: (via ADAMS e-mail distribution):

LWert

CCain

VCampbell

JZabko, STP

AMcCraw

TBrock, STP

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Publicly Available Non-Publicly Available Sensitive Non-Sensitive

DOCUMENT NAME: C:\Documents and Settings\mgc\Local Settings\Temporary Internet Files\OLK2504\OR-6-21.wpd final r:_dnms

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PERIODIC MEETING SUMMARY FOR OREGON

DATE OF MEETING: June 21, 2005

ATTENDEES:

STATE

Terry D. Lindsey, Manager, Radiation Protections Services
Edwin L. Wright, Manager, Radioactive Materials Licensing
Sylvia Martin, License Reviewer
Justin Spence, Inspector, Health Physicist
David Murdza, Administrative Specialist
Kevin Siebert, Inspector, Health Physicist

NRC

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

DISCUSSION:

The last IMPEP Review was the week of August 26-30, 2002. Oregon's performance was found to be satisfactory for all performance indicators. Accordingly, the review team recommended finding the Oregon Agreement State program adequate to protect public health and safety and compatible with NRC's program, and that the next full review should be in approximately four years.

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

The MRB recommended that the NRC review, in coordination with the States, the issues of data sharing, closing and completing NMED reports, and processes used to provide periodic feedback to States on the status of their submittals.

Discussed with the State was how NRC shares national event data with the Agreement States. A copy of the STP Event Reporting Self Assessment Report, an NMED Quarterly Report, and an NMED Newsletter that provides guidance on the distinction between "closed" and "complete" event report records was provided to the State. It is recommended that this item be closed at the next IMPEP review.

Program items discussed:

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

The program has sufficient staff to maintain inspections current and licensing actions significantly less than 45 days. Other program activities, such as rules and licensing guides, however still need to be completed. These shortfalls do not currently reduce the effectiveness of licensee radiation safety programs.

2. 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 stated that the compatibility level for the GL rule be reconsidered by the NRC. The program is concerned that the NRC GL rule will diminish the effectiveness of Oregon's regulations. The program believes that the dilution of GL requirements at a time when security of these sources is critical is ill-timed. Oregon strongly supports assigning Category "C" compatibility to this rule. This position is also consistent with a majority of Agreement States on this issue.

3. Status of State Program including:

a. Staffing and Training:

The total FTE for the radioactive materials program is 6.25. This includes:

- Section Manager (0.25 FTE)
- Program Manager (1.0 FTE)
- Inspectors (3.0 FTE)
- Licensing (1.0 FTE)
- Administrative Assistant (1.0 FTE)

There are currently no vacancies in the radioactive materials program. Shortly after the last periodic meeting (March 10, 2004), the program's Administrative Assistant accepted a position working for the State Public Health Officer. Her replacement has been in the position for approximately one year.

The current radioactive materials staff is well trained and possess excellent knowledge, skills and professional expertise. Additional training in nuclear medicine and teletherapy and brachytherapy, as well as other industrial and transportation training courses would be helpful to fully develop staff inspection capabilities.

b. Materials Inspection Program: There are currently 34 Oregon licensee inspections due through June 30. None are over due. There are 12 out-of-state or reciprocity licensees due for inspection of which 4 are considered over due. However, out-of-state licensees are similar to reciprocity, and the program consistently inspects a majority of reciprocity licensees.

c. Regulations and Legislative changes: NRC's regulation review letter for Oregon dated January 23, 2003, has several comments that the program needs to address. The program manager committed to resolving the comments by August, 2005. Also discussed were the regulation amendments that have come due since the last IMPEP review that Oregon needs to adopt. The program was informed that this area has received increased attention from the Commission. The program was strongly encouraged to submit the overdue regulation amendments to STP. The regulations should be sent to STP within a reasonable time frame to ensure there is enough time to perform the compatibility review before the next IMPEP in 2006.

d. Program reorganizations: Since the last IMPEP review, Gail Shibley has been appointed as the new Office of Public Health Systems Administrator. She has encouraged manager development by providing resources and opportunities for training. Routine manager meetings also provide information and support for each group in the Office of Public Health Systems.

Another staff change has been the appointment of a new Public Health Director, Susan Allan. While she has only been with the State for about one month, it appears that she is very supportive of employee training and involvement in professional organizations.

During the third quarter of this year, Radiation Protection Services will be integrated into Office of Public Health Systems sections on the sixth floor of the State office building. A new phone system has recently been installed. Also, there will be some major changes to the program's database in the next few months. It appears that it will be converted to a program called Phoenix for the primary data and a program called Licensing 2000 for fee payments and other compatible components.

e. Changes in Program budget/funding: The program will be amending the rules prior to January 2006, with a request to increase fees by 15 to 20% to sustain current staffing levels and convert four limited duration positions to permanent status. Adding positions and increasing fees will also require legislative approval in 2007 to be adopted.

4. Event Reporting, including follow-up and closure information in NMED: All reportable incidents are entered into the NMED database. All NMED events for Oregon are closed and completed.
5. Response to Incidents and Allegations: One referred allegation has been investigated and completed, and one recent allegation of improper disposal of a tritium exit sign is under investigation at this time. (A subpoena is being prepared by NRC Region IV to require release of internet auction records for this case.)
6. Significant events and generic implications. The event involved a stuck source in a Novoste A1000 HDR Intravascular Brachytherapy unit containing 5 mCi Sr-90/Y-90. The guide tube had a kink in it and would not allow the source to retract past the kink. The source was in the tube outside the patient for approximately 15 seconds while the catheter was removed and the unit placed into the shielded container. The unit was returned to the manufacturer. The licensee decided to discontinue using this device and terminated their license shortly after this incident.
7. Information exchange and discussion:
 - a. Emerging technologies: The most recent emerging technology activity that the program was involved with was a PET-SPECT/CT amendment which required a rule revision. The change addressed operator qualifications to operate the CT portion of the system. The rule update also included provision for future changes in requires by ARRT and NMTCB for PET-SPECT/CT training.
 - b. Large, complicated or unusual authorizations for use of radioactive materials

i) *Panoramic/Pool/Underwater Irradiators.* There are none in the State.

ii) *Major decommissioning and license terminations actions.* License #ORE-90001 (Wah Chang) is currently being reviewed for final decommissioning plans and funding adequacy for license renewal action.

iii) *Waste processing, storage and disposal licenses.* The program will be completing a waste shipment of sources received from multiple non-licensed facilities (schools, individuals, metro waste sites and other orphan sources).

c. State's mechanisms to evaluate performance:

i) *Self audits.* Checks of program status are done informally on a weekly and monthly basis. Weekly reports are run to check the status of licensing and inspection activities. A monthly summary is completed for management review. A program audit is currently being conducted and will be completed during the third quarter of CY2005.

ii) *Computer tracking.* All licensing, inspection and incident information is maintained in a database. A special inventory update of unused medical therapy sources will also be completed during this calendar year.

iii) *Inspector accompaniments.* Accompaniments are occasionally performed on each inspector. The primary method used to evaluate performance is by reviewing inspection reports. The program manager identifies discrepancies and discusses them with the inspectors. Accompaniments usually occur when inspecting licensees with significant items of non-compliance or follow-up to incidents. The program manager was reminded of the need to accompany each inspector once a year to evaluate the inspectors' performance.

iv) *Other management tools.* Routine meetings are held with the program staff. Schedules, projects and problems are discussed and resolved during these meetings.

8. Other topics discussed:

a. Security inspections and the 274(l) agreement change were discussed. The program would like to participate in security inspections of licensees. They are currently assessing the possibility. The assessment should be completed by July 2005.

b. GL compatibility "B" is of significant concern to the program. Oregon is one of the leaders in registering and tracking GL devices. They believe that the NRC is asking the State to significantly reduce or eliminate portions their current GL program that has been very effective in preventing loss of control of radioactive materials.

c. The appointments of Commissioners Jaczko and Lyons, and personnel updates in STP were discussed.

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