



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064**

July 1, 2002

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 May 29, 2002. The purpose of this meeting was to review and discuss the status of Washington's Agreement State Program. The NRC was represented by me and Kevin Hsueh 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 to discuss your concerns.

Sincerely,

/RA/

Vivian H. Campbell
Regional State Agreements Officer

Enclosure:
As stated

cc w/encl

Paul Lohaus, Director, OSTP

John Erickson

-2-

bcc:
SPO1
e-mail DCD
D. Chamberlain
L. McLean
V. Campbell
K. Hsueh, OSTP
K. Schneider, OSTP
L. Rakovan, OSTP
W. Maier
J. Whitten

DOCUMENT NAME: S:\DNMS\SAO\Periodic Meetings\2002\WASummary.wpd

To receive copy of document, indicate in box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	RIV:RSAO		D:DNMS			
NAME	VHCampbell		DDChamberlain			
	<i>/RA/</i>		<i>/RA/</i>			
DATE	7/1/02		7/2/02			

OFFICIAL RECORD COPY

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR WASHINGTON

DATE OF MEETING: May 29, 2002

ATTENDEES:

NRC

Vivian Campbell, Regional State Agreements Officer
Kevin Hsueh, Agreement State Project Officer,
Office of State and Tribal Programs

State of Washington

John Erickson, Director, Division of Radiation Protection

Radioactive Materials Section
Terry Frazee, Supervisor
Arden Scroggs

Waste Management Section
Gary Robertson, Supervisor
Mikel Elsen
Nancy Darling
Earl Fordham
S. Jamil Ahmad

DISCUSSION:

The following is a summary of the meeting held in Olympia, Washington, on May 29, 2002, between representatives of the NRC and the State of Washington. During the meeting, the topics suggested in a letter dated March 12, 2002, from Ms. Campbell to Mr. Frazee 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 recommendation outlined in Section 5.0 of the final IMPEP report was discussed at the periodic meeting conducted November 29, 2000. As a result of the discussions at the November 29 periodic meeting, the staff recommended that this item be closed at the next IMPEP.

The current 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.

Status at the November 29, 2000 periodic meeting: The State informed the staff that they had developed detailed draft inspection procedures to be used by the

Waste Management staff to inspect uranium mill, low level radioactive waste and waste processor licensees. The State had also developed a separate draft inspection procedure to be used to evaluate onsite construction. These procedures were being used by the staff on a trial basis before final approval and sign-off.

Current Status: The State plans to finalize their procedures for onsite construction before the next IMPEP review and also plans to use NUREG 1620 as their procedure for reviewing a reclamation plan for Title II Mill Tailings Sites. The State acknowledged that they had received NRC's procedure for placement of rock and cover and plan to adopt it as well. The other inspection procedures used by the State's Waste Management Section have been finalized.

2. Strengths and Weaknesses of the Program

Program Strengths:

The Program continues to have experienced senior staff, a low turnover rate and good cooperation between the Sections. Currently, the Division has three certified health physicists on staff. Salaries are relatively high compared to other technical positions in the State. The State screens new job applicants with a 20 question exam to ensure that only the highest quality applicants are interviewed.

The State has had limited ability to increase fees in recent years because of legislative restraints. However, this past year the State was permitted to raise its fees enough to again be fully fees based. In addition, the State can now carry over excess funds on a biannual basis.

Program Weaknesses:

The need for succession planning for the replacement of critical staff continues to be a program weakness. However, the State is beginning to address this issue by developing a management mentoring program that consists of two phases. Phase 1 requires the participant to take specified management courses prior to advancing to Phase 2. Phase 2 requires the participant to work with a management mentor. The State has also implemented a recent change for staff who retire. The State can now allow retired staff to be rehired on a part-time basis giving the State another pool of qualified resources to temporarily address their staffing needs.

During the November 29, 2000 periodic meeting, the State had stated that Waste Management Section staffing levels would be directly affected by the fees generated. There has been a 1.5 FTE reduction in the Waste Management Section since the last periodic meeting.

The inspection backlog continues to be an issue for the Program, primarily the initial and Priority 1 inspections. There were never more than five overdue inspections at any time since the last periodic meeting and at the time of this periodic meeting there were only two overdue inspections based on NRC Priorities. The State has reduced the renewal

backlog to not more than 1 license pending for more than one year. Otherwise, the State's licensing program is current.

During the last periodic meeting, the State discussed the concern that the Governor's directive to require upper management concurrence on all communications with federal agencies could affect the ability of Division staff to comment on NRC rules, guidance and procedures. The State has now determined that the Governor's directive has had minimal impact on the Program. Upper management concurrence is not required by documents that contain purely technical issues.

As a result of the events of September 11, 2001, the State established a Terrorism Assessment Group to identify weaknesses in the emergency preparedness program. The Group has implemented some recommendations. The State has conducted a table top exercise and other exercises are being planned.

The State expressed some concern about their ability to participate in the National Materials program. Several managers have been reassigned to positions designed to assess and evaluate the States ability to respond to terrorist attacks. It has been necessary to assign senior staff to cover these positions during the absence of the manager. Due to the workload, the State has not been able to comment on NRC issues and support the national materials program.

The State anticipates a \$ 1.5 billion deficit next year. Although the Program is fully fee funded, the State has limited out of state travel.

3. State Feedback on NRC's Program

While the State supports the national materials program concept, they are fully aware of the funding issues. The State expressed concerns that if NRC discontinued promulgating federal rules, it would create difficulty for the State to adopt other States rules. Washington can adopt federal rules that are required for compatibility relatively easily. However, if the State were to adopt a national rule proposed by another state, the Program would be required to develop an environmental impact statement or a cost benefit analysis, and other administrative steps not required for federally required rules. This could create a significant burden for the State.

The State expressed their appreciation for the cooperative environment between NRC and the Program, specifically regarding the Millstone issues and the Hanford site. The State was particularly pleased with the opportunity for staff to participate in the NRC/OAS working group on uranium milling license termination in Agreement States.

4. Recent or Pending State Program Changes

The State provided an updated organization chart. The Waste Management and Radioactive Materials Sections are currently stable. The Waste Management Section lost 1.5 FTE when the Western Nuclear mill license was terminated. The State does not anticipate filling the vacancy in the Radioactive Materials Section. The Director of the

Division will be leaving July 1, 2002 for his new assignment. The State has posted the Director's position as acting and expects to make the selection no later than July 1. The State does not anticipate any legislative changes.

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

Ms. Campbell discussed the training on 10 CFR Part 35 in Region IV on July 23 - 24, 2002. The State does not plan to send a participant; however, they requested a copy of the video tape. The Region will provide a copy to the State. Mr. Hsueh discussed the status on the revision of the Inspection Manual Chapter 2800, and provided updates on the IMPEP lessons learned and SS&D working group. Mr. Hsueh also discussed new additions to the STP web site, including an "action items/due date" button selection, and the IMPEP tool box.

6. Internal Program Audits or Self Assessments

The State conducted a self assessment on the Radioactive Materials Program and the Waste Management Program in October 1998 in preparation for their last IMPEP review. The Conference of Radiation Control Program Directors (CRCPD) evaluated all other programs in the Division in January 2002. The State found this review to be useful.

7. Status of Allegations Referred by NRC to the State

No allegations have been referred since the last periodic meeting.

8. Compatibility of Washington Rules and Regulations

The three regulations that need to be adopted by the State are not due until 2003 or later. The State commented that their well logging regulations would require a major rewrite. The State does not currently have well logging licensees. However, they receive reciprocity requests for well logging activities from licensees outside the State. The State anticipates that they will be on track to complete the rule revisions before their assigned due dates.

9. Nuclear Material Events Database (NMED)

The State continues to report events by email, and does not input information using the NMED software. The State commented that the current NMED software is not compatible with their system and that they mainly used the web-based NMED system for checking their own NMED records.

The NRC staff commented that the State's process appears to be effective for initially reporting events. However, the NRC staff requested that the State ensure that routine and follow up event information is provided to the NMED on a monthly basis and that events are closed out in the NMED system. The State requested assistance in

identifying the NMED events that have not been closed out, and/or need additional information.

On June 17, 2002, the NRC staff including STP-designated Project Manager on Event Reporting continued discussions of this subject with the State. The NRC and State staff discussed two NMED data input fields, i.e., NMED record complete and event closed out by State. The State requested that the web-based NMED system be modified to provide a mechanism for the user to query the data to identify events that have not been closed out by the State. In addition, the State requested a mechanism to identify events that need additional information and to specifically identify the data that is considered incomplete.

The NRC staff indicated that currently the web-based NMED system does not allow the user to query the data to identify a selected group of events that have not been closed out by the State. Instead, the user needs to review each NMED record to find out whether an event has been closed out. The NRC staff further indicated that additional information needed to complete the NMED records is requested by the NMED contractor through e-mail on a needed basis. Nevertheless, the State's suggestions to improve the web-based NMED system have been forwarded to NMSS for consideration.

In the meantime, as part of the preparation for the periodic meeting, the NRC staff has reviewed all the reportable events, listed in the Attachment, that were reported to the NMED by the State since the previous IMPEP review. Following the June 17, 2002 discussion, the status on the "NMED record complete" and "event closed out by State" for each NMED record was included in the Attachment for reference. The State is requested to ensure that additional information is provided to the NMED to complete the NMED records and to update the NMED records indicating event files have been closed by the State if the State has made such a determination.

10. Schedule for next IMPEP Review

The next IMPEP is scheduled for fiscal year 2003.

Reportable events in NMED submitted by the State of Washington during the period September 4, 1999 - May 29, 2002

No.	NMED Record Complete	Event Closed by State	NMED Item No.	Licensee	Licensee Number
1	Y	No information has been received by the NMED contractor to fill out this column.	990763	Allied Technology Group	I0393-1
2	N		010899	Amec Earth and Environmental, Inc.	L093-1
3	Y		000341	Anvil Corp.	IR031-1
4	N		010503	Anvil Corp.	IR031-1
5	Y		000606	Columbia Asphalt & Gravel Inc.	I0440-1
6	N		000488	Edax, Inc.	I0282-1
7	N		000047	Federal Express	Non-Licensee
8	N		010111	Geoengineers, Inc.	I0204-1
9	Y		990750	Geoengineers, Inc.	I0204-1
10	Y		000008	Inspection Service Inc.	IR06401
11	N		000935	Mds Pharma Services, Inc.	L0106-1
12	N		000936	Northwest Inspection, Inc.	IR065-1
13	N		000912	Pacific Technical Industries	IR053-1
14	N		000022	Professional Service Industries, Inc.	IR021-1
15	Y		020169	Stericycle	Non-Licensee
16	Y		010492	Swedish Medical Center	M008-1
17	Y		000697	Translata Centralia Mining LLC	I0241-1
18	Y		000788	Translata Centralia Mining LLC	I0241-1
19	Y		000919	Translata Centralia Mining LLC	I0241-1
20	Y		020170	Translata Centralia Mining LLC	I0241-1
21	N		010171	Wahluke Produce, Inc.	I0332-1

22	Y		010182	Washington - University of	C001-1
23	Y		000457	Washington Department of Transportation	L073-1
24	N		010348	Weyerhaeuser Technology Center	L083-1
25	Y		011092	Weyerhaeuser Technology Center	L083-1
26	Y		990653	Wheelabrator	Non-Licensee
27	N		000875	Zipper Zeman Associates	I0507-1