



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 E. LAMAR BLVD., SUITE 400
ARLINGTON, TEXAS 76011-4125

June 14, 2010

Mr. Gary L. Robertson, Director
Office of Radiation Protection
Washington Department of Health
111 Israel Road, SE
P.O. Box 47827
Olympia, Washington 98504-7827

Dear Mr. Robertson:

A periodic meeting with you and your staff was held on May 10, 2010. The purpose of this meeting was to review and discuss the status of the Washington Agreement State Program. The NRC was represented by Ms. Rachel Browder from NRC's Region IV office 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 e-mail at Randy.Erickson@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Randy Erickson
Regional State Agreements Officer

Enclosure:
Periodic Meeting Summary for Washington

cc w/encl.: Mary C. Selecky, Secretary
Department of Health

Terry C. Frazee, Western Regional Director
Office of Radiation Protection

PERIODIC MEETING SUMMARY FOR THE
WASHINGTON DEPARTMENT OF HEALTH

DATE OF MEETING: MAY 10, 2010

NRC Attendees	Washington Attendees
Randy Erickson, RSAO	Gary Robertson, Director
Rachel Browder, RSAO	Terry Frazee, Western Regional Director
	Earl Fordham, Eastern Regional Director
	Multiple Technical and Administrative Staff

DISCUSSION:

The Washington Agreement State Program is administered by the Office of Radiation Protection (the Office) in the Division of Environmental Health. At the time of the meeting, the Washington Agreement State program regulated approximately 450 specific licenses authorizing the use of byproduct, source, and special nuclear material.

The previous Integrated Materials Performance Evaluation Program (IMPEP) review was conducted the week of May 5-9, 2008. At the conclusion of the review, the review team found Washington's performance to be satisfactory for all nine performance indicators and made no recommendations regarding program performance. The review team recommended, and the Management Review Board (MRB) agreed, that the Washington Agreement State Program was adequate to protect public health and safety and compatible with U.S. Nuclear Regulatory Commission's (NRC) program. The review team also recommended, and the MRB agreed, that the next full IMPEP review take place in approximately 4 years.

Other topics covered at the meeting included:

Program Strengths: The Washington Program is a very busy program with a highly motivated, well-trained, and dedicated staff that works well together. Management has placed a high level of trust in the staff and actively encourages staff to speak out for the betterment of the program. Since the last IMPEP review, the Office experienced minimal staff loss but has been successful in filling those positions with talented individuals, bolstering the Program's already broad knowledge base. Several staff members have been, and others currently are, involved in NRC working groups. Some staff members are also active participants on IMPEP teams. The Office Director recently announced his retirement in late 2010 and they are actively engaged in succession planning.

Program Weaknesses: The Office noted that the only out-of-state training they can attend is training paid for by outside entities such as NRC; otherwise, out-of-state travel has been put on hold. While these rules have been a problem for them, they have been able to manage staff training successfully. They also noted that the competition for seats in NRC's training classes has often limited their opportunities to attend classes.

Enclosure

Feedback on NRC's Program

As indicated above, the Office noted problems with getting their staff into training. They believe that, due to the depth of their program, their staff is frequently placed at a lower priority and that, coupled with a limited number of classes, makes it difficult to get newer staff through the required training.

The staff indicated their concern with NRC's requests for feedback on NRC initiatives. The Office puts significant time into developing responses, but is concerned that those responses are not necessarily considered seriously. They base this on the fact that their comments are not necessarily integrated into the final product.

The Office would like NRC to improve the NRC website. They do not find it easy to navigate and information is sometimes very difficult to locate. The search feature is not good at taking the user to the requested documents. The Office held out the U.S. Environmental Protection Agency (EPA) website as a good example of an easy to navigate website.

The Office requested that NRC provide summary feedback to the States regarding NRC's request for National Source Tracking System (NSTS) feedback from the States.

Staffing and Training

The Office is managed by the Office Director and two Regional Directors. The Office is comprised of seven sections split between the two Regions. The Western Regional Director is located in the Olympia Office and is responsible for the operations of three sections: the Radioactive Materials Section (the Materials Section), the X-ray Section, and the Information Management and Process Development Section.

The Eastern Regional Director is located in the Richland Office and is responsible for the operations of four sections: the Radioactive Air Emissions Section, the Environmental Radiation Monitoring and Assessment Section, the Radiological Emergency Preparedness Section, and the Waste Management Section (the Waste Section). The Agreement State program is primarily administered by the Materials Section and the Waste Section, with the other sections providing various degrees of support.

At the time of the meeting, the Materials Section employed eight technical staff members and an administrative staff member. The technical staff members perform licensing, inspection, and emergency response activities. The Materials Section, currently headed by the Materials Section Supervisor, is recently vacant. Another senior staff member is currently acting in that position. Additionally, three senior staff members act as Program Managers for three major licensee groups: medical, industrial, and laboratory use.

At the time of the meeting, the Waste Section employed six technical staff members and an administrative staff member. The technical staff members perform licensing, inspection, and emergency response activities. Additionally, three senior staff members act as Program Managers for three major licensee groups: uranium mills, low-level radioactive waste, and radioactive waste processing.

Overall, the Office reports they are sufficiently staffed to meet their program mission, although there are a few areas where additional staff would be helpful. In the Materials Section, the only activity where additional staff would be of transitory help is reviewing decommissioning funding plans. One large industrial licensee has submitted many requests for decommissioning individual buildings and several reviews had not been completed at the time of the NRC review. In addition, another licensee's decommissioning funding plan had been in process for 3 years. The complicating factors have been delays because licensees do not always submit plans in a timely manner and often have difficulties understanding the standards in NUREG-1757. The Waste Section has one complex license (radioactive waste processor) that has been in timely renewal since June 10, 2008.

Program Reorganizations

The Office has not experienced any program reorganizations since the previous IMPEP review. With the impending departure of the Office Director, the Office was directed by Department management to look at potential reorganization options. If reorganization is implemented, it is expected that the basic organizational structure (Director, Regional Directors, and defined technical sections) would remain intact.

Changes in Program Budget/Funding

The Office has not experienced any problems with budgeting or funding. The Office is fee funded. The only issue that will affect the program irrespective of their funding level is the overriding requirement that all state government offices be subjected to 10 furlough days per year beginning July 1, 2010.

Materials and Waste Section Inspection Programs

The Office reported that they currently have no overdue inspections. Routine inspections are generally performed by the due date, but certainly within the 25 percent window. Initial inspections are typically performed within 12 months of issuance. The staff continues to keep up with reciprocity inspections.

All initial IC inspections have been completed and IC follow up inspections are now performed at the time of the health and safety inspection. NSTS inventories are being reviewed for those affected licensees, and pre-licensing site visits are being performed on all new licenses being issued.

Regulations and Legislative Changes

The Office reported that they are mostly up-to-date with the regulation development. One regulatory package is making its way through the system and will be final in July 2010. This will make three overdue regulatory packages current and leave only two other regulatory packages to be completed.

Event Reporting, Including Followup and Closure Information in NMED

The Office had reported 19 events to NMED since the 2008 IMPEP review with 7 still open. The Office continues to monitor these events and is closing them as information becomes available.

Response to Incidents and Allegations

The Office continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their effect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Office has placed a high emphasis on maintaining an effective response to incidents and allegations.

Status of Allegations and Concerns Referred by the NRC for Action

No allegations were formally referred by NRC during the review period.

Significant Events and Generic Implications

The Office noted that they are involved with a generic training issue for the Seattle Cancer Care Alliance involving HDR treatment planning software problems.

Current State Initiatives

The Office noted that the X-ray Program is adding cyclotrons and accelerators to the work they oversee. They also noted that desk manuals are being developed for key positions within the program.

Emerging Technologies

The Office is working with a Washington based licensee who has an application in to NRC for molybdenum-99 production using low enriched uranium.

Large, Complicated, or Unusual Authorizations for Use of Radioactive Materials

The Office identified the ongoing decommissioning work at Dawn Mining Company and the 40 acres of US Ecology trenches being covered as examples of nonstandard projects they are working on. Staff continues to do confirmatory surveys in these locations.

The Office also identified decommissioning activities at Boeing and at Washington State University, which is decommissioning two entire buildings.

State's Mechanisms to Evaluate Performance

The Office utilizes many measures to evaluate program performance. The Waste Section performs full self-audits every 2 years; the Materials Section evaluates their performance in meeting requirements for inspection timeliness including the

performance of inspections at a frequency that is one year less than NRC's inspection frequency.

Annual supervisor accompaniments are performed. Additionally, the senior staff accompanies each other every 2 years. Licensing staff in both the Materials and Waste sections use QA sheets for all licensing activities to ensure consistency.

The Materials Section Supervisor randomly reviews 10 percent of all licensing QA sheets and 10 percent of all inspection reports. If an individual is not fully qualified, a senior inspector signs off on each piece of work they perform, including both licensing and inspection activities. The Materials Section also uses computer tracking to evaluate records and audits, 100 percent of those each quarter. The Waste Section Supervisor reviews 100 percent of all licensing actions and inspection reports.

Current NRC Initiatives

NRC staff discussed ongoing initiatives with the Office. This included pre-licensing guidance, fingerprint orders, national source tracking, web-based licensing, generally licensed devices, and Part 37.

Schedule for the Next IMPEP Review

It is recommended that the next IMPEP review be held on schedule in 2 years.