



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

July 7, 2014

David B. Jansen, Director
Office of Radiation Protection
Washington Department of Health
111 Israel Road, SE
P.O. Box 47827
Olympia, Washington 98504-7827

Dear Mr. Jansen:

A periodic meeting with your State was held on May 6, 2014. The purpose of this meeting was to review and discuss the status of the Washington Agreement State Program. The NRC was represented by Anton Vogel from the Division of Nuclear Materials Safety (DNMS) in NRC Region IV, Lisa Dimmick from the Office of Federal and State Materials and Environmental Management Programs (FSME), 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 817-200-1143 or email Randy.Erickson@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Randy Erickson
Regional State Agreements Officer

Enclosure:
Periodic Meeting Summary for Washington

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR THE
WASHINGTON DEPARTMENT OF HEALTH

DATE OF MEETING: MAY 6, 2014

NRC Attendees	Washington Attendees
Randy Erickson, RSAO	David Jansen, Director
Anton Vegel, R-IV	Earl Fordham, Eastern Deputy Director
Lisa Dimmick, FSME	Craig Lawrence, Supervisor Materials
	Mikel Elsen, Supervisor Waste Section

DISCUSSION:

The Washington Agreement State Program is administered by the Office of Radiation Protection (the Office) in the Division of Environmental Public Health (the Division). The Division is part of the Department of Health (the Department).

The previous IMPEP review (ML13212A225) was conducted the week of May 6-10, 2013. At the conclusion of the review the team found Washington's performance to be satisfactory for all performance indicators reviewed. The review team made one recommendation regarding program performance by the State. Accordingly, the review team recommended, and the MRB agreed, that the Washington Agreement State Program be found adequate to protect public health and safety and compatible with the NRC's program. The team recommended that the next full IMPEP review take place in four years and have a periodic meeting in one year in order to monitor the Office's transition to a new director. The MRB believed that the next review should be held in five years but agreed that the Periodic Meeting could be held in one year.

The current status of the recommendation identified during the 2013 Washington final IMPEP report is summarized below.

- The review team recommends that the State implement a process to ensure that radioactive material incidents involving sealed sources and devices registered by the State are periodically and independently assessed by the State for generic issues and that any potential generic issues are communicated to licensees and fellow regulators in a timely manner. (Section 4.2.3 of the 2013 IMPEP Report)

Current Status: The Program reported they added a license condition to their own license requiring the review and implemented a process where one staff member performs six month reviews to ensure that radioactive material incidents involving sealed sources and devices registered by the State are periodically and independently assessed for generic issues and that any potential generic issues are communicated to licensees and fellow regulators in a timely manner.

This process began immediately following the 2013 review. The individual initiating the process reviews NMED events to see if any of the events involve devices approved by Washington. To date they have not found any that have, but when they do, they will follow the process and evaluate any potential generic issues and provide that information to fellow regulators and

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licensees. A second staff member verifies that the review has been conducted timely and according to the established process.

Other topics covered at the meeting included:

Program Strengths:

The Washington Program is a busy program with a highly motivated staff that is responsible for the licensing and inspection of approximately 390 specific materials licensees. Management support to the Program is outstanding and access to senior management is unencumbered. The Program noted that the dedication of their staff to making the program successful is a huge strength for them.

The Program reported that as a program they are becoming progressively stronger. Funding is strong, training is good and they are fully staffed with the addition of a new staff member with a doctorate degree in Health Physics. The previous review noted turnover at the management positions. This has stabilized and they don't anticipate any additional management changes in the near term.

Program Weaknesses:

While the Program has experienced success in filling positions in the materials program, they have concerns about how to retain experienced staff. They recently lost their database manager which is a short term setback for the program. They also lost their long term uranium recovery staff member to retirement. The program was successful in hiring a well-qualified individual and was able to double encumber the position for training and knowledge management purposes. They are also concerned about finding a more realizable source of funding for emergency response.

Feedback on NRC's Program:

- The Program expressed their appreciation for the support they receive in the form of training from NRC. They have had little difficulty in getting staff into classes.
- The Program noted that there are no available training classes in the waste area. They asked if NRC would consider providing training for those programs with waste programs, possibly in the form of a webinar.

Staffing and training:

The Washington Program is managed by the Office Director and two Deputy Directors with responsibility for six sections. One Deputy Director is located in the Olympia Office and is responsible for the operations of the X-Ray and Emergency Response Sections. The other Deputy Director is stationed in the Richland Office and is responsible for the Air Emissions, Environmental Sciences, Materials and Waste Sections. At present the Program is fully staffed with technical staff but needs to replace the database manager. They have had few problems getting into NRC training classes and augment that with additional training when

available. They plan to send several staff to NMED training being held in Portland in October.

Program reorganizations:

The Program has not been subject to reorganization since the 2013 IMPEP review.

Changes in Program budget/funding:

The Program has not experienced any problems with budgeting or funding.

Materials Inspection Program:

The Program reported that they have not had any overdue inspections since the 2013 review. Initial inspections are typically performed within 12 months of issuance. They continue to inspect reciprocity licensees and have not had difficulty performing inspections on at least 20 percent of candidate reciprocity licensees. The Program performs Increased Controls inspections concurrent with health and safety inspections. Supervisory accompaniments are performed annually by the technical leads. The Radioactive Materials Manager performs accompaniments of the technical leads.

Licensing Program:

The Program reported that the licensing program is active. Each of the staff performs both inspections and licensing actions as assigned. The technical leads perform the more advanced or complex licensing actions. The Program noted that licensing actions are tracked and that no backlogs exist.

Sealed Source and Device Evaluation Program (SS&D):

The Program reported that the SS&D Program is a small part of their activities with only three actions being performed over the five year 2013 IMPEP review period. No actions have been performed since the review. At the time of the 2013 review the team noted one issue where sealed sources and devices registered by the State were not being periodically and independently assessed by the State for generic issues and then to communicate those issues to licensees and fellow regulators in a timely manner. The team made a recommendation in this area which has already been discussed.

Uranium Recovery Program:

At the time of the 2013 IMPEP review, the Waste Section had one licensed conventional mill site: the Dawn Mining Company. This site was placed in shutdown status and initiated reclamation and decommissioning activities in 2001. The process related buildings and structures were decommissioned and buried in 2003. The only activities at the site are related to surface reclamation and groundwater monitoring. The Program reported that the final radon barrier over three old tailings impoundments is scheduled to be completed by the end of summer 2014. The fourth old tailings impoundment has been covered with an interim

cover. All of the surface reclamation, including erosion protection and a surface water diversion ditch, are scheduled to be completed by the end of the construction season in 2016.

Regulations and Legislative changes:

The Program reported that no legislative packages affecting the Program were adopted since the 2013 IMPEP review.

The following are regulations that still need to be addressed by the Program.

- “Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements,” 10 CFR Parts 30, 31, 32, and 150 amendments (72 FR 58473), that was due for Agreement State adoption by December 17, 2010.

Event reporting, including follow-up and closure information in NMED.

Since the 2013 IMPEP review, the Program had reported five events to NMED, with one remaining open. The event can be closed and the Program indicated they will close it.

Response to incidents and allegations.

The Program continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their affect on public health and safety. Incidents are evaluated for safety significance and staff is dispatched to perform onsite investigations whenever possible.

Status of allegations and concerns referred by the NRC for action.

The Program continues to process allegations as they are received. Since the 2013 IMPEP review, the NRC has referred two allegations to the Program. Each of the allegations received by the Program have been investigated and closed. The Program continues to be sensitive to issues of identity protection regarding allegeders.

Current NRC initiatives:

The following NRC initiatives were discussed with the Program:

- FSME – NMSS Merger
- NRC’s inspector qualification program (IMC 1248)
- Updates on the NUREG 1556 series revisions
- Rulemaking Initiatives (Parts 35, 37 and 61)
- Performance Based Compatibility
- FSME and RCPD Letters
- Policy Statements for Agreement States on Adequacy and Compatibility

Schedule for the next IMPEP review:

It is recommended that the next IMPEP review to be held on schedule in May 2018 with another Periodic Meeting in two years.