DATED: AUGUST 21, 1992

Ms. Kristine M. Gebbie, Secretary
Department of Health
1112 South Quince Street
Olympia, WA 98504

Dear Ms. Gebbie:

This letter confirms the discussion Jack Hornor, James Malaro and Richard Blanton held with Dr. Mimi Fields and your staff on July 17, 1992, following our review of the State's radiation control program.

As a result of our review of the State's program and the routine exchange of information between the Nuclear Regulatory Commission (NRC) and the State of Washington, we believe that the State's program for regulating agreement materials is adequate to protect the public health and safety and is compatible with the NRC regulatory program for similar materials.

We were pleased to find the Washington regulations have been updated and are now compatible with NRC regulations adopted prior to the end of 1989. Adopting compatibility regulations within the three year time frame ensures uniformity among regulatory agencies and improves the effectiveness of the regulatory process.

We also congratulate you and your staff for the overall improvement in the radiation control program. The number of findings in both the radioactive materials and waste management sections decreased from the two previous reviews.

Enclosure 1 contains an explanation of our policies and practices for reviewing Agreement State programs.

Enclosure 2 is a summary of the review findings which were discussed with Terry R. Strong, Director, Division of Radiation Protection. We request specific responses from the State on the current review comments and recommendations in Enclosure 2.

In accordance with NRC practice, I am also enclosing a copy of this letter for placement in the State's Public Document Room or otherwise to be made available for public review.

I appreciate the courtesy and cooperation extended the NRC staff during the review. I am looking forward to your staff's responses to the Enclosure 2 recommendations.

Sincerely,

Carlton Kammerer, Director
Office of State Programs

Enclosures:
As stated

cc w/encls:
Mimi L. Fields, M.D., M.P.H.,
Health Officer, Washington
Department of Health
Terry R. Strong, Director, Washington
Division of Radiation Protection
J. M. Taylor, Executive Director for
Operations, NRC
John B. Martin, Regional Administrator, NRC Region V
Dan Silver, State Liaison Officer
State Public Document Room
NRC Public Document Room

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State Public Document Room
NRC Public Document Room

bcc w/encls:
The Chairman
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
Commissioner de Planque

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*See previous concurrence

OFC	RV:SAO	RV:DRSS	RV:RA	SP:SA:AD	SP:DD	
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DTE	8/3/92*	8/4/92*	8/4/92*	8/ /92	8/ /92	

OFC	NMSS	SP:D	EDO:DEDS	EDO		
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DTE	8/ /92	8/ /92	8/ /92	8/ /92		

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Application of "Guidelines for NRC Review of Agreement State Radiation Control Programs"

The "Guidelines for NRC Review of Agreement State Radiation Control Programs," were published in the Federal Register on May 28, 1992, as an NRC Policy Statement. The Guidelines provide 30 indicators for evaluating Agreement State program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the indicators into two categories.

Category I indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I indicator areas, then the need for improvements may be critical.

Category II indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e., those that fall under Category I indicators. Category II indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety and is compatible with the NRC's program. If one or more significant Category I comments are provided, the State will be notified that the program deficiencies may seriously affect the State's ability to protect the public health and safety and that the need of improvement in particular program areas is critical. If, following receipt and evaluation, the State's response appears satisfactory in addressing the significant Category I comments, the staff may offer findings of adequacy and compatibility as appropriate or defer such offering until the State's actions are examined and their effectiveness confirmed in a subsequent review. If additional information is needed to evaluate the State's actions, the staff may request the information through follow-up correspondence or perform a follow-up or special, limited review. NRC staff may hold a special meeting with appropriate State representatives. No significant items will be left unresolved over a prolonged period. The Commission will be informed of the results of the reviews of the individual Agreement State programs and copies of the review correspondence to the States will be placed in the NRC Public Document Room. If the State program does not improve or if additional significant Category I deficiencies have developed, a staff finding that the program is not adequate will be considered and the NRC may institute proceedings to suspend or revoke all or part of the Agreement in accordance with Section 274j of the Act, as amended.

ENCLOSURE 1

SUMMARY OF ASSESSMENTS AND COMMENTS
FOR THE WASHINGTON RADIATION CONTROL PROGRAM
AUGUST 24, 1990 TO JULY 17, 1992

SCOPE OF REVIEW

This program review was conducted in accordance with the Commission's Policy Statement for reviewing Agreement State Programs published in the Federal Register on May 28, 1992, and the internal procedures established by the Office of State Programs. The State's program was reviewed against the 30 program indicators provided in the guidelines. The review included inspector accompaniments, discussions with program management and staff, technical evaluation of selected license and compliance files, and the evaluation of the State's responses to an NRC questionnaire that was sent to the State in preparation for the review. The review covered the radioactive materials program, the low-level waste program, and the uranium mills program.

The 23rd regulatory program review meeting with Washington representatives was held during the period July 6-17, 1992, in Olympia. The State was represented by Terry R. Strong, Director, Division of Radiation Protection; Terry Frazee, Head, Radioactive Materials Section; and Gary Robertson, Head, Waste Management Section. The NRC was represented by Jack Hornor, Region V State Agreements Officer; James Malaro, Senior Technical Advisor, Office of Research; and Richard Blanton, Health Physicist, Office of State Programs. Ben B. Hayes, Director, Office of Investigations, met with the State and other NRC representatives on July 13-15, 1992 to discuss allegations, investigations and enforcement procedures in Agreement States.

The team reviewed all incident files and selected license and compliance files in the Radioactive Materials Section. They also reviewed all licensing actions, incidents, inspection reports and enforcement actions completed by the Waste Management Section during the review period.

The team accompanied the on-site inspector at the Hanford low-level waste burial site on July 7. Two materials inspectors were accompanied on July 9 and July 14 by Mr. Hornor and Mr. Blanton, respectively. The team, with a State representative, visited three uranium mill and mine sites in Eastern Washington on July 6. The team and a Washington representative also visited a State licensee, Allied Technical Group, in Richland on July 7.

A summary meeting regarding the results of the review was held on July 17 with Dr. Mimi Fields, Health Officer, Mr. Strong, and Mr. Frazee.

CONCLUSION

The program for control of agreement materials is adequate to protect the public health and safety and is compatible with the NRC regulatory program for similar materials.

STATUS OF PROGRAM RELATED TO PREVIOUS NRC FINDINGS

A number of problems found in the August 1990 routine review of the Washington radioactive materials program indicated the need for a follow-up review to evaluate the corrective actions taken in response to our comments. The follow-up review was conducted during the period August 19-23, 1991. Although the follow-up review focused on evaluating changes made in response to our

previous findings, related program indicators were also reviewed. Specific comments and recommendations for the radioactive materials program were sent to the State in a letter to Ms. Gebbie dated October 18, 1991.

The State has taken corrective action in response to our comments as follows:

1. Quality of Emergency Planning

   Minor comments regarding the State's written emergency plan had been made following four consecutive reviews. We were pleased to find a revised plan had been issued in its final form in April 1992. The plan was reviewed and it was verified that the previous problems had been corrected. This closes the issue.

2. Technical Quality of Licensing Actions

   One complex license amendment had fourteen deficiencies and although none were significant, there was no management review of the casework. Acting on our suggestion, management now reviews all complex cases and randomly reviews every tenth case by each reviewer. The quality of the licenses has improved and we consider the issue closed.

3. Licensing Procedures

   Several of the State's licensing policies were not entirely consistent with current NRC practice. The State's policies regarding molybdenum breakthrough, dose assay, patient hospitalization for I-131 therapy, counting temporary brachytherapy sources after removal from the patient, and handling proprietary information have been changed through new license conditions. This action is sufficient to meet the guidelines.

4. Inspection Procedures

   During the 1991 review, we commented that "Field Form" notices similar to the NRC Form 591 were being misused in some cases with serious or repeat items of non-compliance. Although improvement was noted, we found inspectors inconsistent in their use of the form. This issue is again addressed in comment 1.b of this report.

5. Inspection Reports

   In some cases, the documentation was incomplete in the inspection reports. Cases were found in which the inspectors failed to cite specific regulations or document corrective actions taken on previous violations. Although these specific items showed improvement, the issue of incomplete documentation is again addressed in comment 2 below.

CURRENT REVIEW COMMENTS AND RECOMMENDATIONS

All 30 program indicators were reviewed and the State fully satisfies 28 of these indicators. Specific comments and recommendations for the remaining two indicators are as follows:

1. Administrative Procedures is a Category II Indicator.

   The radiation control program should establish written internal policy and administrative procedures to assure that program functions are carried out as required and to provide a high degree of uniformity and continuity in regulatory practices.

   a. Comment

      The State's procedures for terminating licenses allow the State three months to act on requests for termination, and do not require documented verification of the final disposition of the radioactive material.

Recommendation

We recommend terminations be handled promptly upon receipt of the request. We also recommend a check list be developed that documents verification of the final disposition of the material.

b. Comment

During the file reviews we noted that enforcement actions were not always consistent among similar cases. We also found the Field Form notices similar to the NRC form 591 were used inconsistently by various inspectors.

Recommendation

We recommend the State develop procedures that uniformly trigger escalated enforcement actions at defined severity levels. The procedures should specify at which levels the use of the short "Field Form" may be used.

2. Inspection Reports is a Category II Indicator.

Comment

Inspection findings should be documented adequately and uniformly in a report describing the scope of inspections, substantiating all items of noncompliance, describing the scope of licensees' programs, and indicating the substance of discussions with licensee management. In seven cases the inspection reports failed to adequately document radiation and ancillary worker interviews. Other discrepancies in the files included failure to document review of the licensee's measurement of air flows, review of liquid effluent records, and review of emergency and operating procedures. Also reports of follow-up inspections did not document exit interviews.

Recommendation

The inspection and follow-up report forms should be revised to provide better ways for the inspector to document the complete scope of the inspection including follow up and close out of previous violations, interviews with radiation and ancillary workers, observation of operations, review of records, and the substance of the exit interviews with management.

SUMMARY OF DISCUSSIONS WITH STATE REPRESENTATIVES

Mr. Hornor presented the results of the program review to Dr. Fields, Mr. Strong, and Mr. Frazee, during a summary meeting held on July 17, 1992. Mr. Malaro and Mr. Blanton also participated in the meeting.

The State was commended on updating their regulations and on the overall improvement in the program. Because Dr. Fields was unfamiliar with Agreement State Programs, the Agreement State program and the review process was explained to her. The current findings were then briefly discussed.

Dr. Fields was asked about funding problems that might arise, as has been the case in several Agreement States. She explained that the radiation control program is funded entirely from fees which are separate from the General Fund. She assured those present that the Department of Health anticipated no problems in adequately funding the radiation control program.

Dr. Fields was informed that the results of the review would be reported in a letter to Ms. Gebbie from Mr. Kammerer and that a written response would be requested.

Dr. Fields then thanked the NRC for their assistance and expressed her pleasure in the improvements in the program.