

**Gallagher, Carol**

**From:** Frazee, Terry (DOH) [Terry.Frazee@DOH.WA.GOV]  
**Sent:** Friday, February 26, 2010 2:44 PM  
**To:** Lesar, Michael  
**Cc:** Gallagher, Carol; Firth, James; Robertson, Gary (DOH); Scroggs, Arden (DOH); Grumbles, Anine (DOH); Fordham, Earl W (DOH); Erickson, Randy; Shaffer, Mark  
**Subject:** Comments on Draft Safety Culture policy Statement - Docket NRC-2009-0485

Michael T. Lesar, Chief

Rulemaking and Directives Branch (RDB)

Office of Administration

Mail Stop: TWB-05-B01M

USNRC

Washington, DC 20555-0001

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Dear Mr. Lesar:

The following comments express our overarching concern with the proposed Draft Safety Culture Policy (Draft Policy) as presented in the November 6, 2009 Federal Register Notice.

We understand that the concept of Safety Culture is vital and works fairly well with the nuclear power industry in general. It has worked well enough that you have expanded it to include fuel fabrication licensees. That is it not a perfect solution appears evident in that two of the five issues brought up as examples supporting the need for the currently proposed Draft Policy are from the nuclear power industry.

In our view, the other examples (I-131 therapy to lactating mothers, loss of control of sealed sources, and brachytherapy seed placement and exposure) have proximate causes related to failing to follow existing regulations and required procedures. Further, these issues appear to be anomalies, not widespread practice.

1) It appears that the Draft Policy is eventually headed toward becoming a rule. We believe the Nuclear Regulatory Commission and Agreement States already have adequate regulations in place. We don't need additional regulations. The real issue is enforcement of existing rules. A better solution than a "policy" would be to increase the frequency of inspections with a focus on training of personnel (do they know what they need to do and do they do it!)

2) We are also concerned about the proportionality of this effort. The nuclear power industry is extremely focused on radiation protection with specialized health physics staff; small "one-shop" licensees, such as portable gauge users and small research laboratories use radioactivity only as a very small element of their business. It is not good economic or common sense to impose a one-size fits all Draft Policy. You will get the point across more easily at a lower cost with a one-sentence or one paragraph policy statement.

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Cell = A. Spountzis (GPS)

3) At this time of economic shortfalls and strained resources, we believe spending additional time and resources on a large scale *Safety and Security Culture Policy Statement* is not warranted especially when it is not truly required (see above). The additional work commitment on the Agreement States and small licensees would be many thousands of dollars and this added cost to struggling programs is not productive. Really important safety and security requirements such as Increased Controls, fingerprinting and nuclear gauge security for transport have already imposed a huge price tag on licensees as well as Agreement State programs.

4) Finally, we are concerned with the underlying message: the need for such a Draft Policy (and potential for future additional regulations) infers that the Nuclear Regulatory Commission and the Agreement States have not adequately implemented safety and security measures in their licensees' programs. We would argue that we do have adequate regulations, we do emphasize appropriate levels of enforcement commensurate with the risk imposed by the type of use of radioactive materials, and our interactions with our licensees instill an awareness of and focus on safety and security in their workplaces. If any change is required, we would support increased frequency of our interactions with licensees (whether via inspections, technical assistance, our training of RSOs, etc.)

Thank you for the opportunity to comment.

Sincerely,

Terry C. Frazee

Western Regional Director

Office of Radiation Protection

Washington Department of Health