

Washington's Radiological Health Rules ~ December 2016

State Section	NRC Section	RATS ID	Category	NRC Subject and Comments	Washington State's Response
246-232-009	30.15(a)(2)	2012-4	B	<p>Certain items containing byproduct material WA needs to add the requirements contained in 10 CFR 30.15(a)(2) to the corresponding WA regulations in 246-232-009.</p> <p>WA needs to make the changes to 246-232-009 described above to meet the Compatibility Category B designation assigned to 10 CFR 30.15(a)(2).</p>	Washington State adopted this change in WAC 246-232-009(1), (2)(a), and (2)(b).
246-232-011(1)(b)	30.19(b)	2012-4	B	<p>Self-luminous products containing tritium, krypton 85, or promethium 147 WA needs to replace the phrase "shall apply for a license under chapter 246-235 WAC" with the phrase "should apply for a license under 10 CFR 32.22 and for a certificate of registration in accordance with 246-235-108 WAC."</p> <p>WA needs to make the language substitution above to 246-232-011(1)(b) to meet the Compatibility Category B designation assigned to 10 CFR 30.19(b).</p>	Washington State adopted this change in WAC 246-232-011 (1)(b).
246-232-012	30.20	2012-4	B	<p>Gas and aerosol detectors containing byproduct material WA needs to replace the phrase "gas or aerosol detectors" with "gas and aerosol detectors" in the first sentence of 232-012(1)(a) and 232-012(1)(b).</p> <p>WA needs to revise 246-232-012 so that the exemption in 246-232-012(1)(a) directly corresponds to the exemption in 10 CFR 30.20(a). The exemption should include the WA equivalent to 10 CFR 19, 20, 30 through 36, and 39.</p> <p>WA needs to replace the phrase "by the department, NRC, or an agreement state" in 246-232-012(1)(a) with the phrase "under 10 CFR 32.26."</p> <p>In the last sentence of 246-232-012(1)(a), WA needs to add the phrase "issued by a State under comparable provisions to 10 CFR 32.26" between the words "license" and "authorizing."</p> <p>WA needs to replace the phrase "this chapter shall apply for a license under chapter 246-235 WAC" in 246-232-012(1)(b) with the phrase "subsection (1) should apply for a license under 10 CFR 32.26 and for a certificate of registration in accordance with WAC 246-235-108."</p>	Washington State adopted these changes in WAC 246-232-012(1)(a) and (1)(b).

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				WA needs to make the changes to 246-232-012 described above to meet the Compatibility Category B designation assigned to 10 CFR 30.20.	
246-232-015	30.22	2012-4	B	<p>Certain industrial devices WA needs to add the phrase "issued under 10 CFR 32.30," between the words "license" and "which" in 246-232-015(1).</p> <p>WA needs to replace the phrase "for use under this chapter" with "for use under this section" in 246-232-015(1).</p> <p>WA needs to replace the phrase "shall apply for a license under chapter 246-235 WAC" in 246-232-015(2) with the phrase "should apply for a license under 10 CFR 32.30 and for a certificate of registration in accordance with 246-235-108 WAC."</p> <p>WA needs to make the changes to 246-232-015 described above to meet the Compatibility Category B designation assigned to 10 CFR 30.22.</p>	Washington State adopted these changes in WAC 246-232-015 (1) and (2).
246-235-010(6)	30.32(g)	2012-4	C	<p>Application for specific licenses WA needs to add the following phrase to 246-235-010(6)(a): "...as registered with the Department under 246-235-108 WAC, the NRC under 10 CFR 32.210, an Agreement State, or for a source or a device containing radium-226 or accelerator-produced radioactive material with a State under provisions comparable to 10 CFR 32.210"</p> <p>WA needs to replace 246-235-010(6)(b) with the following phrase: "Contain the information identified in 246-235-108(3) WAC"</p> <p>WA needs to revise 246-235-010(6)(d) by replacing the phrase "10 C.F.R. 32.210 or this section" with "246-235-108(7)(a) WAC"</p> <p>WA needs to make the changes to 246-235-010(6) described above to meet the Compatibility Category C designation assigned to 10 CFR 30.32(g).</p>	Washington State adopted these changes in WAC 246-235-010(6).
246-233-015	31.3	2012-4	B	<p>Certain devices and equipment WA needs to remove 246-233-015 in its entirety from the WAC including any references to 246-233-015 as this requirement was removed from NRC regulations.</p>	Washington State repealed all of WAC 246-233-015.

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				WA needs to remove 246-233-015 to meet the Compatibility Category B designation assigned to 10 CFR 31.3.	
246-235-095(2)	32.57	2012-4	B	<p>Calibration or reference sources containing americium 241 or radium 226: Requirements for license to manufacture or initially transfer WA needs to remove the word "plutonium" from both places it appears in 246-235-095(2).</p> <p>WA needs to remove the word "plutonium" from 246-235-095(2) to meet the Compatibility Category B designation assigned to 10 CFR 32.57.</p>	Washington State deleted all references to plutonium in WAC 246-235-095(2).
246-235-108(1) and (2)	32.210	2014-4	B	<p>Registration of product information WA needs to revise 246-235-108(1) and (2) so that the requests are submitted only to the department and not to the NRC.</p> <p>WA needs to revise 246-235-108 as described above to meet the Compatibility Category B designation assigned to 10 CFR 32.210.</p>	Washington State adopted these changes in WAC 246-235-108(1) and (2).
246-235-108(9)	32.211	2014-4	B	<p>Inactivation of certificates of registration of sealed sources and devices WA needs to remove the words "or NRC" from 246-235-108(9)(a).</p> <p>WA needs to replace the phrase "issuing regulatory authority" with the word "department" in 246-235-108(9)(a).</p> <p>WA needs to remove the phrase ", or (as appropriate) to NRC's office of nuclear material safety and safeguards, ATTN: SDR by an appropriate method listed in 10 C.F.R. 30.6(a)" from 246-235-108(9)(a).</p> <p>WA needs to make the changes to 246-235-108(9) described above to meet the Compatibility Category B designation assigned to 10 CFR 30.211.</p>	Washington State adopted these changes in WAC 246-235-108.
246-232-006(5)	40.13(c)(10)	2013-2	B	<p>Unimportant quantities of source material WA needs to add the phrase "or the NRC" following the first instance of the word "state" in 246-232-006(5).</p> <p>WA needs to delete the phrase "chapter 246-235 WAC, or equivalent regulations of an agreement state" from 246-232-006(5). Only the NRC can issue these licenses under 10 CFR 40.52.</p>	Washington State adopted these changes in WAC 246-232-006(5).

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				WA needs to make the changes to 246-232-006(5) described above to meet the Compatibility Category B designation assigned to 10 CFR 40.13(c)(10).	
246-232-007 Footnote	40.13 Footnote 2	2013-2	B	<p>Unimportant quantities of source material WA needs to revise the footnote to 246-232-007 so it reads "...by the rules, and were manufactured under a specific license issued by the Atomic Energy Commission."</p> <p>WA needs to revise the footnote to 246-232-007 to meet the Compatibility Category B designation assigned to 10 CFR 40.13, Footnote 2.</p>	Washington State adopted this change in WAC 246-232-007.
246-233-010(2)(a)	40.22(b)(1)	2013-2	B	<p>Small quantities of source material WA needs to revise 246-233-010(2)(a) by deleting the phrase ", NRC, or an agreement state"</p> <p>WA needs to revise 246-233-010(2)(a) to meet the Compatibility Category B designation assigned to 10 CFR 40.22(b)(1).</p>	Washington State adopted this change in WAC 246-233-010(2)(a).
246-235-083(4)	40.55(d)	2013-2	B	<p>Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports WA needs to replace the phrase "this section" with "246-235-082 WAC" in 236-235-083(4).</p> <p>WA needs to add a requirement to 246-235-083(4)(b) to file the required report with the NRC in cases where the NRC is the responsible regulatory agency.</p> <p>WA needs to revise the last sentence in 246-235-083(4)(c) as follows: "If no transfers have been made to general licensees in a particular State during the reporting period, this information shall be reported to the responsible agency upon request by the agency."</p> <p>WA needs to make the changes to 246-235-083(4) described above to meet the Compatibility Category B designation assigned to 10 CFR 40.55(d).</p>	Washington State adopted these changes in WAC 246-235-083(4).
246-231-040(1)	30.13	2013-1	B	<p>Carriers WA needs to revise 246-231-040(1) by deleting the last sentence "Common and contract carriers who are not subject to the rules and regulations of the DOT or United States Postal Service are subject to WAC 246-231-005 and other applicable sections of these regulations."</p>	Washington State adopted this change in WAC 246-231-040(1).

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				WA needs to make the change to 246-231-040(1) described above to meet the Compatibility Category B designation assigned to 10 CFR 30.13.	
246-237-023(2)(a)	37.23(b)(2)	2015-4	B	<p>Access authorization program requirements WA needs to remove the incorrect reference “WAC 246-237-025(2)” and replace it with the correct reference “WAC 246-237-025(3)” in 246-237-023(2)(a).</p> <p>WA needs to make the change to 246-237-023(2)(a) described above to meet the Compatibility Category B designation assigned to 10 CFR 37.23(b)(2).</p>	Washington State adopted this change in WAC 246-237-023(2)(a).
246-237-025(2)(b)	37.25(b)(2)	2013-1	C	<p>Background investigations WA needs to replace the word “department” with the word “NRC” in 246-237-025(2)(b).</p> <p>WA needs to make the language substitution above to 246-237-025(2)(b) to meet the Compatibility Category C designation assigned to 10 CFR 37.25(b)(2).</p>	Washington State adopted this change in WAC 246-237-025(2)(b).
246-231-010(9)	71.4	2015-3	B	<p>Definition: Contamination Washington’s proposed definition of “contamination” states: “<i>Contamination</i> means the presence of a radioactive substance on a surface in quantities in excess of 0.4 Bq/cm² (1x10⁻⁵ μCi/cm²) for beta and gamma emitters and low toxicity alpha emitters, or 0.04 Bq/cm² (1.10x10⁻⁶ μCi/cm²) for all other alpha emitters”. 10 CFR 71.4 states “1x 10⁻⁶”.</p> <p>Washington needs to correct their definition of “contamination” as indicated above in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4.</p>	Washington State adopted this change in WAC 246-231-010(9).
246-231-010(18)	71.4	2015-3	B	<p>Definition: Low Specific Activity (LSA) material Washington’s proposed definition of “Low Specific Activity material” state:</p> <p>“(a) LSA-I (i) Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring radionuclides that are not intended to be processed for the use of these radionuclides; or”</p>	Washington State adopted this change in WAC 246-231-010(18).

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				<p>10 CFR 71.4 states, "...are intended to be processed for the use of these radionuclides;".</p> <p>Washington needs to delete the words "not" and "or" in their definition of "low Specific Activity materials" as indicated above in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4</p>	
246-231-040(4)	74.14(a)(1)-(a)(3)	2015-3	B	<p>Exemption for low-level materials</p> <p>Washington's regulations do not reference Table A-3.</p> <p>Washington needs to include a reference to Table A-3 in order to meet the Compatibility Category [B] designation assigned to 10 CFR 74.14(a)(1) – (a)(3).</p>	Washington State adopted this change in WAC 246-231-040(4).
246-231-136(1)(a)	71.91(b)	2015-3	NRC	<p>Reports</p> <p>Washington's regulations include this requirement. As 10 CFR 71.91(b) is reserved to the NRC, it should not be adopted by the States.</p> <p>Washington needs to delete this requirement from their regulations in order to meet the Compatibility Category NRC designation assigned to 10 CFR 71.91(b).</p>	Washington State deleted requirement WAC 246-231-136(2).
246-231-136(3)	71.91(c) and (d)	2015-3	C	<p>Records</p> <p>Washington's proposed regulation does not include having records required by this part available for inspection to their department in addition to the NRC.</p> <p>Washington needs to include their department as indicated above in 246-231-136(3), in order to meet the Compatibility Category C designation assigned to 10 CFR 71.91(c) and (d).</p>	Washington State adopted this change in WAC 246-231-136(2).
246-231-200 Appendix A	Part 71 Appendix A	2015-3	B	<p>Determination of A1 and A2</p> <p>Washington's proposed regulations in Section 246-231-200 (4)(d) and (e) state:</p> <p>"...where f(i) is the fraction of activity for radionuclide I in the mixture and A₁, A₂(i) is the appropriate A₁, A₂, for radionuclide I". 10 CFR 71, Appendix A, has a lower "i" in both those places.</p>	Washington State adopted this change in WAC 246-231-200(4)(d) and (4)(e).

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				Washington needs to correct both 4(d) and (e) as indicated above in order to meet the Compatibility Category [B] designation assigned to 10 CFR 74, Appendix A.	
246-231-200 Table A-1	Part 71, Appendix A Table A-1	2015-3	B	<p>A1 and A2 Values for Radionuclides</p> <p>Washington's proposed regulations in Table A-1 contain the following errors:</p> <ul style="list-style-type: none"> a. For Cf-252 the A_1(TBq) value should be 1.0×10^{-1}, not 1.0×10, and the A_2 (Ci) value should be 8.1×10^{-2}, not 8.1×10; b. For Kr-79, the A_1(Ci) value should be 1.1×10^2, not 1.0×10^2, and the TBq/g value should be 4.2×10^4, not 4.2×10^1 c. Does not contain the footnote: "^{ch} $A_2 = 0.74$ TBq (20 Ci) for Mo-99 for domestic use". <p>Washington needs to make the corrections to Table A-1 as indicated above in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71, Appendix A, Table A-1.</p>	Washington State adopted these changes in WAC 246-231-200 Table A-1.
246-231-200 Table A-3	Part 71 Appendix A Table A-3	2015-3	B	<p>General Values for A1 and A2</p> <p>Washington's proposed regulation in Table A-3 omit the footnote notation (i.e., "a") in the "Contents" column, first row.</p> <p>Washington needs to add the footnote notation as noted above in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71, Appendix A, Table A-3.</p>	Washington State adopted this change in WAC 246-231-200 Table A-3.
246-231-010(18)	71.4	2015-3		<p>Definition-Low Specific Activity Material</p> <p>WA regulations (2)(ii) state: "activity does not exceed 1×10^{-4} A₂/g for solids and gases, and 1×10^{-5} A₂/g for liquids" regulations state: "activity does not exceed 10^{-4} A₂/g for solids and gases, and 10^{-5} A₂/g for liquids."</p> <p>Although, the quantity is the same, the format is inconsistent from NRC regulations and throughout Washington's regulations as well.</p> <p>Washington omits the word "of" in its equivalent regulation to 71.4(3).</p>	Washington State adopted these changes in WAC 246-231-010(18).

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246-231-040(4)	71.4 (a)(1) – (a)(3)	2015-3		<p>Exemption for low-level materials</p> <p>Washington's regulations say "concentrations", should say "concentration"; they also say "purposed", should say "purposes".</p>	Washington State adopted these changes in WAC 246-231-040(4).
246-231	Part 71	2015-3		<p>Washington does not capitalize the term "Certificate of Compliance" throughout their equivalent regulations to Part 71.</p> <p>Washington should capitalize the term "Certificate of Compliance" where applicable.</p> <p>Washington's regulations interchange the use of the term "licensee" and "certificate holder" in 246-231-106. Washington should use one term consistently throughout its regulations.</p>	Washington State did not capitalize the term "Certificate of Compliance" because Washington State follows the guidelines in the "Instruction on Style" from the Washington State Code Revise's Office.
246-231-150(1)	71,101(a)	2015-3		<p>Quality assurance requirements</p> <p>Washington's regulations in 150(1) say "apply", should say "applying".</p> <p>Washington's regulations say "subpart" however they are by chapters. Washington should use the term "chapter" to be consistent with the format of their regulations.</p>	Washington State adopted clarifying language in WAC 246-231-150(1).
246-231-174	71.106	2015-3		<p>Changes to quality assurance program</p> <p>In Washington's equivalent regulations to 71.106(b)(2), they say "titles", should say "title".</p>	Washington State's adopted language matches NRC's 10 CFR 71.106(b)(2).