



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

JUL 2 1980

Ref: SA/RJD

Max Bader, M.D.  
State Public Health Officer  
Health Division  
Department of Human Resources  
1400 S.W. 5th Avenue  
Portland, Oregon 97201

Dear Dr. Bader:

This is to confirm the discussion Mr. Doda held with you and Dr. Parrott following our review and evaluation of the Oregon radiation control program. The review covered the principal administrative and technical aspects of the program. This included an examination of the program's funding and personnel resources; the program's licensing, inspection and enforcement activities; the program's emergency response capabilities for agreement materials; and the status of the State's radiation control regulations.

A field accompaniment of a State inspector was not accomplished during the review and will be scheduled next month, i.e. during July 1980. You will be informed of the results of this accompaniment after it is completed. Based on our partial review of the State's program and the routine exchange of information between the Nuclear Regulatory Commission (NRC) and the State of Oregon, the staff believes that the Oregon program for regulation of agreement material is adequate to protect the public health and safety, and is compatible with the NRC's program for regulation of similar materials.

We find that the staffing level per 100 licenses, the budget based on the total number of licenses administered by the Radiation Control Section, and the percentage of staff effort spent in training during the review period are all acceptable with respect to NRC recommended guidelines. This is commendable and produces a responsible approach to the State's overall radiation control program. However, we believe the program can be improved in the following ways.

We recommend that written procedures be developed for escalated enforcement action. These are procedures that go beyond the routine licensee notifications of violations; e.g., order issuance, radioactive material impoundment, license revocation, etc. We believe that written procedures are necessary so that a State can respond adequately and in a timely manner to incidents involving agreement materials.

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Max Bader, M.D.

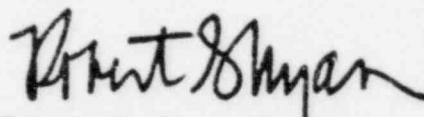
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We recommend that the State adopt amended regulations to provide the authority to inspect licensees for packaging and transportation activities relative to the Department of Transportation requirements and plan for staff resources needed for the early implementation of these inspection activities.

Enclosed for your information is a copy of a letter to Dr. Parrott with comments regarding technical aspects of the program. I am also enclosing a second copy of each letter which should be placed in your State Public Document Room or otherwise made available for public review.

I appreciate the courtesy and cooperation extended to our representative during the review by you and the entire radiation control program staff.


Sincerely,



Robert G. Ryan, Director  
Office of State Programs

Enclosures:  
As stated

cc: Ms. Kristine Gebbie  
Dr. Marshall Parrott  
NRC Public Document Room  
State Public Document Room



*State Program - Oregon file*



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Ref: SA/RJD

Marshall Parrott, D.Sc., Manager  
Radiation Control Section  
Division of Health  
Department of Human Resources  
1400 South West Fifth Avenue  
Portland, Oregon 97201

Dear Dr. Parrott:

This is to confirm the comments made to you by R. J. Doda at the conclusion of the recent radiation control program review.

A field accompaniment of one of your inspection staff was not accomplished during this review and will be scheduled next month, i.e. during July 1980. You will be informed of the results of this accompaniment after it is completed. Based on the results of our partial review, the staff believes that the Oregon program for control of agreement materials is adequate to protect the public health and safety and is compatible with the NRC's program for regulation of similar materials. Specific comments and recommendations resulting from our review are listed below. I would appreciate your study of our recommendations and receiving your comments regarding them.

We recommend that written procedures be developed for escalated enforcement action. We have attached to this letter information on the essential elements of an escalated enforcement program, which was sent to the States in January 1980. We believe that written procedures are necessary and that all appropriate personnel be instructed in the application of these procedures. We have enclosed a copy of our letter to Dr. M. Bader, which also recommended the development of these written procedures.

We recommend that the Health Division's draft of the Radiological Accident Response Manual be completed at an early date. Your efforts, thus far, on this manual appear to have produced a good basis for the final development of the manual. This particular project, as well as several other instances noted in our review, demonstrated creditable efforts by your staff during the past year.

We recommend that you adopt regulations compatible with recent NRC amendments, particularly those that will provide the State with the authority to inspect licensees to the Department of Transportation's requirements for packaging and transportation of radioactive material. This was discussed at some length with your staff. We understand from our review that you plan to make a number of "housekeeping" changes in your regulations by the end of 1980 and that you will attempt to include the above DOT modification also.

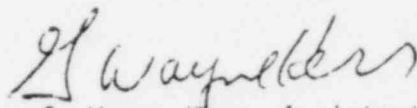
Marshall Parrott, D.Sc.

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We recommend that an early inspection of Pittsburgh Testing Laboratories be performed. Our compliance file review disclosed that: (1) the last documented inspection was performed on April 26, 1978, (2) an inspection was attempted, but not performed, on January 31, 1979, (3) an inspection report (approximately October 1979) was lost, and (4) a response (30-day incident report) from Pittsburgh Testing Laboratories to the State was overdue as of June 6, 1980. In addition, an NRC notification to the States on March 6, 1980 requested that the States keep the NRC informed of any serious or chronic compliance problems with this particular licensee. It might also be noted that the PTL license is in timely renewal status at the present time, pending an answer from the licensee to a request by the State for additional information.

I appreciate the courtesy and cooperation extended to Mr. Doda by you and the entire radiation control program staff.

Sincerely,



G. Wayne Kerr, Assistant Director  
for State Agreements Program  
Office of State Programs

Enclosures:

Ltr to Dr. M. Bader  
Ltr re Escalated Enforcement Actions

cc: Dr. M. Bader  
Ms. Kristine Gebbie  
NRC Public Document Room, w/encl.  
State Public Document Room, w/encl.