



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

JUL 30 1980

Ref: SA/KNS

Mr. Howard L. Goldman, Director  
Bureau of Radiation Control  
New York State Department of Health  
Empire State Plaza  
Tower Building  
Albany, New York 12237

Dear Mr. Goldman:

This will confirm the discussion Mrs. Kathleen Schneider held with you on July 18, 1980, concerning the results of our partial review and evaluation of the Bureau's radiation control program. We believe it is important that the review include as many field evaluations of the inspection staff as is possible because of the numerous deficiencies in the inspection reports.

Since the review is not complete, we are not prepared to make recommendations of adequacy and compatibility at this time. Several comments and recommendations were developed, however, relating to the technical aspects of the agreement material program and these are enclosed. I would appreciate receiving your comments on these.

I appreciate the courtesy and cooperation extended to Mrs. Schneider during the review.

Sincerely,

A handwritten signature in cursive script that reads "G. Wayne Kerr".

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

Enclosure:  
As stated

cc: David Axelrod, M.D.

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COMMENTS ON NEW YORK STATE HEALTH PROGRAM

I. Licensing

A. Comment

During the review of selected license files it was noted that some licenses were issued while adequate replies to deficiency letters had not been received. It was noted that this comment was made during last year's review.

Recommendation

We recommend that licenses not be issued until all unresolved application deficiencies have been adequately addressed.

B. Comment

A review of selected license files indicated that several licenses authorizing possession of plutonium, that the license condition banning air shipments was omitted.

Recommendation

We recommend that the license condition banning air shipment of plutonium except in NRC approved containers be included on all licenses authorizing the use of plutonium.

II. Compliance

A. Comment

During discussion with the staff concerning the implementation of our comments from last year's review, it was noted that Erie College, which possess industrial radiography devices for teaching, had its inspection priority changed to yearly as recommended. However, this license is now 8 months overdue for inspection.

Recommendation

We recommend that this license be scheduled for inspection as soon as possible due to the potential hazard presented by these devices.

B. Comment

It was noted, from a review of selected compliance files, that few independent surveys were obtained at facilities using significant quantities of radionuclides.

Recommendation

We recommend that independent radiation surveys be made routinely during inspections and wipe samples be obtained and evaluated. The results of these surveys and analyses should be documented in inspection report.

C. Comment

A review of selected compliance files revealed that enforcement letters are not always issued within 30 days following the inspection. Also, the licensee responses to enforcement letters are not always acknowledged.

Recommendation

We recommend that enforcement letters be issued within 30 days following the inspection and licensee responses to enforcement letters be promptly acknowledged as to adequacy and resolution of unresolved items.

D. Comment

During discussions with the staff concerning the implementation of comments made from last year's review, it was revealed that inspectors are still not performing independent evaluations of airborne contamination. Their inspection equipment does not presently include devices needed to make such evaluations.

Recommendation

We believe that the Bureau should provide inspectors with smoke tubes and low volume (or lapel) air samplers. These could be used during routine inspections as well as during incident investigations.

E. Comment

Compliance reports and notes generally lacked detail in the area of interviewing workers for their knowledge of radiation safety. This comment was made during last year's review.

Recommendation

We recommend that radiation workers be interviewed to determine the extent of their knowledge of radiation safety, regulatory requirements and emergency procedures. These interviews should be documented in summary form in the inspection report.

F. Comment

We are pleased to note that one inspector's enforcement letters clearly specifies all items of noncompliance and health and safety matters identified during the inspection and cites the appropriate regulation or license condition being violated. We note, however, not all inspectors use this format and in some instances the enforcement letters are confusing.

Recommendation

We recommend that all inspectors use the same format for enforcement letters which cites the appropriate regulation or license condition being violated and clearly specifies all items of noncompliance and health and safety matters identified during the inspection. Closer supervisory reviews would help in maintaining consistency of letters.

G. Comment

During the review of selected compliance files, the State University of New York at Albany inspection report revealed a number of significant deficiencies as follows:

1. The most recent report had no indication whether previous items of noncompliance were reviewed.
2. The short period during which this inspection was conducted compared to previous inspections is inconsistent with the scope of licensed activities.
3. It was not clear from the report what records the inspector actually reviewed.
4. There is no discussion of the size of the program or scope of use in the inspection report.
5. The report indicated that only the RSO was interviewed during inspection and no other radiation workers or management officials were interviewed.
6. The inspector had checked "not applicable" in the section of the report for inspectors performing independent wipe samples and radiation surveys.
7. There was no discussion of a bioassay program for tritium.

Recommendation

From discussions with the staff, it was revealed that the inspector had considered this inspection a complete routine inspection. Program management, however, classified the inspection as a "follow-up partial" inspection. We recommend that the licensee be scheduled for a complete inspection as soon as possible.

H. Comment

The review of compliance files revealed that inspectors are not always citing medical licensees for items of noncompliance when the medical isotope committee has not met with required frequency. In several instances, the inspectors recommended the licensee request an amendment to change the frequency of meeting for the medical isotope committee when the licensee claimed it is not possible to meet at the specified frequency.

Recommendation

We recommend that the inspectors cite medical licensees for noncompliance when the medical isotope committee has not met at the specified frequency. Inspectors should not recommend license amendments for large active medical license to change the frequency of medical isotope committee meeting. The licensing requirements for meetings should be adhered to by the inspection staff.

I. Comment

The review of the inspection reports revealed that in most instances the reports were difficult to read, inconsistent and inadequate in some respects. It was not always possible to determine from the report the scope of the inspection, substantiation for items of noncompliance, scope of the licensee program and previous items of noncompliance. Although the reports were reviewed by management, there appears to have been no action by the supervisory staff to correct these deficiencies.

Recommendation

We are aware of the recent reorganization and new supervisory staff, however we recommend that the inspection reports be carefully monitored by the supervisory staff. The staff should implement as soon as possible Information Notice H.6 - Documentation of Inspections, sent to All Agreement States June 18, 1980 for use by the compliance staff.

III. Training

A. Comment

During the review of a teletherapy inspection report, it appeared that the inspector did not consider the appropriate areas during the inspection. One teletherapy unit records were not reviewed and the survey around the teletherapy head was inadequate.

Recommendation

We recommend that this inspector receive instruction and supervision in the elements of a teletherapy license inspection before he inspects teletherapy licenses independently.