

KRISTINE GEBBE
Secretary



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STATE OF WASHINGTON
DEPARTMENT OF HEALTH

Industrial Center, Bldg. 5 • Mail Stop LE-13 • Olympia, Washington 98504
December 10, 1990

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COMM-FHP

Carlton Kammerer, Director
State Programs
Office of Governmental and Public Affairs
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Kammerer: *CAL*

This purpose of this letter is to respond to your comments and recommendations attached to your formal report to the state of Washington following the NRC Compatibility Review of our program completed on August 24, 1990. I will address only the comments in Enclosure 2 of your October 25, 1990 formal report; a separate letter has come to you from the Secretary of the Department in response to your overall findings.

LEGISLATION AND REGULATIONS

1. You noted that we have not amended our regulation since 1987 and recommend that we place a higher priority on revising our regulations to maintain compatibility.

Response: We have always placed a high priority on maintaining and revising regulations; however, maintaining an adequate inspection and licensing program has higher priority for us. In the face of declining program revenue over the last few years and smaller staff, we have focused on maintaining an adequate health and safety program; consequently, the task of updating regulations has received a lower priority. We believe we would not be appropriately serving the citizens of our state by forgoing health and safety inspections. The Department has not approved a fee increase and our request for state general funds will not be granted. In spite of this, program staff continue to work on the regulations, although I anticipate we will not complete the revisions until sometime early in the next biennium.

MANAGEMENT AND ADMINISTRATION

2. You noted that the Emergency Plan prepared in response to a 1988 NRC comment was written and distributed apparently without management or technical review. You also indicated a need for training sessions for all possible responders.

Response: All staff have been instructed not to use the Non-FNF Emergency Response Procedure because of the typographical error noted during your review. We have determined that the final procedure was appropriately reviewed both by



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management and technical staff and the mistake occurred when an earlier draft was inadvertently sent to the printer. We have corrected the error and have added appropriate wording to satisfy your procedural concern. We are formalizing the review and sign-off for revising the emergency procedures and also scheduling training for potential responders.

3. You recommended that program management review all inspections involving licensees using unsealed tritium to be sure all inspectors are taking H-3 wipes and having them analyzed.

Response: We are writing a policy on taking tritium wipes, and will revise inspection report forms and management's quality assurance checklist to obtain compliance with this recommendation.

LICENSING

4. You recommended we adopt the moly breakthrough criteria of 0.15 microcurie of Mo-99 per millicurie of Tc-99m and amend the applicable medical and pharmacy licenses.

Response: We have notified our medical licensees of the new criteria, have instructed compliance staff to remind licensees during inspections, have updated our standard license condition, and will amend all applicable licenses as they are renewed or otherwise routinely amended (whichever comes first).

COMPLIANCE

5. You recommended that enforcement procedures be revised to clarify the use of Field Form notices and to require issuance of formal compliance letters when serious, numerous or repeated violations are identified on inspections.

Response: We are writing a formal policy to comply with this recommendation and will revise inspection forms and management's quality assurance checklist to serve as a reminder.

6. You recommended more management attention be devoted to assuring the exit meetings be held with the proper level of management.

Response: We are writing a formal policy to reinforce the proper conduct of management exits and will revise management's quality assurance checklist to assure management attention to this recommendation.

7. You recommended inspection forms be revised to document the discussion held during management exits and the extent of records review or sampling procedure.

Response: We are preparing an "Inspection Summary" to add to inspection reports to document operational overview, items of non-compliance, potential weaknesses, exit level, licensee responses, scope of record review, etc.

LOW-LEVEL WASTE PROGRAM

8.a. You recommended we document in a safety evaluation report or similar written record of the review and approval process, the bases upon which the license for US Ecology will be renewed.

Response: We plan to document the process and criteria followed in the review of the US Ecology license renewal application. In accordance with WAC 402-61-010(1) and 10 CFP Part 61.1, applicability of regulatory requirements will be determined on a case-by-case basis, and written supporting documentation will be included as part of our license renewal process.

8.b. You recommended we request US Ecology to implement a more effective document change control system.

Response: In our response letter to the US Ecology renewal application, specific comment is made with regard to their failure to properly identify all changes in their standards manual. We will require them to rectify their document change control procedures to prevent future reoccurrence.

10. [there is no 9.] You recommended development of written procedures and a record of on-site inspections of US Ecology operations.

Response: We have developed and implemented a resident site inspector's compliance checklist for documenting routine audits of the US Ecology operation. This checklist specifies the areas that must be covered, and the frequency at which they must be reviewed. The inspector is required to complete the checklist (including written comments) and submit it to the main office on a monthly basis.

11.a. You recommended we finalize our draft procedures and review checklist for handling unusual or non-conforming burial requests.

Response: The procedures and review checklists for handling unusual and nonconforming burial requests are still under review to ensure their adequacy. Staff routinely use the checklists and have been instructed to provide recommendations for alterations.

11.b. You recommended we do more to follow up on our requests to WDOE concerning the mixed waste issue.

Response: We have instituted a tickler file for all mixed waste requests to the Department of Ecology. At one-month frequencies, the Department of Ecology will be contacted to determine their status on reviews of the mixed waste classification.

11.c. You recommended we independently verify the validity of US Ecology's pathway analysis.

Carlton Kammerer, Director
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Response: We plan to conduct a thorough review of US Ecology's pathway analysis when it is resubmitted. If the state does not have the proper expertise to perform this analysis, we will use an outside consultant for technical assistance.

11.d. You recommended we establish a protocol for the timely review of environmental data and reports, or provide the Waste Management Section with appropriate staff to conduct their own reviews.

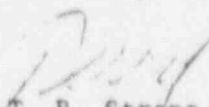
Response: The Waste Management Section and the Environmental Section are working on a memorandum of understanding which will establish a protocol for the timely review of environmental data as it relates to the Waste Management program.

11.e. You recommended we require US Ecology to submit their annual environmental report much sooner than now allowed.

Response. We notified US Ecology by letter dated October 4, 1990, that annual environmental monitoring reports shall be due by the end of the first calendar quarter of the following year, beginning in 1990.

I appreciate the efforts of your staff (especially Jack as our direct contact with NRC) in conducting this review. We see these reviews as a valuable adjunct to our program. If you have any questions about my response to your compatibility review, please do not hesitate to call me.

Sincerely,


T. R. Strong, Director
Division of Radiation Protection