



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

DIVISION OF RADIATION PROTECTION

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November 7, 1994

Paul H. Lohaus, Deputy Director  
Office of State Programs  
Nuclear Regulatory Commission  
Washington, D.C. 20555

FAXED  
11-7-94

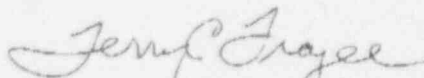
Dear Mr. Lohaus:

This is in response to SP-94-146 requesting comments on the revised inspection manual chapter 2800. My overall impression of the draft manual change is favorable. There are, however, several places where I would recommend alternative language. As you review the enclosed comments, you may find the following statement helpful.

I believe in the importance of the "regulatory presence" and providing the licensee with "assistance" in achieving compliance with the regulations. In my view, we should be deemphasizing the records review during inspections and emphasizing our staff's professional assessment of the licensee's operations through observation, interviews, and independent measurements. As managers we should continually improve the technical and professional competence of our staff and improve efficiency by streamlining inspection documentation and moving our staff away from the "paperchase" and into the professional assessment of performance.

Enclosed are the specific comments on the draft NRC inspection manual. If you have any questions on my comments, please feel free to call me at (206) 753-3461. Thank you for the opportunity to comment.

Sincerely,

  
Terry C. Frazee, Supervisor  
Radioactive Materials Section

TCF:amw  
ENCLOSURE

COMMENTS ON DRAFT IMC 2800

1. Page 1. Change Section 02.03 read: "To place appropriate emphasis on timely and thorough followup of events." While the term is not used here the concept of "reactive" inspections is thoroughly outlined elsewhere and at the heart of this objective. My comment deals with the perception that "reactive" is the antithesis of "proactive". Reactive means that as a regulator you are always playing catch up; trying to fix things after they occur rather than being proactive and preventing problems from developing in the first place. While there are some obvious concerns for the availability of resources to be truly proactive, we should not immediately settle for the "reactive" mode.
2. Page 3, the second paragraph under Section 2800-04 "Inspection: Priorities". I am glad to see that there are at least some exceptions to the "strictly unannounced" rule for inspections. Allowing telephone contact with licensees in remote locations is fiscally responsible and certainly appropriate.
3. Pages 3 and 4. Section 04.01 (b) - The phrase "document review to complement and support inspector observations" is used on page 3 and I fully support the concept that review of licensee records should be in support of the inspector's observations (see cover letter). Therefore, on page 4 in the first line, I would strike the phrase "in addition to reviewing documents" and end that sentence. I would then insert the following: "Review of licensee records and other documents should be directed towards verifying that current operations are in compliance and further review of "historical" records should only occur if the current records are out of compliance and the inspector believes it necessary to determine the presence of a prevalent or persistent problem.
4. Page 4, Section 04.02. See comment 1 concerning "reactive" inspections. Deemphasizing the reactionary nature of the program in the "objectives" (page 1) may be sufficient to allow continued use of the term "reactive inspections". However, a less troubling term might be "follow-up inspections".
5. Page 5, first paragraph. This draft states that initial inspections "shall be performed within one year of license issuance, within 6 months of receipt of licensed material, or within 6 months of beginning licensed activities, whichever comes first". As written this could cause an inspection to be performed of a licensee that has neither received material nor begun operations just because the license was issued one year previously. To avoid an unnecessary inspection, I suggest that this sentence be rewritten "Initial inspections of licensees shall be performed within 6 months of receipt of licensed material or within six months of licensed activities, whichever

comes first". Since these are announced inspections, there should be no reason to force an inspection when you know no activity has occurred.

6. Page 6, the paragraph beginning with "once on site" should be rewritten since the initial inspection is announced and should only be conducted if licensed material has been received and/or operations have begun. A suggested rewrite of the paragraph is as follows:

"To schedule an initial inspection, the inspector should phone the licensee and interview licensee staff (management and technical) to determine the extent of licensed operations and the date of first receipt of radioactive material or the start of licensed activities. Methods of determining if licensed activities have been performed include, but are not limited to the following: Management and technical staff statements and or contacting distributors of radioactive material, such as local radiopharmacies to see if they have distributed material to the licensee".

The obvious reason for allowing initial inspections to be announced (this also applies to comment 5) is that it is a waste of travel money and time to inspect a location where no radioactive material have been received or used.

7. Page 5, Item 4. Change the first line to read "Document the phone contact by placing a note in the licensing file..." The reason for this change is that this sequence of instructions follows the lead in "If it is determined that the licensee has not possessed licensed material or performed licensed operations..." which should not require an onsite inspection. Therefore, the proper documentation is a "phone contact" memo and not an inspection report.
8. Page 5, Item 5. This should be changed to read "Provide written acknowledgement to the licensee documenting the inspector's understanding of the licensee's plans for future possession of radioactive material or plans to perform operations. The written acknowledgement shall request that the licensee inform NRC when licensed activities have been initiated."
9. Page 5, Item 6. Should be changed to read "Record the phone contact in the Licensing Tracking System (LTS) and set the next contact due date to be six months from the date of this contact. There is no fee for this phone contact."
10. Page 5, at the bottom of the page following item 6. Insert a new paragraph:

"If it is determined that the licensee has possessed licensed material or performed licensed operations, the inspector should schedule and perform an inspection to be conducted within six months of the date of first possession or first licensed operations. Following the inspection

the inspector should record the initial inspection in the Licensing Tracking System (LTS) and set the next inspection due date as set forth in the priorities established in Enclosure 1. The licensee shall be charged a fee for this inspection. This inspection should also be recorded in the Inspection Followup System (IFS)".

The purpose of this change is to complete the actions set forth under the initial inspection heading.

11. Page 6, Section 04.05. The last line currently reads "the next inspection date..." which is meaningless for priority 7 licensees since telephone contacts are substituted for the onsite inspections. Therefore, the last line should provide instructions on entering the next telephone contact due date in the LTS and/or the IFS. One or the other of these should be used to prompt the next telephone contact.
12. Page 7, Section 05.01 (c). Consider incorporation of the "brief note" in the inspection report form. The report forms should already document the previous inspection and the results of the current inspection and need only incorporate a check off box or equivalent and a place for the supervisor's signature or initials. This reduces paperwork and should improve the flow of documents.
13. Page 7, Section 05.02 (c) See previous comment.
14. Page 8, Section 05.03. At the end of the first paragraph consider inserting the following sentence "However, inspections can be scheduled prior to their window if information is received by the inspector which warrants an earlier inspection."
15. Page 8, Section 06.01. In the third line of the first paragraph "of" is a dangling participle. The phrase should read "licensed material has been properly transferred or disposed."
16. Page 10. In the second paragraph the term "assist inspections" needs to be defined. Section 2800-03 should include this definition.
17. Page 10, Section 06.05. The last sentence of the first paragraph reads "Examples of situations where team inspections are appropriate are:" I believe this would be better stated as "Examples of situations where team inspections may be appropriate are:".
18. Page 11, Section 07.01 (a). In the second and third lines of the paragraph delete the phrase "other than initial inspection". It is understood that an initial inspection is announced and should be conducted after radioactive material has been received and confirmed by the inspector.

19. Page 14. At the end of the first paragraph, insert a new subsection (c) to Section 07.04 "A NOV is to be used for severity levels I and II Violations".
20. Page 14, Section 08.03. In the third line change to read "...and operations under the license routinely or predominately occur within another region..."
21. Page 16, Section 09.02. A third paragraph to this section should be included which reads "For reactive inspections in Agreement States, state radiation control program personnel shall be notified prior to the start of the inspection so that any public inquiries that may come to the radiation control program may be referred to the appropriate regional office."