



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

APPENDIX 4

OCT 26 1981

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OCT. 30 1981
U.S. DEPT. OF HEALTH,
ENVIRONMENTAL P.

Mr. Robert R. Verellen
Department of Social and Health Services
Radioactive Materials Licensing
Office Building No. 2
Olympia, Washington 98504

Dear Mr. Verellen: *Bob*

This is in response to your October 7, 1981, letter inquiring as to the incorporation of Exxon Nuclear Company Inc. (ENC) State of Washington License Number WN-1062-1 into USNRC License Number SNM-1227.

Although portions of the licensee's radiation safety programs for the State license and NRC license may overlap, Exxon's possession and use of special nuclear material cannot be licensed by the State of Washington if the quantities exceed those specified in 10 CFR Part 150.11. The basis for this regulatory requirement lies in the Atomic Energy Act, as amended, Section 274b.(4). The Atomic Energy Act does not, however, provide for NRC to license radioactive materials which would otherwise be subject to State regulation. Therefore, the State should and must continue to regulate byproduct and source material used by Exxon.

We believe, however, that strong efforts should be made by NRC and the State of Washington to coordinate regulatory activities for Exxon, as we have tried to do in connection with another jointly licensed facility in Washington, U.S. Ecology. As you may be aware, both licensing and inspection actions by NRC and Washington have been the subject of extensive efforts to assure that the State and Federal actions are complimentary.

Please let me know if we can be of assistance in this regard.

Sincerely,

Donald A. Nussbaumer
Donald A. Nussbaumer
Assistant Director

for for State Agreements Program
Office of State Programs

NRC REPORTS THAT WE SHOULD CONSIDER THIS AS A RESPONSE
TO THE OCTOBER 21, 1981 BATTLE LETTER

Scott



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

September 13, 1983

Michael J. O'Brien
Radiation Safety Officer
Environmental Health and Safety
Department GG-11
University of Washington
4725 30th Avenue N.E.
Seattle, Washington 98105

Dear Mr. O'Brien:

During our recent compatibility review, the U.S. Nuclear Regulatory Commission noticed that our March 14, 1983 acknowledgement of your February 28, 1983 reply to an item of noncompliance did not clearly state our position. To set the record straight, and hopefully assure that you do not inadvertently run afoul of the same noncompliance, we restate what we thought was obvious before: the University was cited for failing to provide a film badge or other personnel dosimetry for a new employee before allowing the employee to begin radiation work. You responded by questioning the need to badge the employee at all. No data was shown to support this position, and you ended by questioning whether this should have been an item of noncompliance at all. We assumed your institution is large enough to carry a supply of unassigned film badges for the purpose of badging new employees. While we chose not to debate the issue with you at that time, there is some doubt that our response would clearly lead you to 1) providing the required film badge or 2) performing the dosimetry assessment.

No reply to this letter is required, and we trust that the issue has now been set to rest.

Sincerely,

Nancy P. Kirner, Supervisor
Radioactive Materials Unit

NPK:kw