



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

MAR 14 1988

MEMORANDUM FOR: Washington State File

FROM: Kathleen N. Schneider *K.N. Schneider*  
State Agreements Program  
State, Local and Indian Tribe Program

SUBJECT: WASHINGTON PROGRAM VISIT CONDUCTED JANUARY 12-13,  
1988

On January 12-13, 1988, K.N. Schneider meet with Washington representatives in Olympia, Washington to discuss the Washington program for control of agreement materials. Due to the recent loss of staff in the Waste Management Unit, SLITP believed it was appropriate to review the status of the program in light of last year's review. A day and half visit was conducted with Mr. T. T. Strong, Head, Radiation Control Section,, Mr. Terry Frazee, Supervisor, Radioactive Materials Unit, Mr. Charles E. Ingersoll, Supervisor, Waste Management Unit, and the Radiation Control Section Staff. A review of the status of the program in implementing the previous review's comments and the low-level waste program was conducted by Mrs. Schneider. A summary meeting regarding the results of the visit was held with Mr. Robert R. Rolfs, Acting Director, Division of Health and Mr. Strong on January 13, 1988.

The State has begun action on implementing the NRC recommendations following the previous program review and the status report is attached as enclosure 1.

There are several areas of concern that may affect the program and need careful consideration. NRC was informed of a legislative effort to move the Radiation Control Program or parts of the program to the Washington Department of Ecology. As of February 1, 1988, we understand that the Waste Management Section and the Environmental Section may be transferred to the Department of Ecology. I asked that Washington keep us informed of any upcoming legislative changes that affect the agreement and the State's ability to administer it. NRC'S interest is that where more than one organizational unit has responsibility for administering the Agreement State program, there be clear lines of authority and responsibility established.

At the present time the Waste Management Unit appears to be adequately regulating the low-level waste disposal site although the staffing appears minimal for this function. I believe any major effort required of the Waste Management Unit such as evaluation of the environmental monitoring assessment due to the State from US Ecology in June 1988 or regulation of "mixed waste" disposal could have an adverse effect on the program unless additional resources are provided. Also, in the review of the specific licensing actions, we found that the Waste Management Section staff is in several cases performing analysis to support specific authorizations or variances to the disposal site license. Such analysis should be performed by the licensee and confirmed by the State. The details of the Low-Level Waste Program are given in the following discussion.

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PDR COMMS NRCC  
CORRESPONDENCE PDR

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## Low-Level Waste Program

### Legislation and Regulations:

At the this time there is no change in the regulations from the previous review. There is presently a legislative effort to move the Radiation Control Program or parts of the program to the Washington Department of Ecology. While I was visiting the State, the effort was to move the entire program. As of February 1, 1988, it appears that the Waste Management Section and the Environmental Section have been proposed to be transferred to the Department of Ecology. In my discussions with Mr. Rolfs and Mr. Strong, I requested that NRC be kept informed of any upcoming legislative changes that affect the agreement.

### Organization:

The RCP's organization chart dated December 7, 1987 is attached as Enclosure 2.

### Management and Administration:

The program is administered by the supervisor who reports to Mr. Strong. I asked what sort of plans did the staff have to analysis some of the information that would be received by the State as a result of the newly issued license for Hanford. For example the license requires that US Ecology submit an environmental assessment as of June 1988. There was no planning by the staff as to who would review this information or what sort of effort would be involved or why this information was considered necessary. I recommended that the license be reviewed and the management plan for the review of the information required.

### Personnel:

Since the last review, Nancy Kirner, Waste Management Supervisor and Robert Bidstrup, on site inspector have resigned from the program. With the resignation of Mrs. Kirner, Mr. Earl Ingersoll has been promoted to the Supervisor's position. A replacement for the on-site inspector, Mr. Michael Anderson was hired on November 15, 1987. For a period of two to three weeks the State did not have an on-site inspector at Hanford. From July 27, 1987 to November 15, 1987, the staff from Olympia rotated for one week periods to maintain coverage at the site.

There are presently several positions authorized in the Waste Management Section but there is no funding available to staff these positions. The State has also lost monies that were associated with the High Level Waste Program and may need to cut as many as 12 authorized positions March 1988. This could impact the low level waste program by eliminating positions from their program even though these positions were not involved in the high level waste program. The Radiation Control Program has asked for an additional \$600,000 from the legislatures to allow them to carry on their remaining programs this fiscal year.



The supervisor plans to perform a review of the on-site inspector performance in February 1988. At the present, the supervisor is reviewing all variances and specific approvals processed by the staff.

#### Licensing:

I reviewed three specific approvals and variance requests processed by the State. The Hanford license indicates that certain wastes require specific approval from the State prior to acceptance of the waste at the site. Variances are requests for approval of wastes or forms not authorized at the site on the present license. Due to the previous lack of secretarial staff, the supervisor could not easily determine the number of specific approvals presently in house for review or the number of requests processed since the last review. When I asked for the procedures for reviewing the requests, the staff had checklists but did not have specific procedures. At the present time, variances to the US Ecology license were forwarded to the State from US Ecology and those items requiring specific approval from the State such as class C transuranic were sent directly to the State from the generator. Even with the variances, the State at times appears to be corresponding directly to the generators. I recommended that the procedures if they exist be updated to require that requests for specific approvals and variances to be sent through the licensee to the State. If the procedures do not exist, they should be generated. A copy of both the procedures and the State's checklist should then be supplied to US Ecology. The State's procedures should indicate that the requests for variances or specific approvals will not be considered unless the licensee, US Ecology, has already evaluated the request against the State's requirements for appropriateness. Anything unusual should then be clearly documented by US Ecology.

The files did not contain the letters that either denied or granted the requests, however these were easily retrieved from the reviewer's own files. I recommended that these letters be placed in their appropriate files.

There is a status board outside the secretarial area indicating the number of variance requests and HIC/Topical reports presently in house for review by the State. There were five variance request, the earliest dated March 30, 1987 and the remaining four dated from 11/16/87 to 12/31/87. One of the items listed as a topical report was a variance request for greater than Class C waste. Management had not done a review of the items on the board to determine the appropriate status. I recommended that the State write to the generator that the State does not accept greater than Class C waste which is the responsibility of the DOE. I also recommended that the remaining topical reports be reviewed by the present supervisor to determine their status.

#### Compliance:

The State last inspected the low level waste license (WN-I019-2) for US Ecology on October 20-22, 1987. The team consisted of A. Scroggs, C. DeMaris, G. Robertson and A. Waite. There was one item of noncompliance as a result of the inspection - failure to appropriately calibrate all

instruments. Presently there are three trenches open. Trench 14 which was open prior to 11/5/86 contains class A waste (both stable and unstable), trench 13 contains class B and C and trench 11, which is an old trench which was open when part 61 was first implemented, contains high activity waste at the open end. The inspection appeared appropriate except that the old inspection forms were used and it is not clear whether the employees had been interviewed about safety practices and their performance on the job observed.

Enclosures:  
As stated

ENCLOSURE 1



ENCLOSURE 1  
STATUS REPORT

Program Changes Related to Previous NRC Comments and Recommendations

I. MANAGEMENT AND ADMINISTRATION

A. Comment (Quality of Emergency Planning)

The radiation control program should have a written plan for response to such incidents as spills, overexposures, transportation accidents, fire or explosion, theft, etc. Although the State has demonstrated it adequately responds to incidents involving radioactive materials, we found in this review that the State's plan for fixed nuclear facilities does not adequately address incidents involving radioactive materials.

Recommendation

We recommend the RCP develop a written emergency plan that covers incidents involving radioactive materials in addition to the current plan for fixed nuclear facilities. The plan should define the responsibilities and actions to be taken by the appropriate State agencies and be specific as to the persons responsible for initiating response actions, conducting operations and cleanup.

The plan should then be distributed to the appropriate persons and agencies. Program management should be sure that all staff members involved in emergency response are fully trained and understand the procedures. The NRC should be provided the opportunity to comment on the plan while it is in draft form.

State Response

Our emergency response program will, before the end of 1987, revise the planning/procedures to address more clearly how we deal with non-FNF incidents. Most sections of the manual can now be used for handling all types of radiation emergencies, but work is necessary, as pointed out by the RSAR. The major project of concern, handling transportation accidents involving radioactive material, has been started will not be complete for several years. In the interim, our procedures will state we will use/adopt federal, IAEA or other acceptable documents as our plan for handling such transportation accidents.

Present Status

A copy of the revised procedures dated 1/88 for transportation accidents was obtained and is attached to this enclosure as Appendix A. The procedure had not yet been distributed to the

staff as of January 13, 1988. The emergency response program has not addressed any other non-fixed nuclear facilities.

B. Comment (1) (Administrative procedures)

Written procedures should be established for inspection policies. The current procedure for assigning licenses to the priority schedule is not working effectively. A list of licensees with the assigned priority is posted in the office, and the inspector copies the information to the inspection form. Six of ten inspection reports reviewed did not indicate the correct priority on the form.

Recommendation

To prevent confusion, we recommend the procedures be revised to indicate the assigned priority on the license itself.

State Response

We believe there are two reasons for the discrepancy noted by the RSAR. The first is the major change in inspection frequencies established following the previous compatibility review; and secondly, certain inspection forms continue to reflect priority choices based on the previous inspection schedule. Since we have undertaken to revise outdated inspection forms, we believe it is not necessary to administratively amend our more than 350 licenses. We believe inspection priorities should be more, rather than less, accessible to changes instigated by the compliance staff, based on the individual licensee's history. Also the RSAR's "discrepancies" in the indicated priority tend to attract closer scrutiny by the inspectors. We would like to try a little longer to use this approach before we change the system.

Present Status

With the new inspections forms, the management of the compliance program has not noted a continuance of the discrepancies in the inspection priority.

Comment (2)

The Office of State Programs periodically issues "All Agreement State Letters," to assist the Agreement States in keeping their administrative procedures uniform and consistent with the policies and regulatory practices of the NRC and other Agreement States. The RCP has no procedure established for retaining and distributing the information contained in these letters to the staff.



#### Recommendation

We recommend procedures be developed to organize and maintain the All Agreement State Letters and other documents furnished by the HRC into workable order so that the appropriate material may be distributed to the staff and assimilated into the State's internal written procedures.

#### State Response

The Radioactive Materials Section has implemented the RSAR's suggestions for organizing and disseminating information from the office of State Programs.

#### Present Status

The All Agreement State Letters are presently circulated to all staff. The State has not set up a specific file but believe that the staff is cognizant of the appropriate material. I recommend during the next review that the PSAR question staff members on the more recent letters to verify that the material is being appropriately distributed.

#### C. Comment (Management)

Program management should perform periodic reviews of selected license cases and inspection reports, review enforcement actions and licensee responses, and conduct annual field accompaniments of the inspectors. Because of his assignment to other duties and projects, the supervisor of the Radioactive Materials Section has not been able to perform these important managerial functions.

#### Recommendation

We recommend program management allow the Supervisor sufficient time to concentrate on his management duties. The Supervisor should then establish a schedule for his field accompaniments and reviews of license cases and inspection reports to ensure that a sample of the work of each reviewer and inspector is reviewed. The results of these reviews should be documented and discussed with the person involved.

#### State Response

When "lead workers" were first-line supervisors, their reviews of licensing and compliance matters were determined by NRC reviews to constitute adequate supervisory review. Please note that DSHS "delaying" has removed the supervisory responsibility without changing other duties or reporting relationships. Periodic reviews of licensing actions and inspection reports, along with frequent field accompaniments of the inspectors, have been performed by the lead workers. Nevertheless, our "oversight" has been corrected, and



procedures, including standardized documentation, are now in place to ensure that the supervisor reviews 10 percent of all routine work and conducts at least one annual field accompaniment of each inspector.

#### Present Status

At the time of this visit, the Supervisor of the Radioactive Materials Section had performed accompaniments of all inspectors. A QA log now exist for both license reviews and inspections reports. The supervisor reviews every tenth license and inspections report.

It was recommended that the license review checklists (attached as Appendix B) that document the supervisor review also include the QA number to enable management to easily retrieve these sheets after examining the log. The licensing comments are then returned to the license reviewer after the supervisor review so that any unresolved items can be corrected before issuing the license.

The inspection/report review (attached as Appendix B) has been correlated with the QA number in the QA log. However, discussions with the Supervisor and his lead worker indicated that the results of these reviews are not always returned to the inspector unless specifically requested by that inspectors. It was recommended that each inspection report reviewed by the Supervisor be returned to the inspector who performed the inspection.

## II. COMPLIANCE

### A. Comment (Status of Inspection Program)

Both the NRC and the State require inspection of new licensees within six months after the license is issued. According to the State's records, there are six initial inspections currently overdue, three by more than fifty percent of the inspection interval. Although this finding is repeated from two previous reviews, the significance is decreased by an action plan prepared by the program which calls for the elimination of this backlog by the second quarter of 1987.

#### Recommendation

We again recommend you modify your method of assigning inspections to assure that new licensees are inspected within the six-month interval.

#### State Response

We intend to follow the action plan prepared during the RSAR's review to bring overdue inspections under control. We will link the licensing and compliance computer functions to

overcome delays in assigning initial inspections. Although this has been noted as a problem for the last three reviews, the cause has been different each time. Staff workload, computer glitches, and heavy emphasis on cross-training to meet reorganization plans have all played a part at different times. Nevertheless, we will strengthen our procedures and document contact with the licensee at least every six months until an initial inspection covering a minimum of three months operational experience has been performed.

#### Present Status

Attached to this enclosure as Appendix C are the three status reports by the State addressing the action plan for the overdue inspections. The State did reduce its backlog of inspections to zero in September 1987. However, presently there are 4 overdue inspections but none of these are new licenses. In the November 6, 1987 status report the Supervisor recognized that due to training course and other considerations that a backlog would occur.

#### B. Comment (1) (Inspection Reports)

Findings of inspections should be documented in a report describing the scope of the inspection and the licensee's program. It was noted during the review that information such as descriptions of worker interviews and documented observation of licensee operations is not included on all inspection report forms and was missing from some of the reports.

#### Recommendation

We recommend the appropriate inspection forms be revised to include interviews with workers and observation of the licensee's handling of radioactive materials

#### State Response

We have scheduled major revisions of all inspection report forms which will include, at a minimum, a notation on interviews with workers and observations of the licensee's handling of radioactive materials, and clearer priority notation. This will be completed by the end of the third quarter 1987.

#### Present Status

The State has revised their inspection report forms for Minor Inspections to include a notation on interviews with workers and observations of the licensee and priority. A copy of the form is attached in Appendix C. It appears that the new forms not clear in the report that the inspectors had interviewed



are being utilized by the staff. However, the inspection of the US Ecology license, which occurred on October 20-22, 1987 was reviewed and did not use a new form. In addition, it was workers or observed any operations. There is normally a resident on-site inspector from the Waste Management Section however the State was without a regularly assigned inspector until November 15, 1987. From July 27, 1987 to November 15, 1987, staff from the Radiation Control Program rotated for a week period to Hanford. Even though there is an assigned on-site inspector, I recommended that during the yearly compliance inspection that workers be interviewed and operations observed.

#### Comment (2)

Reports should show the status of previous items of noncompliance. In two cases, the reports did not indicate action taken on the previous items of noncompliance.

#### Recommendation

We recommend supervisory review of the reports to verify that the previous items on noncompliance are being followed up, closed out and documented on the reports.

#### State Response

Supervisory review forms have been prepared to help assure that previous items of noncompliance have been followed up, closed out, and documented on the reports being reviewed. This form is used by the lead worker for all inspection reports and by the supervisor for the 10 percent sampling noted in response to Comment I,C., above.

#### Present Status

The new forms are in use by the lead worker and the supervisor and previous items of non-compliance are being examined. The form is attached as Appendix C.

#### C. Comment (Independent Measurements)

The State is calibrating GM survey instruments by using electronic linearity checks with one point source. The applicable regulatory guides specify that survey instruments must be calibrated on at least two points and by a standard source certified within five percent accuracy to NBS standard calibrations if they are to be used to determine compliance measurements.

#### Recommendation

We recommend the State calibrate their survey instruments in accordance with the applicable NRC Regulatory Guide if they are to be used to determine compliance measurements.



#### State Response

State survey instruments, including GM's, are and have been calibrated in accordance with the applicable NRC regulatory guide which requires calibration on at least two points for each scale, using a source certified to within five percent accuracy. There appears to have been some confusion due to the type of calibration sticker temporarily employed by the University of Washington calibration facility. The university of Washington is an accredited calibration facility and performs calibrations using procedures approved by the Conference of Radiation Control Program Directors, Inc. and the National Bureau of Standards. We believe the only instrument to which this allegation may partially apply is the Ludlum Micro R meter. When a Micro R meter is calibrated at the University of Washington, a source is used to set two points on the high ranges, while the low ranges are calibrated electronically. If the instrument is returned to Ludlum for repair, a calibration will be performed using electronic means. Ludlum claims its calibration system conforms to the requirements of NRC-STD-45662A and ANSI N323-1978. Although we might continue to discuss this technical comment, we will provide instructions to staff affirming that instruments or scales not calibrated in accordance with NRC requirements cannot be used for determining compliance with the regulations.

#### Present Status

The state sent a memo to the staff concerning this issue which is attached to this report in Appendix C.

#### Issues Raised in the Letter to Robert Rolfs, Acting Director

##### A. Comment

Following our February 1986 review we commented that the State should provide whatever assistance is necessary to resolve the issue between Dawn Mining Company and the U.S. Department of Energy (DOE) in which the mill owners contend that two of their mill tailing piles are the responsibility of the DOE under the Uranium Mill Tailings Radiation Control Act.

#### State Response

Responsibility for reclamation of the Dawn Mining Company (DMC) tailings areas I and II has been discussed at length with mill management representatives during the past 12 months. The President of the Dawn Mining Company continues to maintain that DOE is responsible for reclamation of these tailings areas. We have requested from Dawn documentation to show that DOE has agreed to provide financial assistance. Our

target date for resolving this matter appears in condition number 37 in the Dawn Mining Company Radioactive Materials license. This condition reads in part:

The licensee shall implement additional (interim) stabilization of tailings impoundment areas I and II (AEA tailings) or submit for department approval a reclamation plan, with timeframes, prior to June 30, 1987.

While both U.S. DOE and the Dawn Mining Company appear to be dragging their feet on this issue, we believe the deadline provided by condition number 37 will drive a timely resolution. We do not believe changing the timetable at this point would result in a speedier resolution. If DMC does not resolve this problem by June 30, 1987, Washington will take appropriate enforcement action to bring about resolution.

#### Present Status

The license condition mentioned above is from a draft license that has not yet been issued. However, the State received a copy of a September 29, 1987 letter (attached as Appendix D) to Dawn Mining Company from DOE determining that this site is not eligible for consideration for clean-up under Title I.

The license has not yet been issued due to problems with the closure plan. The licensee has submitted a closure plan in February 1987 and September 1987. The State has hired a temporary part time to assist in preparation of the Environmental Assessment in December 1987.

#### B. Comment

It was also pointed out that the State should obtain formal agreements from the bureau of Indian Affairs and Spokane Tribe to assure that surety funds for the closure of the Western Nuclear Sherwood project would be available to the State in case they were needed.

#### State Response

In December 1986 DSHS developed a draft Memorandum of Understanding (MOU) with Portland office of the Bureau of Indian Affairs (BIA) concerning the sharing of the Western Nuclear closure bond now held by the Bureau of Indian Affairs. BIA staff has agreed in principle that the MOU is necessary and that, upon cursory review, BIA has no objections to such an MOU. However, other priorities concerning Western Nuclear are distracting BIA from its final evaluation of the MOU. While all parties have agreed the MOU is appropriate in order to deal properly with the Western Nuclear situation, Western Nuclear cannot be dealt with separately from closure and perpetual care and maintenance concerns associated with the the Dawn Mining company mill and the Midnight Mine. Because

the BIA and the Bureau of Land Management of the U.S. Department of Interior are directly and intensely involved in all three of these projects, final resolution of any one may be delayed by considerations for the other two. In any case, the department will continue to work with BIA towards the completion of an MOU which will deal appropriately with the sharing of funds held in the existing Western Nuclear bond.

#### Present Status

Western Nuclear proposed that the plant be taken over by the Spokane Tribe and that the six million dollar bond be cancelled. Since the BIA and the Spokane Tribe are still considering this offer, no additional action has occurred on the proposed MOU. A copy of the draft MOU was obtained and is attached in Appendix E. It was recommended that the State determine if there are any deadlines established for the decision concerning ownership of the mill. The State also asked who would be the licensing authority if the site is taken over by the Spokane Tribe. This issue will need to be resolved once a decision is made over the ownership of the mill.