



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

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12/30/88

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MEMORANDUM FOR: Region V State Agreements Officer

FROM: Joel O. Lubenau
~~Acting Assistant Director~~
~~for State Agreements Program~~
State, Local and Indian Tribe Programs

SUBJECT: STATE RESPONSE TO REVIEW COMMENT LETTER

Enclosed is a copy of the response dated 12/19/88 of the WA radiation control program to our review comment letter.

Please review and prepare for Mr. Kammerer's signature a letter of acknowledgement including, as appropriate, comments on the response and/or offering staff findings of adequacy and compatibility. Acknowledgement letters offering (or changing) findings of adequacy and compatibility should be coordinated with your Regional Administrator and EDO.

Enclosure:
As stated

9306140028 930503
PDR COMMS NRCC
CORRESPONDENCE PDR

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FROM T. R. Strong		DATE OF DOCUMENT 12/22/88		DATE RECEIVED 12/28/88		NO SLITP-278	
		LTR		MEMO		REPORT	
		ORIG.		CC		OTHER	
TO C. Kammerer		ACTION NECESSARY <input checked="" type="checkbox"/>		CONCURRENCE <input type="checkbox"/>		DATE ANSWERED	
		NO ACTION NECESSARY <input type="checkbox"/>		COMMENT <input type="checkbox"/>		BY	
CLASSIF		POST OFFICE		FILE CODE:			
		REG. NO.					
DESCRIPTION (Must Be Unclassified)		REFERRED TO		DATE		RECEIVED BY	
RESPONSE TO YOUR COMMENTS AND RECOMMENDATIONS ATTACHED TO YOUR INFORMAL REPORT TO STATE OF WASHINGTON FOLLOWING NRC COMPATIBILITY REVIEW		V. Miller		12/28			
ENCLOSURES							
<i>To J. Rubenow for Coord W/R-V to prepare Resp. Swap to R-E 1/30/89 Susp to Strong 2/10/89</i>							
REMARKS							

U. S. NUCLEAR REGULATORY COMMISSION

MAIL CONTROL FORM

FORM NRC 32
(1-75)

FROM Carole J. Washburn		DATE OF DOCUMENT 12/19/88		DATE RECEIVED 12/28/88		NO SLITP-279	
		LTR		MEMO		REPORT	
		ORIG.		CC		OTHER	
TO C. Kammerer		ACTION NECESSARY <input checked="" type="checkbox"/>		CONCURRENCE <input type="checkbox"/>		DATE ANSWERED	
		NO ACTION NECESSARY <input type="checkbox"/>		COMMENT <input type="checkbox"/>		BY	
CLASSIF		POST OFFICE		FILE CODE:			
		REG. NO.					
DESCRIPTION (Must Be Unclassified)		REFERRED TO		DATE		RECEIVED BY	
RESPONSE TO FINDINGS MADE DURING J. HORNOR'S COMPATIBILITY REVIEW OF WASHINGTON'S RADIATION PROTECTION		V. Miller		12/28			
ENCLOSURES							
<i>To J. Rubenow for Coord W/ R-E, Swap to R-E 1/30/89 C.P.H. Swap to Washburn 2/10/89</i>							
REMARKS							

JULE M. SUGARMAN
Secretary



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Olympia, Washington 98504-0095

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Copy to C 16
Action/followup,
including distalnt
GFA/SLITP → WAM/J.

December 19, 1988

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

Dear Mr. Kammerer:

The purpose of my letter is to respond to findings made during Mr. Jack Horner's compatibility review of Washington's radiation protection program. We are pleased that you have found our program to be both adequate to protect the public health and safety and compatible with the radiation control program of the Nuclear Regulatory Commission.

Although we have not been notified formally by the tribe, we have learned that the Sherwood Project uranium mill of Western Nuclear, Incorporated, has been given to the Spokane Tribe of Indians. The original date for completion of the transfer was to be January 1, 1989. We do not believe that date is now achievable and anticipate that it will likely take most of the first calendar quarter of 1989 to complete. We too are interested in assuring a smooth transfer of regulatory responsibility from my agency to yours. While the state of Washington will give up its regulatory responsibility for the mill, our interest in the environmental conditions at the facility will not be diminished. Because your agency will operate a different kind of environmental monitoring program from the one traditionally operated by the state of Washington, it is my intention to request the Nuclear Regulatory Commission to enter into negotiations with the state of Washington to develop a contract or similar agreement which would allow the state to continue its environmental monitoring activities at the Sherwood mill as a contractor of the Nuclear Regulatory Commission.

A second issue of grave concern to us is the loss of the surety bond now held by the Bureau of Indian Affairs and paid for by Western Nuclear, Incorporated. The bond would provide funds for the closure of the facility. As the transfer of regulatory responsibility moves ahead, we are very interested in continuing the protection provided by this bond.

With regard to the Dawn Mining Company, we anticipate issuing the draft environmental impact statement for closure of the millsite on January 1,

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Carlton Kammerer, Director
December 19, 1988
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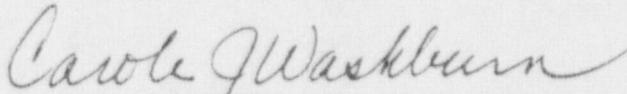
1989. A public hearing has been tentatively scheduled for February 14 and 15, 1989 in Spokane, Washington. We intend to continue to receive written comments until February 28, 1989, and issue the final EIS as soon thereafter as possible.

The issue of emergency response to radiation incidents has been a sensitive issue with us for some time. I appreciate your comments and fully understand that it is a repeat comment from your previous evaluations. I would prefer to fully integrate our emergency response capability for radioactive materials, fixed nuclear facilities, transportation incidents, and any other radiation related accidents. Primarily because of funding issues, I do not believe it will be possible to do this within a reasonable time. Nevertheless, in recognition of the significance of the issue, we will develop an emergency response plan for the radioactive materials portion of our responsibility and have that plan completed by September 30, 1989.

I have asked Terry Strong, Chief of the Office of Radiation Protection, to respond to your comments and recommendations in enclosure 1 to your November 25, 1988 letter.

Staff have told me of the close working relationship they have with your organization and that they appreciate the continuing assistance we receive, especially from Jack Hornor. His presence makes the compatibility review process a positive experience for us. I look forward to your response to my concern about both environmental monitoring and the surety requirements at the Western Nuclear project.

Sincerely,



CAROLE J. WASHBURN
Acting Director
Division of Health

RULE M. SUGARMAN
Secretary



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Olympia, Washington 98504-0095

88 DEC 28 AM 11:20

GPA/SLITP

*12/28 Copy to CLK
Action / following
incl. distrib.
VM/JL*

December 22, 1988

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

Dear Carl:

The 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 October 28, 1988. I will address the comments in the same order you presented them to us on November 25, 1988.

MANAGEMENT AND ADMINISTRATION

-- Emergency Planning

For reasons concerning both statutory authority and funding, the state of Washington has traditionally chosen not to fully integrate its emergency response procedures in the diverse areas of fixed nuclear facilities, transportation accidents, incidents involving the licensed uses of radioactive material, and other events requiring an emergency response from the Office of Radiation Protection. Keeping this tradition in mind, yet recognizing your continuing request, we have determined that a separate emergency response plan dealing specifically with radioactive materials licensees will be prepared. As Carole Washburn, Acting Director of the Division of Health, has noted in her separate letter to you, it is our intention to have this plan completed by September 30, 1989. It is my intention to work closely with Jack Hornor as we develop this plan, thereby assuring that our final product will indeed be compatible with the requirements of the Nuclear Regulatory Commission.

-- Laboratory Services

The miscommunication between the Office of Radiation Protection and the Office of Laboratories, both located within the Division of

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Health, has been resolved. It was resolved easily, eliminating a long-term misunderstanding between these two organizations which are obviously very important to each other. While a decision on how to reduce our formal arrangement to writing has not yet been made, access to the laboratory is no longer an issue for us. We will seriously consider the recommendation to acquire our own counting equipment for use in Olympia; the decision to purchase such equipment will be determined by the availability of funds and by the priority of such equipment when ranged against other needs. We will give it serious consideration.

COMPLIANCE

-- Inspection Procedures

Terry Frazee, Head of our Radioactive Materials Section, is working now on our procedures dealing specifically with our checklists, exit interviews, and the close-outs of previous noncompliance items. We will also address the difference between items of noncompliance and recommendations and our inspection of industrial radiographers. In the future we will be making field examinations on at least 25 percent of our licensed industrial radiographers.

LOW-LEVEL WASTE MANAGEMENT

-- Written Procedures

As you know, Earl Ingersoll, presently Head of our Waste Management Section, has announced his intention to retire. His replacement will be named before January 1, 1989; the first assignment for the new Section Head will be the development of specific administrative and technical procedures dealing with the disposal of low-level radioactive waste. I have received approval to keep Earl on staff for 60 days following the appointment of the new Section Head. Together, these two, using the resources of the rest of the Waste Management staff, will write the procedures for our Low-Level Waste Management Program.

-- Staffing

Adding staff is not always the answer to solving a program's problems. In this case, however, many of the issues we face could be corrected if our staffing level was, as you have recommended, as it is reflected

STANDARD REVIEW PLAN FOR
APPLICATIONS FOR LICENSES FOR THE USE OF
SELF-CONTAINED DRY SOURCE-STORAGE GAMMA IRRADIATORS

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1. INTRODUCTION

1.1 GENERAL

The Nuclear Regulatory Commission (NRC) issues specific licenses which authorize the use of byproduct material in gamma irradiators. Gamma irradiators are used for a variety of purposes in research, industry and other fields. Typical uses are:

1. Sterilization or microbiological reduction in medical and pharmaceutical supplies.
2. Preservation of foodstuffs.
3. Radiation effects studies.
4. Chemical and polymer synthesis and modifications.
5. Insect eradication through sterile male release programs.

A person may obtain a specific license for a gamma irradiator by filing an application on NRC Form 313, "Application for Material License." The application for license will be approved if, among other things, (1) the applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property, and (2) the applicant is qualified by training and experience to use the radioactive material for the purpose requested in such manner as to protect health and minimize danger to life or property.

For purposes of providing guidance to applicants for licenses, the NRC divides gamma irradiators into two groups. The first group includes self-contained, dry source-storage gamma irradiators and is the subject of this Regulatory Guide 10.9, Revision 1. The second group includes all other irradiators and licensing guidance for this second group is given in the NRC document "Guide for the Preparation of Applications for Licenses for the Use of Panoramic Dry Source-Storage Irradiators, Self-Contained Wet Source-Storage Irradiators, and Panoramic Wet Source-Storage Irradiators"

(Task FC 403-4).

The American National Standards Institute (ANSI) has developed and published safety standards for gamma irradiators. Under the ANSI system for considering basic safety requirements, all gamma irradiators are divided into four general categories of irradiators. The ANSI Standard N433.1, "Safe Design and Use of Self-Contained, Dry Source Storage Gamma Irradiators (Category I),"* deals with the same type of irradiator that is dealt with in this Regulatory Guide 10.9, Revision 1.

As defined in ANSI Standard N433.1, a Category I irradiator is an irradiator in which the sealed source(s) is completely contained in a dry container constructed of solid materials, the sealed source(s) is shielded at all times, and human access to the sealed source(s) and the volume(s) undergoing irradiation is not physically possible in its designed configuration.

Depending on the particular design, the radiation source within the irradiator may be retained in a fixed position or the radiation source may be movable. In the latter case, interlocks are used to ensure that the source does not move into a position which during normal use of the irradiator may cause a radiation hazard to any individual. Proper functioning of the interlocks assures that shielding is in place. Bypassing or failure of an interlock could cause individuals to be exposed to very high levels of radiation.

Category I gamma irradiators typically contain several hundred to several thousand curies of Cs-137 or Co-60 and range in weight from several hundred to several thousand pounds.

*Copies may be obtained from the American National Standards Institute, 1430 Broadway, New York, NY 10018.

on our organization chart. The vacancies exist, funding does not.

Although we will generate enough revenue this year to pay for the staff indicated on our Low-Level Waste Management organization chart, the legislature instructed the department to use low-level waste site surveillance revenue for a variety of other purposes. Of course, there is not enough money to go around. I intend to press this issue as hard as I possibly can. I do not want to operate an inadequate program, but in the final analysis my ability to bring the staffing level up to your recommendation will be determined by others.

-- Variance Requests

We have traditionally required US Ecology to analyze requests for variances from generators of low-level waste. The quality of such analyses and the timeliness can be better and you will see in the near future that we will not be doing work more properly conducted by the company.

--- Enforcement Procedures

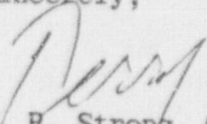
The administrative and technical procedures for the Waste Management Section will include specific provisions on enforcement.

-- Receipt of Reports

We are familiar with the conditions of the Radioactive Materials License we issue to US Ecology, Incorporated; an additional system to flag the fact that reports are overdue is probably not necessary. What we will do is insist that the reports be received on time and, given additional staff, properly review them when they arrive. Your comment on this issue is appropriate and we are working on it.

I appreciate very much Jack Hornor's efforts, his attitude, and his dedication to helping the state of Washington. I consider him both a friend and a valuable adjunct to the program. If you have questions about my response to your compatibility review, please do not hesitate to call me.

Sincerely,


T. R. Strong, Chief
Office of Radiation Protection