

Washington's Radiological Health Rules ~ December 2016

State Section	NRC Section	RATS ID	Category	NRC Subject and Comments	Washington State's Response
246-232-009	30.15(a)(2)	2012-4	B	<p>Certain items containing byproduct material WA needs to add the requirements contained in 10 CFR 30.15(a)(2) to the corresponding WA regulations in 246-232-009.</p> <p>WA needs to make the changes to 246-232-009 described above to meet the Compatibility Category B designation assigned to 10 CFR 30.15(a)(2).</p>	Washington State adopted this change in WAC 246-232-009(1), (2)(a), and (2)(b).
246-232-011(1)(b)	30.19(b)	2012-4	B	<p>Self-luminous products containing tritium, krypton 85, or promethium 147 WA needs to replace the phrase “shall apply for a license under chapter 246-235 WAC” with the phrase “should apply for a license under 10 CFR 32.22 and for a certificate of registration in accordance with 246-235-108 WAC.”</p> <p>WA needs to make the language substitution above to 246-232-011(1)(b) to meet the Compatibility Category B designation assigned to 10 CFR 30.19(b).</p>	Washington State adopted this change in WAC 246-232-011 (1)(b).
246-232-012	30.20	2012-4	B	<p>Gas and aerosol detectors containing byproduct material WA needs to replace the phrase “gas or aerosol detectors” with “gas and aerosol detectors” in the first sentence of 232-012(1)(a) and 232-012(1)(b).</p> <p>WA needs to revise 246-232-012 so that the exemption in 246-232-012(1)(a) directly corresponds to the exemption in 10 CFR 30.20(a). The exemption should include the WA equivalent to 10 CFR 19, 20, 30 through 36, and 39.</p> <p>WA needs to replace the phrase “by the department, NRC, or an agreement state” in 246-232-012(1)(a) with the phrase “under 10 CFR 32.26.”</p> <p>In the last sentence of 246-232-012(1)(a), WA needs to add the phrase “issued by a State under comparable provisions to 10 CFR 32.26” between the words “license” and “authorizing.”</p> <p>WA needs to replace the phrase “this chapter shall apply for a license under chapter 246-235 WAC” in 246-232-012(1)(b) with the phrase “subsection (1) should apply for a license under 10 CFR 32.26 and for a certificate of registration in accordance with WAC 246-235-108.”</p>	Washington State adopted these changes in WAC 246-232-012(1)(a) and (1)(b).

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				WA needs to make the changes to 246-232-012 described above to meet the Compatibility Category B designation assigned to 10 CFR 30.20.	
246-232-015	30.22	2012-4	B	<p>Certain industrial devices WA needs to add the phrase “issued under 10 CFR 32.30,” between the words “license” and “which” in 246-232-015(1).</p> <p>WA needs to replace the phrase “for use under this chapter” with “for use under this section” in 246-232-015(1).</p> <p>WA needs to replace the phrase “shall apply for a license under chapter 246-235 WAC” in 246-232-015(2) with the phrase “should apply for a license under 10 CFR 32.30 and for a certificate of registration in accordance with 246-235-108 WAC.”</p> <p>WA needs to make the changes to 246-232-015 described above to meet the Compatibility Category B designation assigned to 10 CFR 30.22.</p>	Washington State adopted these changes in WAC 246-232-015 (1) and (2).
246-235-010(6)	30.32(g)	2012-4	C	<p>Application for specific licenses WA needs to add the following phrase to 246-235-010(6)(a): “...as registered with the Department under 246-235-108 WAC, the NRC under 10 CFR 32.210, an Agreement State, or for a source or a device containing radium-226 or accelerator-produced radioactive material with a State under provisions comparable to 10 CFR 32.210”</p> <p>WA needs to replace 246-235-010(6)(b) with the following phrase: ”Contain the information identified in 246-235-108(3) WAC”</p> <p>WA needs to revise 246-235-010(6)(d) by replacing the phrase “10 C.F.R. 32.210 or this section” with ”246-235-108(7)(a) WAC”</p> <p>WA needs to make the changes to 246-235-010(6) described above to meet the Compatibility Category C designation assigned to 10 CFR 30.32(g).</p>	Washington State adopted these changes in WAC 246-235-010(6).
246-233-015	31.3	2012-4	B	<p>Certain devices and equipment WA needs to remove 246-233-015 in its entirety from the WAC including any references to 246-233-015 as this requirement was removed from NRC regulations.</p>	Washington State repealed all of WAC 246-233-015.

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				WA needs to remove 246-233-015 to meet the Compatibility Category B designation assigned to 10 CFR 31.3.	
246-235-095(2)	32.57	2012-4	B	<p>Calibration or reference sources containing americium 241 or radium 226: Requirements for license to manufacture or initially transfer WA needs to remove the word “plutonium” from both places it appears in 246-235-095(2).</p> <p>WA needs to remove the word “plutonium” from 246-235-095(2) to meet the Compatibility Category B designation assigned to 10 CFR 32.57.</p>	Washington State deleted all references to plutonium in WAC 246-235-095(2).
246-235-108(1) and (2)	32.210	2014-4	B	<p>Registration of product information WA needs to revise 246-235-108(1) and (2) so that the requests are submitted only to the department and not to the NRC.</p> <p>WA needs to revise 246-235-108 as described above to meet the Compatibility Category B designation assigned to 10 CFR 32.210.</p>	Washington State adopted these changes in WAC 246-235-108(1) and (2).
246-235-108(9)	32.211	2014-4	B	<p>Inactivation of certificates of registration of sealed sources and devices WA needs to remove the words “or NRC” from 246-235-108(9)(a).</p> <p>WA needs to replace the phrase “issuing regulatory authority” with the word “department” in 246-235-108(9)(a).</p> <p>WA needs to remove the phrase “, or (as appropriate) to NRC's office of nuclear material safety and safeguards, ATTN: SSDR by an appropriate method listed in 10 C.F.R. 30.6(a)” from 246-235-108(9)(a).</p> <p>WA needs to make the changes to 246-235-108(9) described above to meet the Compatibility Category B designation assigned to 10 CFR 30.211.</p>	Washington State adopted these changes in WAC 246-235-108.
246-232-006(5)	40.13(c)(10)	2013-2	B	<p>Unimportant quantities of source material WA needs to add the phrase “or the NRC” following the first instance of the word “state” in 246-232-006(5).</p> <p>WA needs to delete the phrase “chapter 246-235 WAC, or equivalent regulations of an agreement state” from 246-232-006(5). Only the NRC can issue these licenses under 10 CFR 40.52.</p>	Washington State adopted these changes in WAC 246-232-006(5).

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				WA needs to make the changes to 246-232-006(5) described above to meet the Compatibility Category B designation assigned to 10 CFR 40.13(c)(10).	
246-232-007 Footnote	40.13 Footnote 2	2013-2	B	<p>Unimportant quantities of source material WA needs to revise the footnote to 246-232-007 so it reads "...by the rules, and were manufactured under a specific license issued by the Atomic Energy Commission."</p> <p>WA needs to revise the footnote to 246-232-007 to meet the Compatibility Category B designation assigned to 10 CFR 40.13, Footnote 2.</p>	Washington State adopted this change in WAC 246-232-007.
246-233-010(2)(a)	40.22(b)(1)	2013-2	B	<p>Small quantities of source material WA needs to revise 246-233-010(2)(a) by deleting the phrase ", NRC, or an agreement state"</p> <p>WA needs to revise 246-233-010(2)(a) to meet the Compatibility Category B designation assigned to 10 CFR 40.22(b)(1).</p>	Washington State adopted this change in WAC 246-233-010(2)(a).
246-235-083(4)	40.55(d)	2013-2	B	<p>Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports WA needs to replace the phrase "this section" with "246-235-082 WAC" in 236-235-083(4).</p> <p>WA needs to add a requirement to 246-235-083(4)(b) to file the required report with the NRC in cases where the NRC is the responsible regulatory agency.</p> <p>WA needs to revise the last sentence in 246-235-083(4)(c) as follows: "If no transfers have been made to general licensees in a particular State during the reporting period, this information shall be reported to the responsible agency upon request by the agency."</p> <p>WA needs to make the changes to 246-235-083(4) described above to meet the Compatibility Category B designation assigned to 10 CFR 40.55(d).</p>	Washington State adopted these changes in WAC 246-235-083(4).
246-231-040(1)	30.13	2013-1	B	<p>Carriers WA needs to revise 246-231-040(1) by deleting the last sentence "Common and contract carriers who are not subject to the rules and regulations of the DOT or United States Postal Service are subject to WAC 246-231-005 and other applicable sections of these regulations."</p>	Washington State adopted this change in WAC 246-231-040(1).

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				WA needs to make the change to 246-231-040(1) described above to meet the Compatibility Category B designation assigned to 10 CFR 30.13.	
246-237-023(2)(a)	37.23(b)(2)	2015-4	B	<p>Access authorization program requirements WA needs to remove the incorrect reference “WAC 246-237-025(2)” and replace it with the correct reference “WAC 246-237-025(3)” in 246-237-023(2)(a).</p> <p>WA needs to make the change to 246-237-023(2)(a) described above to meet the Compatibility Category B designation assigned to 10 CFR 37.23(b)(2).</p>	Washington State adopted this change in WAC 246-237-023(2)(a).
246-237-025(2)(b)	37.25(b)(2)	2013-1	C	<p>Background investigations WA needs to replace the word “department” with the word “NRC” in 246-237-025(2)(b).</p> <p>WA needs to make the language substitution above to 246-237-025(2)(b) to meet the Compatibility Category C designation assigned to 10 CFR 37.25(b)(2).</p>	Washington State adopted this change in WAC 246-237-025(2)(b).
246-231-010(9)	71.4	2015-3	B	<p>Definition: Contamination Washington’s proposed definition of “contamination” states: “<i>Contamination</i> means the presence of a radioactive substance on a surface in quantities in excess of 0.4 Bq/cm² (1x10⁻⁵ μCi/cm²) for beta and gamma emitters and low toxicity alpha emitters, or 0.04 Bq/cm² (1.10x10⁻⁶ μCi/cm²) for all other alpha emitters”. 10 CFR 71.4 states “1x 10⁻⁶”.</p> <p>Washington needs to correct their definition of “contamination” as indicated above in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4.</p>	Washington State adopted this change in WAC 246-231-010(9).
246-231-010(18)	71.4	2015-3	B	<p>Definition: Low Specific Activity (LSA) material Washington’s proposed definition of “Low Specific Activity material” state:</p> <p>“(a) LSA-I (i) Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring radionuclides that are not intended to be processed for the use of these radionuclides; or”,</p>	Washington State adopted this change in WAC 246-231-010(18).

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				<p>10 CFR 71.4 states, "...are intended to be processed for the use of these radionuclides;".</p> <p>Washington needs to delete the words "not" and "or" in their definition of "low Specific Activity materials" as indicated above in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.4</p>	
246-231-040(4)	74.14(a)(1)-(a)(3)	2015-3	B	<p>Exemption for low-level materials</p> <p>Washington's regulations do not reference Table A-3.</p> <p>Washington needs to include a reference to Table A-3 in order to meet the Compatibility Category [B] designation assigned to 10 CFR 74.14(a)(1) – (a)(3).</p>	Washington State adopted this change in WAC 246-231-040(4).
246-231-136(1)(a)	71.91(b)	2015-3	NRC	<p>Reports</p> <p>Washington's regulations include this requirement. As 10 CFR 71.91(b) is reserved to the NRC, it should not be adopted by the States.</p> <p>Washington needs to delete this requirement from their regulations in order to meet the Compatibility Category NRC designation assigned to 10 CFR 71.91(b).</p>	Washington State deleted requirement WAC 246-231-136(2).
246-231-136(3)	71.91(c) and (d)	2015-3	C	<p>Records</p> <p>Washington's proposed regulation does not include having records required by this part available for inspection to their department in addition to the NRC.</p> <p>Washington needs to include their department as indicated above in 246-231-136(3), in order to meet the Compatibility Category C designation assigned to 10 CFR 71.91(c) and (d).</p>	Washington State adopted this change in WAC 246-231-136(2).
246-231-200 Appendix A	Part 71 Appendix A	2015-3	B	<p>Determination of A1 and A2</p> <p>Washington's proposed regulations in Section 246-231-200 (4)(d) and (e) state:</p> <p>"...where f(i) is the fraction of activity for radionuclide I in the mixture and A₁. A₂(i) is the appropriate A₁, A₂, for radionuclide I". 10 CFR 71, Appendix A, has a lower "i" in both those places.</p>	Washington State adopted this change in WAC 246-231-200(4)(d) and (4)(e).

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				Washington needs to correct both 4(d) and (e) as indicated above in order to meet the Compatibility Category [B] designation assigned to 10 CFR 74, Appendix A.	
246-231-200 Table A-1	Part 71, Appendix A Table A-1	2015-3	B	<p>A1 and A2 Values for Radionuclides</p> <p>Washington's proposed regulations in Table A-1 contain the following errors:</p> <ul style="list-style-type: none"> a. For Cf-252 the A₁(TBq) value should be 1.0x10⁻¹, not 1.0x10, and the A₂ (Ci) value should be 8.1x10⁻², not 8.1x10; b. For Kr-79, the A₁(Ci) value should be 1.1x10², not 1.0x10², and the TBq/g value should be 4.2x10⁴, not 4.2x10¹ c. Does not contain the footnote: "A₂ = 0.74 TBq (20 Ci) for Mo-99 for domestic use". <p>Washington needs to make the corrections to Table A-1 as indicated above in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71, Appendix A, Table A-1.</p>	Washington State adopted these changes in WAC 246-231-200 Table A-1.
246-231-200 Table A-3	Part 71 Appendix A Table A-3	2015-3	B	<p>General Values for A1 and A2</p> <p>Washington's proposed regulation in Table A-3 omit the footnote notation (i.e., "a") in the "Contents" column, first row.</p> <p>Washington needs to add the footnote notation as noted above in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71, Appendix A, Table A-3.</p>	Washington State adopted this change in WAC 246-231-200 Table A-3.
246-231-010(18)	71.4	2015-3		<p>Definition-Low Specific Activity Material</p> <p>WA regulations (2)(ii) state: "activity does not exceed 1E-4 A₂/g for solids and gases, and 1E-5 A₂/g for liquids" regulations state: "activity does not exceed 10⁻⁴ A₂/g for solids and gases, and 10⁻⁵ A₂/g for liquids."</p> <p>Although, the quantity is the same, the format is inconsistent from NRC regulations and throughout Washington's regulations as well.</p> <p>Washington omits the word "of" in its equivalent regulation to 71.4(3).</p>	Washington State adopted these changes in WAC 246-231-010(18).

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246-231-040(4)	71.4 (a)(1) – (a)(3)	2015-3		Exemption for low-level materials Washington's regulations say "concentrations", should say "concentration"; they also say "purposed", should say "purposes".	Washington State adopted these changes in WAC 246-231-040(4).
246-231	Part 71	2015-3		Washington does not capitalize the term "Certificate of Compliance" throughout their equivalent regulations to Part 71. Washington should capitalize the term "Certificate of Compliance" where applicable. Washington's regulations interchange the use of the term "licensee" and "certificate holder" in 246-231-106. Washington should use one term consistently throughout its regulations.	Washington State did not capitalize the term "Certificate of Compliance" because Washington State follows the guidelines in the "Instruction on Style" from the Washington State Code Revise's Office.
246-231-150(1)	71,101(a)	2015-3		Quality assurance requirements Washington's regulations in 150(1) say "apply", should say "applying". Washington's regulations say "subpart" however they are by chapters. Washington should use the term "chapter" to be consistent with the format of their regulations.	Washington State adopted clarifying language in WAC 246-231-150(1).
246-231-174	71.106	2015-3		Changes to quality assurance program In Washington's equivalent regulations to 71.106(b)(2), they say "titles", should say "title".	Washington State's adopted language matches NRC's 10 CFR 71.106(b)(2).