

Review Summary Sheets for 10 CFR PART 36 and Chapter 246-236 WAC

NOTE: Throughout the draft rule, we changed the CFR references to Washington State rule references already adopted.

Please Note: The bracket “ [] ” around a compatibility category designation means that the Section may have been adopted elsewhere in a State rules and it is not necessary to adopt it again.

NRC Regulation Section	Section Title	State Section	Compatibility Category	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not was a Comment Generated
§36.1 (a)	Purpose and Scope	WAC 246-236-001	D	No		Slight wording changes and rearranged the order of requirements to help make the rule easier to understand, but the meaning was not changed.
§36.1 (b)&(c)	Purpose and Scope	WAC 246-236-001	C	No		Slight changes in wording and rearranged the order of requirements in WAC 246-236-001 to help make the rule easier to understand, but the meaning was not changed.
§36.2	Definitions	WAC 246-236-010		No		The section title was changed slightly to “Definitions, Abbreviations, and Acronyms”. An introductory sentence was added to match with Washington’s Code Reviser “Bill Drafting Guide 2017”. A definition was added for “Department” and a definition was added for “NRC”.

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	Annually	WAC 246-236-010(1)	D	No		
	Commencement of construction, paragraph 1	WAC 246-236-010(2)	D	No		
	Commencement of construction, paragraph 2	N/A	NRC	Yes	No	The words "common defense and security" were deleted because they address an area of regulation in which NRC has exclusive regulatory authority.
	Construction, Paragraph 1-8, 9(i)	WAC 246-236-010(3)	D	No		
	Construction, Paragraph 9(ii)	N/A	NRC	Yes	No	The words "common defense and security" were deleted because they address an area of regulation in which NRC has exclusive regulatory authority.
	Doubly encapsulated sealed source	WAC 246-236-010(5)	C	No		
	Irradiator	WAC 246-236-010(6)	D	No		
	Irradiator operator	WAC 246-236-010(7)	D	No		

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	Panoramic dry-source-storage irradiator	WAC 246-236-010(9)	D	Yes	No	The term was changed throughout the draft rules to “panoramic <u>or beam-type</u> dry-source-storage irradiator” to make the rules easier to understand. Many people do not know that beam-type irradiators are a kind of panoramic irradiator, and so would incorrectly assume that the rules do not apply to beam-type irradiators. By changing the term to include the words “or beam-type”, this will hopefully minimize this misunderstanding.
	Panoramic irradiator	WAC 246-236-010(10)	D	Yes	No	The term was changed throughout the draft rules to “panoramic <u>or beam-type</u> irradiator” to make the rules easier to understand. Many people do not know that beam-type irradiators are a kind of panoramic irradiator, and so would incorrectly assume that the rules do not apply to beam-type irradiators. By changing the term to include the words “or beam-type”, this will hopefully minimize this misunderstanding. Also, the following sentence was removed from the definition: “The term includes beam-type irradiators.”
	Panoramic wet-source-storage irradiator	WAC 246-236-010(11)	D	No		

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	Pool irradiator	WAC 246-236-010(12)	D	No		
	Product conveyer system	WAC 246-236-010(13)	D	No		
	Radiation room	WAC 246-236-010(14)	D	No		
	Radiation Safety Officer	WAC 246-236-010(15)	D	No		
	Sealed source	WAC 246-236-010(16)	B	No		The term "radioactive material" is used in the Department of Health's draft rule instead of the term "byproduct material".
	Seismic area	WAC 246-236-010(17)	D	No		
	Underwater irradiator	WAC 246-236-010(18)	D	No		
§36.5	Interpretations	WAC 246-236-005	D	No		
§36.8	Information collection requirements: OMB approval	N/A	D	Yes	No	Not adopted. OMB information collection requirements do not apply to the Department of Health.

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§36.11	Application for a specific license	WAC 246-236-011	D	Yes	No	The Department of Health only needs the original application and does not need an extra copy, therefore we are not adopting this language.
§36.13	Specific licenses for irradiators	WAC 246-236-013	H&S	No		
§36.15	Commencement of construction	WAC 246-236-015	D	No		
§36.17	Applications for exemptions	WAC 246-236-017	D	Yes	No	The words “or the common defense and security” were deleted, because they address an area of regulation in which NRC has exclusive regulatory authority.
§36.19	Request for written statements	WAC 246-236-019	D	No		
§36.21	Performance criteria for sealed sources	WAC 246-236-021	B	Yes	No	The term “wet-source-change irradiator” is used in 10 CFR 36.21(a)(3). This appeared to be an error, so we contacted NRC (Randy Erickson and Duncan White) & it was confirmed to be an error, with the correct wording being “underwater irradiator”. We used the corrected wording in our draft rule.

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§36.23	Access control	WAC 246-236-023	H&S	No		
§36.25	Shielding	WAC 246-236-025	H&S	No		
§36.27	Fire protection	WAC 246-236-027	H&S	No		
§36.29	Radiation monitors	WAC 246-236-029	H&S	No		
§36.31	Control of source movement	WAC 246-236-031	H&S	No		
§36.33	Irradiator pools	WAC 246-236-033	H&S	No		
§36.35	Source rack protection	WAC 246-236-035	D	No		
§36.37	Power failures	WAC 246-236-037	H&S	No		
§36.39	Design requirements	WAC 246-236-039	H&S	No		
§36.41	Construction monitoring and acceptance testing	WAC 246-236-041	H&S	No		
§36.51	Training	WAC 246-236-051	H&S	No		

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§36.53	Operating and emergency procedures	WAC 246-236-053	H&S	No		
§36.55	Personnel monitoring	WAC 246-236-055	H&S	No		10 CFR 36.55(a) cites 10 CFR 20.1501(c), which appeared to be an error, so we contacted NRC (Duncan White) and it was confirmed to be an error and should be 10 CFR 20.1501(d). We used the correct equivalent citation in our draft rule.
§36.57	Radiation surveys	WAC 246-236-057	H&S	No		
§36.59	Detection of leaking sources	WAC 246-236-059	H&S	No		
§36.61	Inspection and maintenance	WAC 246-236-061	H&S	No		
§36.63	Pool water purity	WAC 246-236-063	H&S	No		
§36.65	Attendance during operation	WAC 246-236-065	H&S	No		
§36.67	Entering and leaving the	WAC 246-236-067	H&S	No		

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	radiation room					
§36.69	Irradiation of explosive or flammable materials	WAC 246-236-069	H&S	No		
§36.81	Records and retention periods	WAC 246-236-081	D	No		
§36.83	Reports	WAC 246-236-083	C	No		
§36.91	Violations	N/A	D	Yes	No	Not adopted. The Department of Health's enforcement authority is specified in chapter 70.98 RCW.
§36.93	Criminal penalties	N/A	D	Yes	No	Not adopted. The Department of Health's enforcement authority is specified in chapter 70.98 RCW.