

RHODE ISLAND DEPARTMENT OF HEALTH  
QUARTERLY MONITORING CONFERENCE CALL  
September 10, 2012

<b>Nuclear Regulatory Commission Attendees</b>	<b>Rhode Island Department of Health Attendees</b>
Raymond Lorson, Director, DNMS, Region I	Ray Rusin, Radiation Control Program Director
Monica Orendi, RSAO, Region I	Charma Waring, Radiological Health Specialist/ incoming Supervisor
Michelle Beardsley, FSME	
Lisa Dimmick, FSME	

## **BACKGROUND**

During the October 2011 Integrated Materials Performance Evaluation Program (IMPEP) review of the Rhode Island Agreement State Program (the Program), the review team found the State's performance satisfactory for three performance indicators, satisfactory, but needs improvement, for two performance indicators, and unsatisfactory for one performance indicator. Six recommendations were made by the IMPEP review team. On January 17, 2012, the Management Review Board (MRB) met to consider the proposed final IMPEP report. The MRB found the Program adequate to protect public health and safety, but needs improvement, and compatible with the U.S. Nuclear Regulatory Commission's (NRC) program. The MRB directed that Rhode Island be placed on monitoring, that calls between the Rhode Island Department of Health (RDH) and NRC staffs be conducted quarterly, and that a Periodic Meeting take place approximately one year from the 2011 IMPEP review. RDH provided their response to the IMPEP findings in a letter dated January 6, 2012. NRC acknowledged RDH's responses in a letter dated February 6, 2012 (ML120240375) and felt that Rhode Island did not fully respond to all recommendations and should update their action plan accordingly.

This is the second quarterly conference call with the Program since the January 17, 2012 MRB.

## **DISCUSSION OF PROGRAM STATUS**

Mr. Rusin led the discussion of the State's status for each of the IMPEP performance indicators.

### Technical Staffing and Training (2011 IMPEP finding: Satisfactory)

The Program consists of four technical staff positions and a Supervising Radiological Health Specialist position which was vacant at the time of the last IMPEP review. Since the October 2011 IMPEP the Program was given permission and subsequently filled the Supervisor position with an existing technical staff member thereby creating a vacancy at the technical staff level. The Program is unable to back fill the staff position at this time but is planning on building it into the 2014 budget and hopes to get approval to post the position then (the 2014 budget goes into effect July 2013). The three filled technical staff positions provide partial support to the radioactive materials program. One technical staff member is currently on medical leave. 1.8 FTE are allocated to the Program.

The 2011 IMPEP team generated one recommendation for this performance indicator. The recommendation and its status are listed below.

**Recommendation 1:** The review team recommends that the State document its training and qualification program for license reviewers and inspectors, including the reimplementation, use, and update of licensing and inspection qualification cards for each staff member.

**Status:** Rhode Island has started to address this recommendation. The Program hopes to devote more attention to this recommendation in the coming months now that the Supervisor position has been filled. The Program is in the process of being integrated into the overall Licensure Program and will be implementing a training program that will go into affect office wide in order to become more consistent.

#### Status of the Materials Inspection Program (2011 IMPEP finding: Unsatisfactory)

At the time of the IMPEP review 12 of 42 Priority 1, 2, and 3 inspections had been completed overdue. Rhode Island stated that they have since made inspections a top priority and have been completing all inspections in a timely manner. Since the 2011 IMPEP review the Program has conducted no Priority 1, 2, and 3 inspections overdue by more than 25 percent of the inspection frequency prescribed. The Program has had no initial inspections since the last IMPEP review. Rhode Island has continued to be attentive to reciprocity inspections and believes they are on track to complete 20 percent of candidate licensees for CY 2012. The review team had one recommendation for this performance indicator. The recommendation is listed below along with its status.

**Recommendation 2:** The review team recommends that the State take appropriate measures to conduct Priority 1, 2, and 3 inspections and initial inspections in accordance with the inspection priority in IMC 2800.

**Status:** Rhode Island has made inspections their top priority. Since the 2011 IMPEP review the Program has conducted no Priority 1, 2, and 3 inspections overdue by more than 25 percent of the inspection frequency prescribed. The Program has had no initial inspections since the last IMPEP review.

#### Technical Quality of Inspections (2011 IMPEP finding: Satisfactory but Needs Improvement)

The 2011 IMPEP review team generated three recommendations for this performance indicator. These recommendations are listed below along with their current status.

**Recommendation 3:** The review team recommends that the State take measures to ensure that inspection records and narrative reports are documented in accordance with the Program's Inspection Manual.

**Status:** On an informal basis a senior level staff member is reviewing the inspection records and reports to make sure they are being documented accordingly. This role will be taken over by the new Supervisor. The senior level staff member will serve as a back-up to the Supervisor and will serve as a second check for work completed by the Supervisor.

**Recommendation 4:** The review team recommends that a Program supervisor or other appropriately qualified senior staff member accompany each inspector, at least annually, to ensure quality and consistency in the inspection program.

**Status:** Both inspectors have been accompanied by a senior staff member in calendar year 2012. A question arose as to whether or not the senior staff member needs accompanied (and if so by who) since that individual is a qualified materials inspector and can be tapped to do a

materials inspection if the need arises. Now that the Program has a Supervisor the Supervisor will conduct an accompaniment of the senior level staff member for this calendar year. The Supervisor will also conduct the accompaniments starting in the next calendar year.

**Recommendation 5:** The review team recommends that the State conduct initial and subsequent security-related inspections in a manner that provides for verification of licensee compliance with the requirements.

**Status:** The Program has incorporated this into their inspection process and will be implementing it as inspections occur. (Status remains the same from the first quarterly call)

#### Technical Quality of Licensing (2011 IMPEP finding: Satisfactory)

The Program takes all received licensing actions and places them in a computer tracking system and assigns them a log number. This database is very generic and does not contain any security related information. All licensing actions are worked on in a timely manner then reviewed by a senior staff member before being signed by the Program Director. The Program has addressed maximum possession limits as requested by RCPD Letter 10-007. The Program has incorporated NRC's pre-licensing guidance into its own specific Rhode Island "Enhanced Pre-Licensing Guidance."

#### Technical Quality of Incidents and Allegations (2011 IMPEP finding: Satisfactory)

The Program is aware of the need to maintain an effective response to incidents and allegations. The Program uses a system called Aspen Complaints Tracking System (ACTS). Incidents are quickly reviewed for their effect on public health and safety and staff is dispatched to perform onsite investigations when necessary. The Program communicates reportable incidents to the NRC Operations Center and Region I. The Program has received one event since the 2011 IMPEP which involved an under dose of Y-90 microspheres. The Program stated that they were waiting for more information from the licensee before reporting this event to the Headquarters Operations Officer (HOO). It was pointed out that this type of event falls under the 24 hour report criteria and that Rhode Island should have made the initial report to the HOO within 24 hours of notification by their licensee. Then once more information was known the Program could update the event information in the Nuclear Materials Events Database (NMED). Contact information for the HOO and an example State write-up of a Y-90 under dose event were provided to Ms. Waring on September 10, 2012. The Program has received no allegations since the 2011 IMPEP.

#### Compatibility Requirements (2011 IMPEP finding: Satisfactory but Needs Improvement)

Rhode Island is continuing to work on promulgating regulations. The Program hopes to have final regulations submitted to the NRC by the end of calendar year 2012. Mr. Rusin stated that final sub-committee work on the rule package was scheduled for Thursday September 13, 2012. If the work is completed then it would be followed by a public hearing which would be held after a 30 day written notice.

**Recommendation 6:** The review team recommends that the State adopt all currently overdue regulations required for compatibility and adopt future regulation amendments within their required three year time frame.

**Status:** The Program is working on a rulemaking package which will incorporate all regulation amendment changes through 2011 and hopes to submit that package of final regulations to the

NRC by the end of calendar year 2012.

Six NRC regulations are overdue for implementation:

- “Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments,” 10 CFR Part 71 (69 FR 3697), that was due for Agreement State implementation on October 1, 2007. (RATS ID 2004-1)
- “Minor Amendments,” 10 CFR Parts 20, 30, 32, 35, 40, and 70 (71 FR 15005), that was due for Agreement State implementation on March 27, 2009. (RATS ID 2006-1)
- “Medical Use of Byproduct Material - Minor Corrections and Clarifications,” 10 CFR Parts 32 and 35 (72 FR 45147, 54207) that was due for Agreement State implementation on October 29, 2010. (RATS ID 2007-1)
- “Requirements for Expanded Definition of Byproduct Material,” 10 CFR Parts 20, 30, 31, 32, 33, 35, 61, and 150 amendment (72 FR 55864), that was due for Agreement State adoption by November 30, 2010. (RATS ID 2007-2)
- “Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements,” 10 CFR Parts 30, 31, 32, and 150 amendment (72 FR 58473), that was due for Agreement State adoption by December 17, 2010. (RATS ID 2007-3)
- “Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent,” 10 CFR Parts 19 and 20 (72 FR 68043) that was due for Agreement State implementation on February 15, 2011. (RATS ID 2008-1)

### Conclusion

Rhode Island’s program continues to improve. Rhode Island has been responsive to and is taking action on the recommendations that were made during the 2011 IMPEP review. The Program recently filled the vacant Supervisor position and going forward will be operating with one unfilled technical position. The Program has made inspection timeliness a priority and continues to work on licensing actions as they come in. Final regulations are expected to be submitted to the NRC by the end of calendar year 2012.

A Periodic Meeting will be held with Rhode Island in place of the next quarterly monitoring call (November/December 2012).