



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
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KING OF PRUSSIA, PENNSYLVANIA 19406-1415

May 10, 2005

Robert J. Walker
Director
Massachusetts Department of Health
Radiation Control Program
90 Washington Street
Dorchester, MA 02121

Dear Mr. Walker:

A periodic meeting with the Massachusetts Radiation Control Program was held on April 20, 2005. The purpose of the meeting was to review and discuss the status of the Massachusetts Agreement State program. The NRC was represented by John Zabko from the NRC's Office of State and Tribal Programs and me. Specific topics and issues of importance discussed at the meeting included the actions taken in response to the IMPEP recommendations.

I have completed and enclosed a general meeting summary. There were no specific actions identified during the meeting.

If you feel that my conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at 610-337-5358 or email to sam9@nrc.gov to discuss your concerns.

Thank you and your staff for the exchange of information and kindness extended during my visit.

Sincerely,

Original signed by Sheri Minnick

Sheri Minnick
Regional State Agreements Officer
Division of Nuclear Materials Safety

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR MASSACHUSETTS RADIATION CONTROL PROGRAM

DATE OF MEETING: April 20, 2005

ATTENDEES:

Sheri Minnick, RSAO
John Zabko, STP (by phone)
Robert Walker, Program Director
Salifu Dakubu, Radioactive Materials Supervisor
Ken Traegde, Materials Licensing and SS&D Supervisor
Robert Gallagher, Inspection Supervisor
Michael Whalen, Events and Database Coordinator
Tony Carpenito, Allegations Coordinator
Various program staff

DISCUSSION:

A meeting was held with the Massachusetts representatives on April 20, 2005 in Dorchester, Massachusetts. The topics listed in NRC letter dated March 1, 2005 (ML 050620220), to Mr. Walker were discussed. Details for each area are discussed below.

The previous IMPEP review was conducted during the period of June 24-28, 2002. During the 2002 review, four recommendations were made by the team. The Management Review Board met on September 5, 2002, concurred on the team's findings, and found the Massachusetts program adequate to protect public health and safety and compatible with the Nuclear Regulatory Commission's program.

The proposed status of each of the four recommendations in Section 5.0 of the 2002 Integrated Materials Performance Evaluation Program (IMPEP) review of Massachusetts is summarized below.

1. The review team recommends that the Commonwealth take necessary steps to ensure that all reportable events are submitted and updated to NRC in accordance with STP Procedure SA-300. (Section 3.5)

Current Status: This item was reviewed during the October 30, 2003 periodic meeting where it was recommended that this item be closed at the next IMPEP review.

2. The review team recommends that the Commonwealth adopt regulations necessary for compatibility within the required three year time frame and submit alternative forms of legally binding requirements for NRC review following the guidance in SA-201. (Section 4.1.2)

Current Status: The status of the adoption of regulations for compatibility was discussed. Based upon the NRC's Regulation Assessment Tracking System (RATS), it was noted that since the last IMPEP, all remaining NRC amendments have been adopted by the Program. It is recommended that this item be closed at the next IMPEP review.

3. The team recommends that in the interest of national consistency, and where practical, the Program closely follow the format for documenting product evaluations in SS&D registry certificates as detailed in NUREG 1556, Volume 3. (Section 4.2.1)

Current Status: The Program has two full-time SS&D reviewers for approximately ten manufacturers. The largest manufacturer, AEA Technologies QSA, Inc. holds around 200 sheets. The Supervisor of the Materials Licensing Section was part of the team that wrote NUREG 1556, Volume 3, and, therefore, is knowledgeable of the appropriate format. The certifications are reviewed by the Supervisor to assure that the format is consistent with NUREG 1556, Volume 3. The Supervisor also reviews and approves the checklists used by reviewers. It is recommended that this item be closed at the next IMPEP review.

4. The team recommends that the Program make corrections to registration certificates MA-1142-D-102-G and MA-0116D-102-B. (Section 4.2.1)

Current Status: In addition to the case files identified during the IMPEP review as needing improvement, the Program has identified other Eurotherm registration certificates, in addition to MA-0116-D-102B, that also needed to be reviewed and reformatted. This process is not completed at this time, but is expected to be completed by the next IMPEP review. Registration certificate MA-1142-D-102 G has been completed. It is recommended that this item be verified and closed at the next IMPEP review upon issuance of the amendments to registration sheets.

The Program has recently had a change in that it is no longer under the Bureau of Environmental Health Assessment, but rather is under the Center for Environmental Health. The Program Director expects the Program to have more support as a result of this change. For example, the Program which used to have 39 FTE, has been reduced over the years to 31 FTE. The Director expects to gain 3 FTE within the next fiscal year to be used in the materials, non-ionizing and x-ray programs.

The organization of the Commonwealth and the differences between the Radiation Control Program and the Massachusetts Emergency Management Agency (MEMA) were discussed. Program staff are contacted either by the State Police or by MEMA for radiological events. Program staff support the FEMA REP exercises.

The Program Director reported that the Commonwealth currently has 525 specific licenses. Since all but one staff member is fully qualified, the program has been able to maintain the licensing and inspection workload. The Program Director reported no overdue core inspections greater than 25% of the inspection frequency and no overdue initial inspections. The Program is able to maintain a high level of reciprocity inspections and has completed required security inspections. There is no licensing backlog.

The Program views its database as one of their strengths. They are able to use the database as a management tool and perform audits as needed. Since the database was developed in-house, it can be adapted as needed. For example, an IMPEP query mode has been developed to track specific IMPEP criteria. The database was explained in detail and queried. The database needs to be updated to include the new program codes inspection priorities from IMC 2800 to reflect the Program's adoption of these frequencies once the draft change to the inspection procedure manual is finalized.

Another strength of the Program is the experienced staff, three of which are IMPEP trained, and have been active in IMPEP reviews. Staff also participate in NRC working groups, have helped revise IMC 2800 and NUREG 1556 documents, and have worked on recent materials security efforts.

Allegations and incidents are appropriately processed on a case-by-case basis, and follow-up inspections are conducted as needed. The Program has received six allegations in 2004 and thus far, three allegations in 2005. Allegations are tracked. When appropriate, allegations are investigated either immediately or during the next routine inspection. Sometimes inspection dates are moved up in order to have a more timely evaluation of the allegation. The allegeders are updated and informed of the follow-up results. The Program has been responsive to Regional requests when replies or actions were needed to close out allegations or deal with other requests for information.

The mechanism for reporting events, what events to report, the timeliness of reporting, completeness of the reports, and closing out reports was discussed. Upon review of the NMED system, and the NRC Operating Events, the reports show that events are being appropriately reported and documented to NRC and the NMED system. Routine events are provided to the NRC contractor, and the Program was complemented on their efforts to report significant events to the NRC Operations Center.

Two significant events that the Program has been handling were discussed, namely a brachytherapy event at the Northshore Medical Center in 2001 and a I-125 prostate underdosing event at the Lahey Clinic in 2004. Both events required significant resources for follow-up inspections and subsequent enforcement actions, which are ongoing at this time.

The next IMPEP of the Massachusetts Agreement State Program is scheduled for June 2006. No issues were identified by NRC staff to change the scheduling of the next review.

CONCLUSION:

The Massachusetts program has effective management, well trained technical staff, and sufficient equipment and resources to carry out the Agreement Program under the IMPEP criteria. The Commonwealth does not currently have any inspection or licensing backlogs and the staff are active in participating in the Conference of Radiation Control Program Directors activities, Organization of Agreement State activities, and NRC/State working groups. All of the IMPEP indicators were discussed and there were no performance issues identified during the meeting.

ACTION ITEMS:

None.