

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM
QUESTIONNAIRE

New Jersey

Reporting Period: September 30, 2009 to March 4, 2011

A. GENERAL

1. This is New Jersey's first IMPEP. There are no open recommendations from the new Agreement State orientation meeting held in 2010.

B. COMMON PERFORMANCE INDICATORS

I. Technical Staffing and Training

2. Organization Charts – Attachment 1
3. Staffing Plan – Attachment 2
4. There are no new professional personnel hired into the radioactive materials program since the orientation meeting.
5. Professional Staff and Qualification Requirements – Attachment 3
6. Due to the difficulty we have experienced getting accepted into several NRC courses, we have developed Independent Study versions that include review questions and periodic discussions with the supervisor. As part of the course, arrangement is made for site visits to the appropriate type of facility e.g. nuclear medicine department. This independent study is also tied to license reviews and facility inspections. At the end of the process, if the staff person adequately meets the objectives, they are given an Interim Qualification for radioactive license reviewer/inspector.
7. No technical staff left the program since the orientation meeting.
8. There are no vacant positions in the radioactive materials program.
9. In N.J.S.A. 26:2D-9, NJDEP is defined as the department of state government designated throughout the Act as the empowered agency for radiation protection. N.J.S.A. 26:2D-3 creates a Commission on Radiation Protection ("Commission"), within the NJDEP, comprised of members' with specified scientific training as well as representatives of the Commissioners of the Departments of Environmental Protection, Health and Senior Services and Labor and Workforce Development. This Commission is organized in accordance with N.J.S.A. 26:2D-6. Its duties include: promulgating rules "to prohibit and prevent unnecessary

radiation;" reviewing policies and programs of the NJDEP "as developed under the authority of this act;" making recommendations to the NJDEP on its policies and programs; and, providing technical advice and assistance to the DEP.
N.J.S.A. 26:2D-8.

As a matter of practice, the Commissioner of NJDEP signs the regulations before they are sent for publication in the New Jersey Register. NJDEP staff, which is also staff to the Commission, has input into the content of regulations.

New Jersey's statutory requirements to preclude conflicts of interest are found at N.J.S.A. 52:13D-12 et seq., the Conflicts of Interest law (COIL). The members of the Commission are all volunteers without payment, receiving only reimbursement for necessarily incurred expenses. N.J.S.A. 26:2D-5. Therefore, Commission members qualify as special state officers subject to COIL.

The Commission members are also subject to the New Jersey Department of Environmental Protection's Ethics Code and the State Ethics Commission (SEC) regulations. Members of the Commission are screened and may not participate in any manner in developing, considering or voting on the matter for which he has been recused.

The COIL, SEC regulations and the NJDEP code of ethics provide a strict system to eliminate conflicts of interest by Commission members as well as employees of the NJDEP.

II. Status of Materials Inspection Program

10. There are no individual licenses or license categories that New Jersey is inspecting less frequently than the NRC.
11. List of routine inspections of Priority 1, 2 and 3 licensees for the reporting period:

Priority 1	6
Priority 2	24
Priority 3	24
12. Priority 1, 2 & 3 Licenses and initial inspections that were conducted overdue:
 - (1) Certified Testing
 - (2) 507161
 - (3) Priority 1
 - (4) 2/2009
 - (5) 2/2010
 - (6) 10/2010
 - (7) 8 months
 - (8) 11/8/2010

- (1) Clara Maas Medical Center
- (2) 425400
- (3) Priority 2
- (4) 1/2008
- (5) 1/2010
- (6) 8/2010
- (7) 1 month
- (8) 10/13/10

- (1) St. Claire's - Denville
- (2) 450607
- (3) Priority 2
- (4) 2/2008
- (5) 2/2010
- (6) 8/9 2010
- (7) 2 days
- (8) 10/13/10

- (1) St. Michael's Medical Center
- (2) 296946
- (3) Priority 2
- (4) 3/2008
- (5) 3/2010
- (6) 10/2010
- (7) 1 month
- (8) 11/8/10

- (1) St. Peter's University Hospital
- (2) 450624
- (3) Priority 2
- (4) 3/2008
- (5) 3/2010
- (6) 10/2010
- (7) 1 month
- (8) 1/19/11

- (1) Mountainside Hospital
- (2) 332177
- (3) Priority 2
- (4) 4/2008
- (5) 4/2010
- (6) 12/2010
- (7) 2 months
- (8) 12/7/10

13. Priority 1, 2 & 3 licensee and initial inspections that are currently overdue:

- (1) Team Industrial
- (2) 506963
- (3) Priority 1
- (4) 12/2008
- (5) 12/2009
- (6) 2/9/11
- (7) 14 months
- (8) TBD

- (1) Mistras Group
- (2) 507182
- (3) Priority 1
- (4) 6/2010
- (5) 6/2010
- (6) 2/15/11 (Scheduled)
- (7) 8 months
- (8) TBD

Plan for completing the inspections:

The Team Industrial and Mistras Group inspections are scheduled and should be completed prior to NJ's IMPEP. The findings and any subsequent enforcement actions should be completed within 45 days of the inspection.

14. Reciprocity inspections

There were 47 reciprocity licensees that were candidates for the reporting period. Nine (8) reciprocity inspections were performed.

III. Technical Quality of Inspections

15. Changes to written inspection procedures

We have made some minor edits to the inspection procedures – fixing incorrect references, typos and adding some clarification language when needed. None of the changes impact the overall scope of the procedures.

16. Table of Supervisory Accompaniments

Inspector	Supervisor	License Category	Date
Cathy Biel	Bill Cszasz	Industrial Radiographer (IC)	7/27/2010
Rich Peros	Bill Cszasz	Medical Institution with WD, HDR, Sr-90, Self-shielded	10/7/10

		Irradiator (IC)	
Jenny Goodman	Bill Csaszar	SMB	4/1/10
Bill Csaszar	Cathy Biel	R&D Broad Type A	11/10 & 16/10
James McCullough	Rich Peros	Medical (Hospital)	6/16-17/10
Jack Tway	Rich Peros	Medical (Hospital)	2/17-18/10
Ed Truskowski	Rich Peros	Medical (hospital – Satellite)	11/9/10
Nancy Stanley	Rich Peros	Medical (Hospital)	12/7/10
Adria Wentzel	Cathy Biel	Potable Gauge	10/7/10
Dennis Zannoni	Cathy Biel	Radiopharmacy	12/21/10
Nancy Stanley	Jenny Goodman	Decommissioning	8/10/10

17. Instrumentation, Calibration and Laboratory Capabilities

A list of instrumentation is provided in Attachment 4. The NJ Department of Health and Senior Services Radiation Laboratory provide analytical services. In addition, we have the ability to contract out any unusual analytical needs to a contract laboratory. We maintain maintenance and calibration service agreements with the instrument manufacturers and calibration service providers.

All instruments that are used during the course of office business are calibrated. There was an adequate supply of calibrated instruments available during the review period.

IV. Technical Quality of Licensing Actions

18. There are 625 specific radioactive material licenses.

19. Major, unusual, or complex licenses which were issued, received a major amendment, were terminated, decommissioned, submitted a bankruptcy notification or renewed during the reporting period (September 30, 2009 through March 4, 2011):

Licensee moves Blood Irradiator to a new location

Central Jersey Blood Center, PI #508156, Program Code 3510 and 70000 (IC's), applied for an amendment on 11/3/09 to move their blood irradiator from Shrewsbury to Eatontown, where they were building a new facility. Their administrative address is still in Shrewsbury. They submitted their new floor plan, along with summary of security measures and contractor information (Pharmalucence) for the move. Amendment to include the new address issued 11/17/09. Verification of contractor was performed, and discussions with the contractor concerning IC #3 and NJ reciprocity took place. Confirmation of a

security plan (IC #2) with the Eatontown PD was obtained and they were given a walkthrough of the new facility.

Staff visit was made to the new building to check on security measures compliance with IC #2 was made in February prior to the move. The move was observed by staff on 3/11/10.

Surveys on the old facility were forwarded to us on 8/20/10 and the old address was deleted from their license and an amended license issued on 9/23/10.

Licensees add Gamma Knife to existing license

There have been two instances where an established licensee has amended their license to add a gamma knife. In each instance, the licensee needed to submit detailed information concerning the location where the device would be installed and the shielding involved to help ensure exposure levels would be maintained within regulatory limits for occupational workers and the public. The licensee submitted documentation on the training and experience of any named authorized users and authorized medical physicists. Information on the steps taken to implement increased controls orders were submitted and/or discussed with the licensee. If the licensee already had an established increased control program for other modalities, any steps taken to supplement the existing program to account for the gamma knife installation were reviewed.

NUREG 1556, Vol. 9, Rev. 2 and other guidance from courses and the NRC's Medical Licenses toolbox are used to evaluate the submitted information.

Site visits were conducted during various phases of the project to review the progress made in the construction/preparation of the room that would house the gamma knife, to identify any obvious deficiencies in shielding or security and to discuss and review the progress of the establishment of (or supplement to) increased controls.

Activities were licensed in steps. The number of steps depends upon the readiness of the facility to accept the unit and the adequacy of any prior training by the requested authorized users and authorized medical physicists. In one instance, an initial license was issued to allow for the receipt and installation of the sources. This was done only after the credentials for at least one authorized user and one medical physicist were approved and that a satisfactory level of increased controls were in place. The initial license was for non-human use only. This allowed the installation to proceed and quality control activities/testing to occur and final vendor training to occur.

Once these activities were satisfactorily completed, and reviewed with us, the human use license is issued.

In the other instance, the licensee was able to demonstrate adequate training and experience to achieve human use authorization during the initial licensing process. They were therefore able to receive the human use license in one step.

We have recently received a request from a third licensee to add a gamma knife to their license.

See below for specifics on each of the new licensees.

Robert Wood Johnson Univ. Hosp. (PI# 450729)

Program codes (relevant to gamma-knife): 02310 (gamma-stereotactic
radiosurgery)
70000 (IC)
70002 (NSTS)
70003 (IAEA Cat. 1)

Licenses: 10/13/10 (permitted non-human use)
10/27/10 (clarified location of use)
2/9/11 (permitted human use)

Site visits:

- 1/28/10 (met with involved personnel, view proposed location of use, discuss training and IC)
- 10/7/10 (review progress on construction of location of use and completed work on IC matters)
- 1/13/11 (observe receipt of sources and sec. employed during installation of sources)

Monmouth Medical Center (PI# 332041)

Program codes (relevant to gamma-knife): 02310 (gamma-stereotactic
radiosurgery)
70000 (IC)
70002 (NSTS)
70003 (IAEA Cat. 1)

Licenses: 2/7/11 (permitted human use)(license hand delivered at conclusion of
2/8/11 site visit)

Site visits:

- 11/29/10 (met with involved personnel, view proposed location of use, discuss training and IC)
- 2/8/11 (review progress on construction of location of use and completed work on IC matters)

20. There were no variances in licensing policies and procedures or exemptions from the regulations granted during this period.

21. Changes to the licensing procedures are as follows:

Minor changes have been made to licensing procedures with the intention of providing additional guidance in the areas of bankruptcy, reciprocity, termination and general license registration. None of the changes impact licensing. They are process related, specifically how information is entered into NJEMS.

22. Renewal applications that have been pending for more than one year:

There are no renewal applications that have been pending for more than one year.

V. Technical Quality of Incident and Allegation Activities

23. List of reportable incidents not previously submitted to NRC

During the reporting period, there were no reportable incidents not previously submitted to the NRC. Six (6) events were reported.

24. Changes to incident and allegation procedures

Based on a discussion at our orientation meeting, allegations files are not kept as part of the license file. Allegations are filed with the Bureau Chief.

The only changes made to incident procedures were updates due to changes in upper management. Contact lists were updated accordingly.

C. **NON-COMMON PERFORMANCE INDICATORS**

I. Compatibility Requirements

25. Currently effective legislation that affects the radiation control program:

Radiation Protection Act N.J.S.A. 26:2D

Atlantic Interstate Low-Level Radioactive Waste Compact Implementation Act

26. New Jersey's Radiation Protection Code N.J.A.C. 7:28 is subject to "Sunset" law. The Radiation Protection Code will sunset on June 21, 2011. The target filing date for the proposal is June 16, 2011 for publication in the July 18, 2011 New Jersey Register.

27. Review and verify that the information in the State Regulation Status sheet is correct.

The information provided on the State Regulation Status sheet is correct. RATS ID 2009-1 Medical Use of Byproduct Material – Authorized User Clarification Part 35 (74 FR 33901) will be incorporated by reference in the readoption with amendments of N.J.A.C. 7:28 Radiation Protection Programs scheduled for 2011.

28. Adoption of Amendments within three years – Not applicable

II. Sealed Source and Device Evaluation Program

Not applicable. New Jersey did not assume regulatory authority over Sealed Source & Devices.

IV. Low-level Radioactive Waste Disposal Program

New Jersey has incorporated all of 10 CFR Part 61 by reference into its regulations. Although New Jersey wishes to regulate siting and operation of a low-level radioactive waste disposal facility, this authority may never need to be implemented, as New Jersey is currently a member of the Atlantic Compact.

V. Uranium Recovery Program

Not Applicable. New Jersey did not assume the regulatory authority for the construction and operation of any production or utilization facility or any uranium enrichment facility.

New Jersey IMPEP February 28 – March 4, 2011
ATTACHMENT 2
Staffing Plan

Name	Position	Area of Effort	FTE%
William Csaszar	Research Scientist 1 Supervisor	Administrative	50
		Material Licensing & Compliance	35
		Emergency Response	15
Jenny Goodman	Research Scientist 1 Supervisor	Administrative	20
		Material Licensing & Compliance	20
		Emergency Response	10
Catherine Biel	Radiation Physicist 2 Supervisor	Industrial	
		Administrative	25
		Material Licensing & Compliance	60
Richard Peros	Radiation Physicist 1 Supervisor	Emergency Response	15
		Medical	
		Administrative	25
Jodie Murl	Tech MIS	Material Licensing & Compliance	60
		Emergency Response	15
		Administrative Support	50
Emelia Taubel	Senior Clerk	Database	50
		Administrative Support	50
Janice Baumann	Management Asst.	Database	10
		Administrative Support	20
		Fiscal	10
Karen Flanigan	Senior Environmental Specialist	Administrative	10
		Material Licensing & Compliance	90
		Emergency Response	

James McCullough	Senior Environmental Specialist	Administrative Material Licensing & Compliance Emergency Response	15 70 15
Nancy Stanley	Radiation Physicist 1	Administrative Material Licensing & Compliance Emergency Response	10 75 15
Edward Truskowski	Research Scientist 1	Administrative Material Licensing & Compliance Emergency Response	10 75 15
Jack Tway	Environmental Specialist	Administrative Material Licensing & Compliance Emergency Response	10 75 15
Adria Wentzel	Environmental Specialist	Administrative Material Licensing & Compliance Emergency Response	10 75 15
Dennis Zannoni	Super. Nuclear Engineer	Administrative Material Licensing & Compliance Emergency Response	10 90
Patricia Gardner	Manager	Administrative Material Licensing & Compliance Emergency Response	25 5 5

ATTACHMENT 3
Professional Staff Primary Qualification Requirements

Name	Area of Primary Qualification	Courses¹	Equivalent Training/ Experience	Tentative Completion Schedule
Karen Flanigan	Medical	Nuclear Medicine		2011
		Inspection Procedures		2011
		Gamma Knife and Brachytherapy		2012
Nancy Stanley	Medical	Gamma Knife and Brachytherapy		2011
Ed Truskowski	Medical	Nuclear Medicine		2011
		Gamma Knife and Brachytherapy		2011
Adria Wentzel	Industrial	Well Logging – 4/4-8/2011		2011

¹ Individuals will follow the Interim Qualification path for the courses that have been extremely difficult to attend e.g. Nuclear Medicine and Gamma Knife and Brachytherapy.

ATTACHMENT 4 - LIST OF EQUIPMENT

(8) Radiation Kits

FH40GL Multipurpose Digital Survey Meter

FHT-752SH He-3 Neutron Probe

FHZ-732GM Pancake Detector

FHZ512A NaI Micro-R Detector

Teleprobe 13' Extension

FHZ-612 Hi-range Gamma Detector

FHZ-672 Blue Sausage

FHZ-380 AB Alpha Scint Probe

(7) Ludlum Kits

Model

19

17

3

44-9

44-38

Thermo Electron identiFINDER (3)

Thermo identiFINDER Ultra Model HS-025-I (8)