

RHODE ISLAND DEPARTMENT OF HEALTH
QUARTERLY MONITORING CONFERENCE CALL
May 21, 2012

Nuclear Regulatory Commission Attendees	Rhode Island Department of Health Attendees
Raymond Lorson, Director, DNMS, Region I	Ray Rusin, Radiation Control Program Director
Monica Orendi, RSAO, Region I	Bill Dundulis, Risk Assessment Toxicologist
Michelle Beardsley, FSME	Dennis Klaczynski, Radiological Health Specialist
Kathleen Schneider, FSME	Charma Waring, Radiological Health Specialist

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 DPH's responses in a letter dated February 6, 2012 and felt that Rhode Island did not fully respond to all recommendations and should update their action plan accordingly.

This is the first quarterly conference call with RDH 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)

Since the IMPEP, the Program is still experiencing difficulties and there is a hold on filling any vacancies. The Program consists of four technical staff positions and a Supervising Radiological Health Specialist position which is currently vacant. All four technical staff positions provide partial support to the radioactive materials program. Currently 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 had limited movement on this recommendation due to vacancies in clerical staff and the Program Supervisor position.

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. 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. As of the call Rhode Island has no overdue Priority 1, 2, or 3 inspections.

Technical Quality of Inspections (2011 IMPEP finding: Satisfactory bur 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.

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: One inspector has been accompanied by a senior staff member and the other inspector is scheduled to be accompanied later this year. 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. M. Beardsley will be discussing this with FSME and will provide an answer back at the next quarterly call.

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.

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. 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 appropriately communicates reportable incidents to the NRC Operations Center and Region I. 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, however recently focus has been shifted to non-NRC related regulations. The Program hopes to have proposed regulations to the NRC for review in the third calendar quarter of 2012 and final regulations submitted to the NRC by the end of calendar year 2012.

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 is currently operating with one unfilled supervisor position and limited clerical support. 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.