

RHODE ISLAND DEPARTMENT OF HEALTH  
QUARTERLY MONITORING CONFERENCE CALL  
August 13, 2015

<b>Nuclear Regulatory Commission Attendees</b>	<b>Rhode Island Department of Health Attendees</b>
Daniel Collins, Region I	Seema Dixit, Director, Radiation Control Program
Monica Ford, Region I	Charma Waring, Supervisor, Radiation Control Program
Michelle Beardsley, NMSS	William Dundulis, Risk Assessment Toxicologist
Lisa Dimmick, NMSS	

## **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.

A periodic meeting was held with the Program on December 12, 2012. Subsequent to this periodic meeting, the MRB met on April 2, 2013 to consider the findings of the periodic meeting. The MRB again directed that the State remain on monitoring, that calls between the Program and the NRC continue to be conducted quarterly, and that another periodic meeting be held with the Program 18 months from the date of the previous periodic meeting.

A second periodic meeting was held with the Program on September 18, 2014. Following this periodic meeting, the MRB met on November 13, 2014 to consider the findings of the periodic meeting. The MRB again directed that the State remain on monitoring, that calls between the Program and the NRC continue to be conducted quarterly, and that the IMPEP review be held as scheduled in October 2015. This is the second quarterly call since the September 2014 periodic meeting.

## **DISCUSSION OF PROGRAM STATUS**

Ms. Waring and Mr. Dundulis 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 three technical staff positions and a Supervising Radiological Health Specialist (supervisor) 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. There is also another vacancy at the technical staff level which was created when a staff member who was out on extended medical leave retired. These two vacancies comprised 0.7 full time equivalents (FTE). One of the two vacant positions was then moved to a structural deficit position (0.4 FTE for the Program) with no plans to fill it. As mentioned during the March 2015 quarterly monitoring call (ML15089A460), in July 2014 another staff person retired and it allowed the Program to, at the time, delegate that position as 0.5 FTE for radioactive materials and 0.5 FTE other. This would have helped to make up for the position lost to the structural deficit and would have created a 0.8 FTE shortfall in the Program which is currently allocated for 2.6 FTE. The Program filled this vacant position in July 2015, however that employee has been delegated completely to the X-ray program and is currently not allocated to the radioactive materials program. The Program hopes to be able to cross train this individual in the future to help with licensing and inspection activities. Although the new employee was not allocated to the radioactive materials program, the program manager has been able to shift some of her x-rays duties to the new employee which has helped her focus more of her efforts on the Program. The Program hopes to be able to post the one vacant position in the near future. As a result of the 2012 periodic meeting and at the Program's request, the NRC drafted a letter of support discussing the Program's staffing issues and sent it to the Rhode Island Director of Health on March 25, 2014 (ML13354B813).

In July 2015 the NRC was informed by the program manager that the Director for Facilities Regulation (the Radiation Control Program Director (RCPD)) had left the position. A new RCPD was hired on August 10, 2015. Additionally as of August 1, 2015, above the Program, there was a re-organization. The Program now falls under the Center for Health Facilities and Regulation which is a part of the Division for Customer Service located in the Rhode Island Department of Health.

The Program itself is 100 percent fee funded, however, since the vacant position does not comprise a full FTE in the Program, and since no money has currently been allocated from the general fund to cover the other assigned duties comprising the remaining portions of the FTE, the Program has been unable to fill this position. (Note: There has been no impact on the Program's budget due to the re-organization above the Program.) 1.8 FTE is allocated to the Program and covers the three technical staff positions. The three technical staff positions, one of which is currently vacant, all provide partial support 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:** Current qualification cards have been brought up to date. Going forward, the Program would like to change the way they track training and qualification. As noted in the March 2015 call summary, the Program planned to integrate the tracking of training and qualification into the

office wide electronic system already in use by the Office of Facilities Regulation (now known as the Center for Health Facilities and Regulation). The Program hopes to still be able to do this, however it is dependent on changes made during the reorganization. The Program will re-evaluate this option in the future.

#### 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. The Program stated that they have since made inspections a top priority and have completed all but four inspections in accordance with their assigned inspection frequencies. The Program has performed one initial inspection since the last IMPEP review. The Program has recently issued one new license and has one new license application in house. The Program has continued to be attentive to reciprocity inspections, completing inspections on greater than 20 percent of candidate licensees for calendar years 2013 and 2014.

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

**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:** Since the previous IMPEP, Rhode Island has made inspections a top priority. Rhode Island has completed all but four Priority 1, 2, and 3 inspections in accordance with the inspection priority in Inspection Manual Chapter 2800. Rhode Island has had one license application requiring an initial inspection since October 2011.

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

The Program is looking to make their inspections more consistent by implementing an electronic form similar in format to NRC's Form 591. The Program plans to incorporate drop down boxes that, based on the answer selected, would lead the inspector to the next series of items needing to be looked at or questions needing to be asked. The Program has purchased tablets and they have been distributed to staff. The Program hopes to incorporate all inspection documents onto the tablets at some point in the future. This will be dependent on staffing levels and workload.

The 2011 IMPEP review team generated three recommendations for this performance indicator. These recommendations are listed below along with their 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:** The Program has taken measures to ensure that inspection records and narrative reports are documented in accordance with the Program's Inspection Manual. Inspection reports are reviewed by senior level staff for completeness. The Program will continue to address this recommendation as forms are updated and put to use with the tablets. (No change since the September 2014 periodic meeting)

**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 were accompanied by a senior staff member in calendar year 2012. For calendar year 2013 and calendar year 2014, the technical staffer that performs inspections was accompanied by the supervisor and the supervisor who also performs inspections was accompanied by a senior level staff person. The Program has not completed any accompaniments for calendar year 2015 but has plans to complete the accompaniments before the end of the 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. The Program has focused on performing security-related inspections along with the routine health and safety inspections. During these inspections the Program is verifying licensee requirements with both security-related and health and safety requirements. (No change since the September 2014 periodic meeting)

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

The Program has approximately 45 specific licensees. 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." Rhode Island is prioritizing and completing health and safety actions first and working on the renewals as time allows. The longest action has been in house approximately fifteen years and is a renewal. The licensee recently (and also several times in the past) made major changes to its program and the Program is currently waiting on additional information from the licensee before they can complete this renewal. This one action is an anomaly and the other renewals have been in house three years or less. All amendment actions have been in house for six months or less. The Program's licenses are on a 10 year renewal cycle.

#### 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 three events since the 2011 IMPEP. The Program needs to close NMED item 120538 and needs to provide additional requested information and close NMED item 140290. The Program will continue to report incidents to the NRC as appropriate. The Program has received one allegation since the 2011 IMPEP.

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

The Program is continuing to work on promulgating regulations. The Program sent in a package of proposed regulations to the NRC on August 28, 2013 that contained regulation changes through Regulation Amendment Tracking System (RATS) ID 2012-4. The NRC responded to the Program in a letter dated December 4, 2013 which contained 39 comments (ML13240A262). The Program finalized the proposed regulations on January 15, 2014 but was unable to make any changes in regards to NRC comments at that time. The Program hopes to have regulations which address the 39 comments and incorporates an equivalent to 10 CFR Part 37 ready for review as proposed regulations by the end summer of 2015. The Program believes that the equivalent Part 37 regulations should be able to be adopted in final by the March 2016 due date, however, the Program is also planning on submitting a license condition for approval in case the regulations do not receive final approval in time.

**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 has adopted all regulation changes through RATS ID 2012-4. There are no currently overdue regulations due for adoption. The Program is working on addressing comments from the previous rulemakings and also is working on incorporating 10 CFR Part 37 into their regulations.

### IMPEP: October 2015

The Program's IMPEP is scheduled for October 19-23, 2015. Inspector accompaniments are being scheduled for the end of September. Changes to Inspection Manual Chapter 1248 (previously 1246) and refresher training requirements were discussed with the Program. The Program is beginning to work on their response to the IMPEP questionnaire.

### Conclusion

Rhode Island has been responsive to and is taking action on the recommendations that were made during the 2011 IMPEP review. The Program filled the vacant Supervisor position and going forward will be operating with one unfilled technical staff position. The Program has made inspection timeliness a priority and continues to work on licensing actions as they come in. A licensing backlog is continuing and the Program is prioritizing the workload based on health and safety significance. The Program is up to date with their regulations and is beginning to work on addressing comments received during previous rulemakings and the adoption of equivalent rules to 10 CFR 37.