

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH (DPH)  
CONFERENCE CALL  
August 3, 2016

<b>NRC Participants</b>	<b>Massachusetts DPH Participants</b>
Donna Janda, RSAO, Region I	Jack Priest, Director, Radiation Control Program
Paul Michalak, Chief, Agreement States Program Branch, NMSS	Joshua Daehler, Materials Supervisor, Radiation Control Program
Lisa Dimmick, Senior Health Physicist, Agreement States Program Branch, NMSS	
Shawn Seeley, Acting RSAO, Region I	

### **SUMMARY**

During the Integrated Materials Performance Evaluation Program (IMPEP) review of the Massachusetts Agreement State Program (Program) conducted on July 28 – August 1, 2014, the review team found the Commonwealth's performance satisfactory for four performance indicators and satisfactory, but needs improvement, for three performance indicators: Technical Quality of Inspections, Technical Quality of Licensing Actions, and Technical Quality of Incident and Allegation Activities. The review team made one recommendation to strengthen the Commonwealth's incident response program.

On October 28, 2014, the Management Review Board (MRB) found the Program adequate to protect public health and safety, but needs improvement, and compatible with the NRC's program. The MRB directed NRC staff to initiate a period of Monitoring, and requested that calls between the Massachusetts DPH and NRC staff be conducted on a quarterly basis, and that a Periodic Meeting take place in approximately July 2015.

The following is a status summary of the recommendation made during the 2014 IMPEP review:

**Recommendation:** The review team recommends that the Commonwealth strengthen its incident response program and take measures to ensure that the Program's evaluation of events is thorough, complete, properly documented to facilitate future follow-up, and undergoes appropriate management review prior to closeout.

**Status:** The Program implemented the use of a challenge board for their evaluation of event follow up actions. After implementation, the first few events were discussed during a team review with the Program Director as chair. Currently the inspector assigned to an event will work with the inspection supervisor and Unit Supervisor to ensure follow up actions are complete, thorough, and properly documented. The Program Director reviews the event documentation to ensure completeness.

## **DISCUSSION OF PROGRAM STATUS**

### Technical Staffing and Training (2014 IMPEP: Satisfactory)

The Program currently has eight technical staff, including licensing and inspection supervisors, one Unit Supervisor, and one Program Manager. In addition, the supervisor for non-ionizing radiation performs some second reviews for the Program. The Program has a vacancy posted for a position that opened due to an internal transfer. The individual who transferred from the Program currently works two days per week on licensing actions. The Program has started interviewing candidates; however, with a state-wide hiring freeze, the Program must receive approval for a critical hire in order to fill the position.

The Program reported that two staff members have completed their qualification training and two additional staff members are undergoing the qualification process which takes approximately 18 months to complete the qualification process.

### Status of the Materials Inspection Program (2014 IMPEP: Satisfactory)

The Program has completed 40 Priority 1, 2, 3 and initial inspections since the July 2015 Periodic Meeting. All of these inspections were completed within the required timeframe. The Program continues to focus on completing and documenting inspections within the required timeframe. In calendar year 2015, the Program completed 5 of 13 reciprocity inspections and in calendar year 2016 to date, the Program completed 6 of 12 reciprocity inspections of candidate licensees. Once a month at a minimum, Program managers and technical staff review upcoming inspections to ensure the Program meets its timeliness goals.

### Technical Quality of Inspections (2014 IMPEP: Satisfactory, but Needs Improvement)

The Program has expended significant effort on implementation of the new Part 37 requirements, including removing the Increased Controls license condition from specific licenses, drafting an Information Notice which was sent to licensees and posted on the Program's web site, and starting inspections using an inspection procedure equivalent to NRC's procedure. The Program has also conducted staff training on the new security requirements. This training is equivalent to the training posted on NRC's materials security toolbox.

The Unit Supervisor continues to conduct supervisory accompaniments of technical staff on materials inspections with a goal of completing two accompaniments for each inspector annually. Four inspection accompaniments have been completed to date in 2016. Senior inspectors continue to mentor less experienced inspectors as part of the Program's goal of having a sustained learning environment for inspectors. In addition, the Program continues to use the performance monitoring program and supervisory accompaniments to ensure high quality inspections which are focused on protecting public health and safety and security.

### Technical Quality of Licensing Actions (2014 IMPEP: Satisfactory, but Needs Improvement)

Massachusetts maintains approximately 430 specific radioactive materials licenses. The Program continues to decrease the backlog in licensing renewal actions. The Program currently has a backlog of 25 renewals which have been pending longer than 1 year. The Program meets biweekly to discuss the progress made addressing the backlog and reassignments are made as appropriate. As discussed during previous calls and the during the Periodic Meeting, the Program has addressed the issues identified during the 2014 IMPEP review (e.g., changing

the IC license condition back to the NRC approved version; marking sensitive, security-related information; and reviewing applicable licenses for maximum possession limits). The Program has implemented a 10-year license renewal period (increased from a 5-year period) and has a process to determine which licenses will receive a 10-year license renewal term. The license renewal period will change at the time of renewal.

Technical Quality of Incident and Allegation Activities (2014 IMPEP: Satisfactory, but Needs Improvement)

The Program reported five events since January 2016, all of which were reportable to NRC. As noted in the discussion above on the recommendation made by the 2014 IMPEP review team, the Program has implemented the use of a challenge board as part of the Program's evaluation of event follow up activities.

The Program noted that it had received one allegation since the July 2015 Periodic Meeting. This allegation is currently being addressed. The Program reported that it follows up on all allegations and provides allegeders with the results of the investigation.

Compatibility Requirements (2014 IMPEP: Satisfactory)

At the time of the 2015 Periodic Meeting, the Program had no regulation amendments that were overdue for adoption. The Program is currently addressing three regulation amendments and plans to submit for approval one package with all three amendments. The Program Director reported that the Commonwealth still has a freeze on regulation changes. The Commonwealth's equivalent regulations to 10 CFR Part 37 were approved by exception, which is the only method that can currently be used for regulation adoption while the freeze is effective.

Sealed Source and Device (SS&D) Evaluation Program (2014 IMPEP: Satisfactory)

The Program has completed the qualification process for two new SS&D reviewers and now has a total of five qualified reviewers. The Program has 11 active vendors with 53 active SS&D registrations. One new registration is pending approval. The Program reported that it does not have a backlog in SS&D actions and has not completed any recent reviews for other Agreement States.

Conclusion

Massachusetts continues to make progress in addressing the recommendation on incident response and other issues identified during the 2014 IMPEP review. The Program has one current vacancy for a technical position. The Program reported that two staff members have completed their qualification training and two additional staff members are undergoing the qualification process. The Program has no overdue inspections and is addressing the backlog in licensing renewal actions.

A Periodic Meeting to discuss the status of the Massachusetts radioactive materials program will be scheduled for January or February 2017.