

RHODE ISLAND DEPARTMENT OF HEALTH  
 QUARTERLY MONITORING CONFERENCE CALL  
 January 15, 2019

<b>Nuclear Regulatory Commission Attendees</b>	<b>Rhode Island Department of Health Attendees</b>
Monica Ford, Region I	Stephen Morris, Associate Director of Health Division of Customer Services
Robert Johnson, NMSS	Mary Bennett, Chief, RI Center for Facilities Regulation
	Charma Waring, Supervisor, Radiation Control Program
	Bill Dundulis, Risk Assessment Toxicologist

**BACKGROUND**

During the March 2016 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 four performance indicators, satisfactory, but needs improvement, for one performance indicator, and unsatisfactory for one performance indicator. One recommendation was left open from the 2011 IMPEP review. On June 16, 2016, 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. Upon its deliberations the MRB issued two additional recommendations to Rhode Island. Additionally, the MRB directed that Rhode Island continue 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 2016 IMPEP review and a second periodic meeting be held approximately 18 months after the first periodic meeting. The first periodic meeting was held with Rhode Island on March 9, 2017 with the MRB held on July 20, 2017. The MRB determined that quarterly calls should continue and that the next periodic meeting and IMPEP review should be held as scheduled in September 2018 and March 2020 respectively. A second periodic meeting was held on September 17, 2018 and the MRB was held on October 30, 2018. The MRB determined that Rhode Island should continue on Monitoring since a sustained period of performance had not yet been demonstrated by the Program and that the next IMPEP review should be held as scheduled in March 2020.

**DISCUSSION OF PROGRAM STATUS**

Technical Staffing and Training (2016 IMPEP finding: Satisfactory but needs improvement)

The Program is composed of four technical staff members and a Program Supervisor. The total effort allocated to support the Program by all five positions is approximately 1.42 full-time equivalents. At the time of the March 2017 periodic meeting, there was one vacancy. This was created in January 2017 when a staff member left to take another job within the Rhode Island Department of Health. The position was posted and a new employee started in April 2017. The newly hired employee has experience in both nuclear medicine and industrial radiography. Additionally, the Program receives administrative support from a pool of two assistants for approximately one hour each day. Management has been approving an additional 5 hours of support on Saturdays to help eliminate a filing backlog that existed for the Program. The Program is working to see if it can expand the pool of assistants from two to three individuals.

The Rhode Island Agreement State Program has a training and qualification manual compatible with the NRC's Inspection Manual Chapter (IMC) 1248. The two staff going through the qualification process have been assigned a training and qualification journal to complete. Refresher training for technical staff is being tracked to ensure staff are meeting the 24 hours every 24 months requirement.

The 2016 MRB generated one recommendation for this performance indicator. The recommendation and its status are listed below.

**Recommendation 1:** The MRB recommends that the program management take measures to ensure proper documentation of inspection tracking dates and ensure the Rhode Island Agreement State Program's licensing and inspection files are complete.

**Status:** To address the first part of the recommendation, the Program Supervisor has placed a white board in her office and has populated it with all of the Priority 1, 2, and 3 licensees (which are separated by Priority and color coded). This is easily accomplished since the Program licenses approximately 20 Priority 1, 2, and 3 licensees. The white board shows the last inspection completed and the next inspection due as well as the expiration date of the license. This keeps the information prominently displayed and can be easily consulted should a question about inspection due dates arise. Additionally a spreadsheet is maintained on the Program Supervisor's computer which shows the history of the inspections performed since the last IMPEP review.

To address the second part of the recommendation, the Program trained two administrative support staff to support filing efforts. These staff work with the Program for approximately one hour each day. Additional time is approved as needed including time working on Saturdays. The administrative support staff went through all of the files and color coded them by inspection Priority and placed them in the correct order. Additionally, each file has been audited to ensure that the appropriate documentation is contained in the file.

Status of the Materials Inspection Program (2016 IMPEP finding: Unsatisfactory) and Technical Quality of Inspections (2016 IMPEP finding: Satisfactory)

During the 2016 IMPEP review, the team determined that 11 of 41 Priority 1, 2, 3, and initial inspections had been completed overdue resulting in 27 percent of inspections being completed overdue. The Program has since made inspections a focus area and has completed all Priority 1, 2, and 3 inspections in accordance with their assigned inspection frequencies. One new license has been issued since the last IMPEP review. The Program stated that an initial inspection has been completed, however, the licensee still has not received any material. It has been greater than two years since the issuance of the license. NRC staff discussed the requirements in 10 CFR 30.36 that state in part that a licensee shall submit a decommissioning plan if no principal activities have been conducted for a period of 24 months. The Program acknowledged this requirement and will take it into consideration going forward.

The Program has continued to be attentive to reciprocity inspections. Staff completed two inspections of five candidate licensees in calendar year 2016 (40%); two inspections of six candidate licensees in calendar year 2017 (33%); and three inspections of four candidate licensees in calendar year 2018 (75%).

The 2016 IMPEP team kept open one recommendation from the 2011 IMPEP review for the performance indicator Status of the Materials Inspection Program. The recommendation along with its status are listed below.

**Recommendation 2:** The 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 2016 IMPEP review, the Program has made inspections a focus area. All Priority 1, 2, and 3 inspections have been completed in accordance with the assigned inspection Priority listed in the NRC's IMC 2800. One new license application requiring an initial inspection was issued since the 2016 IMPEP review. Staff has completed that initial inspection but will need to do a follow-up initial inspection within 12 months or once the licensee receives material (whichever comes first).

#### Technical Quality of Licensing (2016 IMPEP finding: Satisfactory)

The Program has approximately 42 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 received are worked on by qualified staff. Once the work on each incoming action is complete, the action under goes a concurrence review by a senior staffer before being signed by either the Program Supervisor or Chief. At the time of the last periodic meeting, there were two renewal applications that had been in house for greater than one year. As of this call, all renewals have been issued. All other actions that have been received (amendments, initials, terminations) have been in process for less than six months. The Program has two amendments that it is currently working on. Licenses are on a 10 year renewal cycle. Staff is aware of the continuing revisions to the NRC's NUREG 1556 series and plans to update licensing guidance as appropriate.

The MRB for the 2016 IMPEP review generated one recommendation for this performance indicator.

**Recommendation 3:** The MRB recommends that program management develop and implement an action plan to reduce the licensing renewal backlog.

**Status:** The Program did not specifically develop and implement an action plan to address this recommendation. However, work was done to complete all backlogged renewals. At the time of this call all renewals had been issued and the Program had no licensees in timely renewal. The Program is aware of the need to complete renewals in a timely manner and will ensure timely completion of renewal actions received going forward. Two licenses are due for renewal in 2019 (one expires in March and one expires in April). The Program is tracking these licenses and will ensure timely completion once the renewal package is received.

#### Technical Quality of Incidents and Allegations (2016 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 no events or allegations since the 2016 IMPEP review. NRC staff asked if the Program had procedures relative to incidents and allegations. The Program was unsure if formal procedures existed. State Agreements procedure SA-200

“Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements,” lists procedures that pertain to response to events and allegations as a compatibility category C. Compatibility category C means “a program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed need not be the same as NRC, provided the essential objectives are met.” The Program stated that they would ensure procedures were in place to meet this requirement.

#### Compatibility Requirements (2016 IMPEP finding: Satisfactory)

In 2016 Rhode Island enacted state statute 42-35-5 into its General Laws. This statute requires that the Program must recodify all of their rules into the new format as described by the “Rules and Regulations Formatting and Filing Manual” by December 31, 2018 or they will not be able to enforce against them. The Program stated that its amended regulations went into effect January 1, 2019. NRC comments on the final regulations will be addressed by the Program along with changes associated with Regulations Amendment Tracking Sheet IDs 2018-1 and 2018-2 later this year.

The Program’s regulations are subject to sunset requirements. The Program must refile their regulations every five years. The Program completed this refiling in January 2017. The next refiling is scheduled for 2022.

#### Conclusion

The Program continues to improve and has taken action on the recommendations that were made during the 2016 IMPEP review. The Program is fully staffed and is working on qualifying the newly hired staff to perform independent inspections and licensing actions. The Program has made inspection timeliness a priority and has performed no inspections overdue since the last IMPEP review. Additionally the Program has completed all of the outstanding licensing renewals.

Next Quarterly Call: April 2019 (tent.)