



OFFICE OF THE SECRETARY
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
201 WEST PRESTON STREET • BALTIMORE, MARYLAND 21201 • Area Code 301 • 383- 7328

Harry Hughes, Governor

Charles R. Buck, Jr., Sc.D. Secretary

February 15, 1983

Mr. Ronald Haynes
Regional Administrator
U. S. Nuclear Regulatory Commission
Region I
631 Park Avenue
King of Prussia, Pennsylvania 19406

Dear Mr. Haynes:

This is in follow-up to the Department's response of January 21, 1983 regarding the 1982 NRC review of Maryland's Radiation Control Program.

Enclosed is this agency's reply regarding the technical issues raised in NRC's critique. We recognize the problems impacting the State's Radiation Control Program. Once these areas are addressed, I am confident that many of the problems noted in your agency's review will be corrected.

If you need further clarification of any of the material presented, please contact Mr. Robert E. Corcoran, Chief, Division of Radiation Control, at 301/383-2744.

Sincerely yours,

William M. Eichbaum
Assistant Secretary for
Environmental Programs

WME:js

Enclosure

cc: Dr. Charles R. Buck, Jr.
Mr. David L. Resh, Jr.
Mr. Robert E. Corcoran

Response to NRC Technical Findings
on the Maryland Radiation Control Program

I. Management and Administration

Comment (rephrased in brief)

- A. Management's review of selected licenses was not documented and in several instances, failed to identify errors. There has been no policy established for second party review of complex license actions.

Response

- A. License checklists are now being used routinely for all new licenses and renewals. Once completed, the checklist becomes a part of the file. Management reviews are conducted on all licensing actions. The same check sheet is used by the management reviewer.

It will be our policy to perform an in-depth management review on at least every 15th license.

The policy relating to second party review of complex licensing actions will be as follows:

We will conduct peer reviews in the form of meetings, discussions and/or circulation of applications among appropriate staff, on all complex licenses (e.g. major manufactures, large scope - Type A Broad, and applications indicating a potential for significant releases to the environment).

Comment (rephrased in brief)

- B. Documentation of supervisory review was not present on all inspection reports.

Response

- B. It has always been a Division of Radiation Control Policy for the Head of the Inspection and Surveillance Section to review all inspection reports. We believe that this is the best policy and intend to continue with that policy. We believe that the deficiency noted has come about due to lack of sufficient staff. Addition of new staff personnel in the near future should correct this problem.

II. Licensing

Comment (rephrased in brief)

- A. 1 Information in the file does not support the authorization to Industrial Gauging and Control, Inc. to distribute the 30 curie gauge of Cesium 137 to general licensees.

Response

- A. 1 The Industrial Gauging and Control license has been amended to restrict distribution of the 30 curie gauge to specific licensees only. A reevaluation of this license authorization has indicated that this 30 curie gauge should not be distributed to general licensees in the future under any circumstances. A revised Sealed Source and Device Registration Sheet is being prepared and copies will be sent immediately upon completion to the proper NRC offices as described in the All Agreement States letter from Donald A Nussbaumer, dated July 21, 1982.

Comment

- A.2 "The current device registration sheet for Shimadzu (dated March 4, 1977) does not list all currently approved "detector cells".

Response

- A. 2 The Shimadzu registration sheet was updated and reissued on August 24, 1982. It now lists all currently approved detector cells.

Comment

- B.1 "Our review of selected licensing files revealed that, for licenses undergoing renewal, the supporting information was not reviewed to assure that the submitted information reflected the current scope of the licensed program."

Response

- B. 1 The procedure relating to licenses undergoing renewal will be written, in general, as follows:

supporting information will be reviewed on all renewal applications to assure that the submitted information reflects the current scope of the licensed program.

This procedure is now being followed in practice.

Comment (rephrased in brief)

- B.2 During the review of the license files there were several instances noted of inappropriate or missing license conditions.

Response

- B.2 Since the review, the Division of Radiation Control has given added emphasis to this problem.

As discussed in Items IA and IIC of this response we are utilizing the checklists as recommended by the NRC reviewers. We believe that this has reduced the number of errors of the type mentioned in Your comment. The training received by Mr. R. Corcoran at the NRC Course on Orientation to Licensing Practices in September, 1982 provided very beneficial assistance toward improving our supervisory reviews.

Comments

II.C

1. "The licensing procedure notebook used by license reviewers has not been updated in several years."

Recommendation

"We recommend the licensing procedure notebook be updated to reflect current licensing practices. Current checklists and a standard example of each type of license should be included in the procedure ."

2. "It was noted that checklists are used by license reviewers during the review of license applications, however, the completed checklists are not kept."

Recommendation

"We recommend that the completed checklists be included in the license file. The checklist can be revised to record the license reviewers actions, telephone conversations and supervisory review."

3. "During discussions with the license reviewer, we learned that he had not accompanied radioactive materials inspectors. We believe that license reviewers gain valuable insight from observations during inspections of licensees. We recommend that license reviewers accompany inspectors during inspections on a periodic basis."

Response

II. C 1 through 3. The above comments and recommendations have been considered and either have been or will be incorporated in our overall radiation control program.

III. Compliance

Comment

A. "A review of the State's written inspection priority system revealed that fixed radiography licensees and limited medical licenses would not be inspected at a minimum inspection frequency consistent with that of NRC. We did note, however, that, as a matter of practice, compliance staff had been inspecting these licensees at a frequency consistent with the NRC system."

Recommendation

"We recommend that the written Inspection priority system be revised so that it is consistent with that of NRC."

Response

A. We have considered this comment, and while we do not necessarily agree that it is essential for an Agreement State to have a written Inspection priority system that is consistent with that of NRC as long as the frequency of inspections is consistent with NRC's; we plan to review and revise the inspection priority and category system as soon as we can to make it consistent with that of the NRC.

Comment

B. "During this review period, there were no field evaluations of the compliance staff conducted by the compliance supervisor."

Recommendation

"We recommend the compliance supervisor conduct annual field evaluations of each inspector."

Response

B. We agree with this recommendation especially since we have long recognized the importance of conducting periodic supervisory field evaluations of each inspector. Insufficient staff and increasing demands for staff time in all

areas of the Radiation Control Program have contributed greatly to this deficiency. With the additional staff we plan to hire, and the added emphasis we plan to place on this activity, we believe the problem will be resolved.

Comment

- C. "The State's inspection priority system calls for periodic inspections of field industrial radiography sites when such activity is authorized by a license. It was noted that a State licensed field radiographer had not been inspected at a field site since 1978."

Recommendation

"We recommend that each field radiography licensee be inspected also in the field once a year in accordance with the State's inspection priority system."

Response

As indicated by the fact that this recommendation is in accordance with our inspection priority system, we agree with it, and recognize how important it is that each field radiography licensee be inspected also in the field once a year. The problem we've been facing of keeping up with our inspections is well known and recognized by the NRC reviewers. Insufficient staff and other priorities in the radiation control program have been instrumental in causing us to have a backlog of overdue inspections. We plan to emphasize the importance of this recommendation to both the senior (supervisory) personnel and the junior personnel (inspectors) so that the annual inspections of field radiographers will not be overlooked in the future.