

Organization of Agreement States (OAS) & Conference of Radiation Control Program Directors (CRCPD) Board Brief to NRC Commissioners

OAS

DAVID CROWLEY (NC), CHAIR
TERRY DERSTINE (PA), PAST CHAIR
AUGGIE ONG (NH), CHAIR ELECT



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CRCPD

KIM STEVES (KS), CHAIR
JEFF SEMANCIK (CT), PAST CHAIR
ANGELA LEEK (IA), CHAIR ELECT
RUTH MCBURNEY, EXECUTIVE DIRECTOR

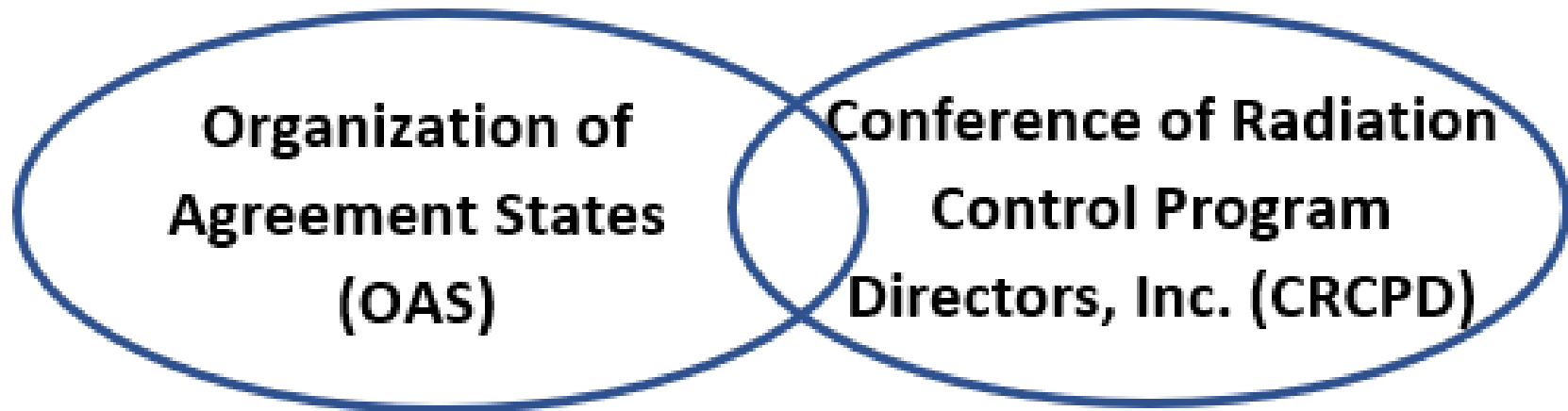




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Comparison of Our Two Organizations





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DISCUSSION TOPICS



Auggie Ong

- National Materials Program and the Champions
- OAS COVID-19 Response

Jeff Semancik

- CRCPD Response to the COVID-19 Pandemic

Terry Derstine

- Importance of NRC Training
- HP Recruitment

Kim Steves

- Collaboration Efforts including Addressing Foreign Sourced Americium



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DISCUSSION TOPICS



David Crowley

- **General License Program**
- **Nuclear Medicine Extravasations**
- **Training & Experience for Authorized Users**

Angela Leek

- **Very Low Level Radioactive Waste and Greater than Class C Waste**
- **Opportunities for Transformation with the CRCPD Suggested State Regulations**

NMP & the Champions

COVID-19 Response

AUGGIE ONG (NH)

OAS CHAIR-ELECT



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NMP and State COVID-19 Responses



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As part of the COVID-19 response, the NRC used its existing authority to consider granting relief from specific regulatory commitments through:

- Exemptions from regulatory requirements
- Amendments to license conditions or technical specifications, and
- Enforcement discretion under certain circumstances.

The NRC issued the following guidance documents outlining the regulatory options to seek regulatory relief that might be necessary during the COVID-19 public health emergency.

NMP and State COVID-19 Responses



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[May 21, 2020](#), "Enforcement Guidance Memorandum 20-002 – Dispositioning Violations of NRC Requirements Under 10 CFR Parts 30-36, and 39, Resulting from Impacts of the COVID-19 Public Health Emergency (PHE), Where the Licensee Suspended the Use of Licensed Material and Placed Material in Safe Storage (Attachment 2)"

[May 27, 2020](#), "Enforcement Guidance Memorandum 20-002, Dispositioning Violations of NRC Requirements for Compliance with Radiological Emergency Response Plans During the COVID-19 Public Health Emergency, Attachment (3)"

[June 1, 2020](#), "Inspection Guidance During Transition from Covid-19 Mandatory Telework for the Nuclear Materials and Waste Safety Programs"

NMP and State COVID-19 Responses



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In accordance with the guidance provided by the NRC's NMP, the Organization of Agreement States (OAS) also provided additional assistance to the Agreement States that have a wide array of options within their regulatory authority.

These included statutes, orders, exemptions, journal entries and waivers to deal with the needs of their respective, regulated community and they would use their authority as needed to protect public health and safety.

NMP and State COVID-19 Responses



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OAS has providing the following guidance for consideration by state programs while formulating their policies, but also to aid licensees in identifying how things are addressed in the various state programs:

“Alabama Radiation Protection Guidance for COVID-19”

“Massachusetts COVID-19 Blanket Extension”

“New Hampshire Guidance and Deferral of Certain Requirements”

“New Jersey Guidance for Radioactive Materials License Holders”

NMP and State COVID-19 Responses



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Continuation:

“**North Carolina** Radiation Protection Guidance COVID-19”

“**Ohio** Deferral of Certain Requirements”

“**Oklahoma** Letter to Licensees Re: COVID-19”

“**Texas** Notice to Radioactive Materials Licensees”

“**Pennsylvania** COVID-19 Emergency Request to Temporarily Suspend Regulatory Requirements.”

“**Tennessee** Radiation Protection Guidance for COVID-19”

“**Wyoming** COVID-19 Temporary Guidance”

Champions-how's it going



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Duncan White (NRC) and Lee Cox (OAS) as co-champions are both advocates and mediators.

Duncan advocates for the NRC on topics across the National Materials Program (NMP) spectrum.

Lee advocates for the Agreement States.

Duncan and Lee use SA-10 a (Joint Oversight of the NMP) as their guiding document. This document leads both organization representatives to be effective co-regulators across the NMP.

Champions-how's it going



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While the Co-Champions have strived to enhance the NRC/Agreement State partnership, they have the following objectives:

- Account for individual agency needs and abilities.
- Develop and suggest metrics for tracking NMP performance.
- Promote consensus on regulatory priorities and approaches.
- Promote consistent exchange of information.
- Optimize the resources of the NRC and the Agreement States programs.

They have used the Champions' Chat as a way to bring relevant issues to the NMP membership.



CRCPD Response to COVID-19 Pandemic

JEFF SEMANCIK (CT)

CRCPD PAST CHAIR

Risk Based Response to COVID-19 Pandemic



Board of Directors Passes
Resolution on March 26, 2020

Some State Practices and
Regulatory Requirements are
HIGH risk

- Significant infectious disease risk
- Administrative burden on the front-lines personnel
- Financial Burden on those negatively impacted

Now be it resolved:

State and local radiation control programs should implement risk-based graded measures to protect radiation control program staff, limit transmission of COVID-19, ensure sustainability of radiation emergency response functions, and minimize disruption and distraction of critical healthcare services and workers.

Be it further resolved:

CRCPD shall coordinate with federal partners and professional organizations in the development by and communication of consensus guidance to members.

Jeff Semancik
CRCPD Chairperson



Supporting the State RCPs

Working Groups: Generic Risk Based Guidance

- Each state has different authorities, laws and interests, specific executive actions
- Regulated Community seeking proactive sector-wide action v. specific exemption requests
 - Medical Radioactive Material License Compliance and COVID-19
 - X-Ray Machine Physicist Surveys
 - Registration and Use of X-Ray Machines in mobile field hospitals, nursing home, etc.

Leveraging Technology

- Virtual Collaboration
- Web Access
 - WG guidance
 - Clearinghouse for federal guidance
 - Share best practices
 - Conduit for questions

COVID-19 and REP Response



EOCs staffed for COVID-19 response

Social Distancing measures to slow spread of COVID-19 and protect vulnerable populations

States remain fully capable of responding to radiological/nuclear emergencies

Enhanced REP Guidance developed for response during COVID-19 Public Health Emergency

Enhanced REP Guidance during COVID-19 Public Health Emergency



Protect Responders

- Modified Radiation Emergency Response staffing
- Virtual activation

Risk Informed Protective Actions

- PAG Manual (2017) provides guidance for higher PAGs for Special Circumstances (section 2.3.4)
- SIP v. Evacuation as Preferential Protective Action
- Hospitals/nursing homes - preferentially SIP

Clarity in Communications

- In the event of a radiological release, clearly articulate the difference between SIP and stay at home orders

Effective implementation requires socialization and coordination



Guidance shared among members

- Implemented CT and IA
- Being considered WI, MN and NJ

Guidance has been shared with partners

- Utilities, NEI
- Local OROs and neighboring states
- Federal partners FEMA, EPA, CISA, NRC staff
- FRMAC
 - International partners - Japanese Foreign Ministry
- Advisory Team on Environment, Food, and Health (A-Team)
 - Developing checklist guidance

ADVISORY TEAM

for ENVIRONMENT, FOOD, and HEALTH



Risk Based Request for REP



- Public Health Risks of Exercise are HIGH
 - Significant infectious disease risk
 - Significant resource and administrative burdens
- REP Performance Risk is LOW
 - Recent strong performance
 - Maturity of program
 - Many essential elements being implemented common to pandemic response
- Appreciate NRC collaboration with CRCPD and consideration of perspectives and challenges
- OROs are continuing REP training and drills

Ongoing Challenges



- Regional variations in the public health emergency and in individual state responses
 - Response to local outbreaks
 - Travel Quarantine requirements
 - Different stages of re-opening
- Radiation Control Program considerations
 - Orphaned sources/Abandoned Facilities
 - Access to Acute care facilities and other licensees/registrants
 - Addressing exemptions and regulatory discretion
- Resources
 - RCPs in public health departments continue to be challenged
 - Potential involvement in mass vaccination planning
- Budgetary Challenges
 - Furloughs and hiring restrictions
 - Travel restrictions



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Importance of NRC Training for the Agreement States

TERRY DERSTINE (PA)

OAS PAST-CHAIR

Importance of NRC Training for the Agreement States



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- HP programs
- NRC training
- COVID/NRC training including opening up Basic HP to Xray inspectors



CRCPD – Current Collaboration Efforts

KIM STEVES (KS)

CRCPD CHAIR

CRCPD – Current Collaboration Efforts



- **Coordination of State Response with OAS**
- Unwanted Radioactive Materials
 - Foreign Sourced Americium
 - Sources at Scrap Recycling Facilities

CRCPD – Current Collaboration Efforts



- Coordination of State Response with OAS
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 - **Foreign Sourced Americium**
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CRCPD – Current Collaboration Efforts



- Coordination of State Response with OAS
- Unwanted Radioactive Materials
 - Foreign Sourced Americium
 - **Sources at Scrap Recycling Facilities (ISRI Video)**

<https://videos.isri.org/radiation-safety>





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Looking Forward in 2020

DAVID CROWLEY (NC)

OAS CHAIR

General License Program Modernization



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Background and Direction

For decades, general licensing (GL) practices have varied across the NMP.

Regained attention following 2016 GAO audit of category 3 sources.

Working group formed to examine regulatory practices and to recommend modifications for a risk informed and “right-sized” approach.

Current 10 CFR 31.5 to act as baseline, but many states went beyond.

Goal is to create a consistent approach to maintain public health and safety.

GL: Potential Recommendations



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Expand Existing Registration Program

1. Include all GL devices containing any activity level of:
 - Cesium-137
 - Strontium-90,
 - Cobalt-60,
 - Radium-226,
 - Americium-241,
 - Any other transuranic.
2. Add oversight component for registered devices
 - Remote inspection through questionnaire sent with annual renewal
 - Onsite inspections for higher activity sources

Reduce Tracking/Reporting for remaining non-registered GL devices

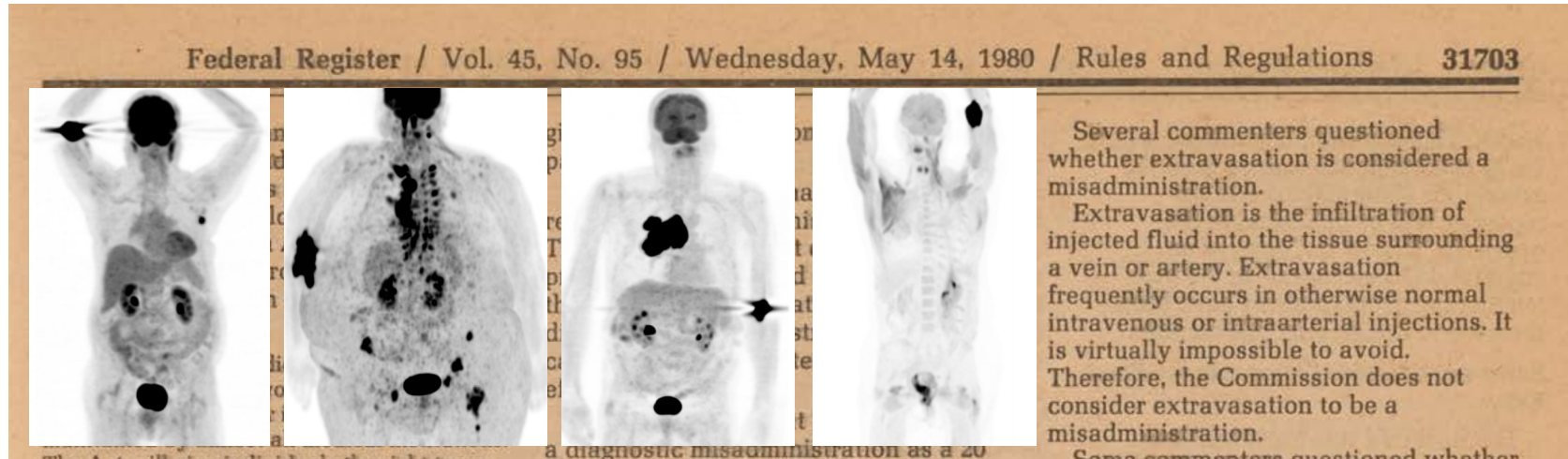
1. Distribution records retained by GL distributors
 - Record retention requirements
 - States could request information as needed
2. Remove reporting requirement for certain devices:
 - Exit signs containing tritium
 - Static eliminators
3. Potentially remove requirement for reporting lost/stolen devices for:
 - Exit signs containing tritium
 - Static eliminators

Nuclear Medicine Extravasations



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Background and the Petition for Rulemaking



“Extravasation frequently occurs in otherwise normal intravenous or intraarterial injections. It is virtually impossible to avoid. Therefore, the Commission does not consider extravasations to be a misadministration.” – FR Vol.45, No.95, May 14, 1980, Pg.31703

*Images taken from cases submitted in the petition for rulemaking.

Nuclear Medicine Extravasations



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Background and the Petition for Rulemaking

The Petition (PRM-35-22), Docket ID (NRC-2020-0141)

Clear evidence that the 1980 assumption is no longer valid.

Extravasations can cause doses exceeding those in the medical event rule.

Extravasations can lead to negative outcomes of patients.

State Positions

3. NRC will, when justified by the risk to patients, regulate the radiation safety of patients primarily to assure the use of radionuclides is in accordance with the physician's directions.

Response. The Commission has a role in assuring accurate delivery of radiation doses and dosages to patients and has rejected the notion that NRC should not regulate patient radiation safety (44 FR 8243, February 9, 1979).

*Excerpts from NRC's Medical Policy Statement.

Nuclear Medicine Extravasations



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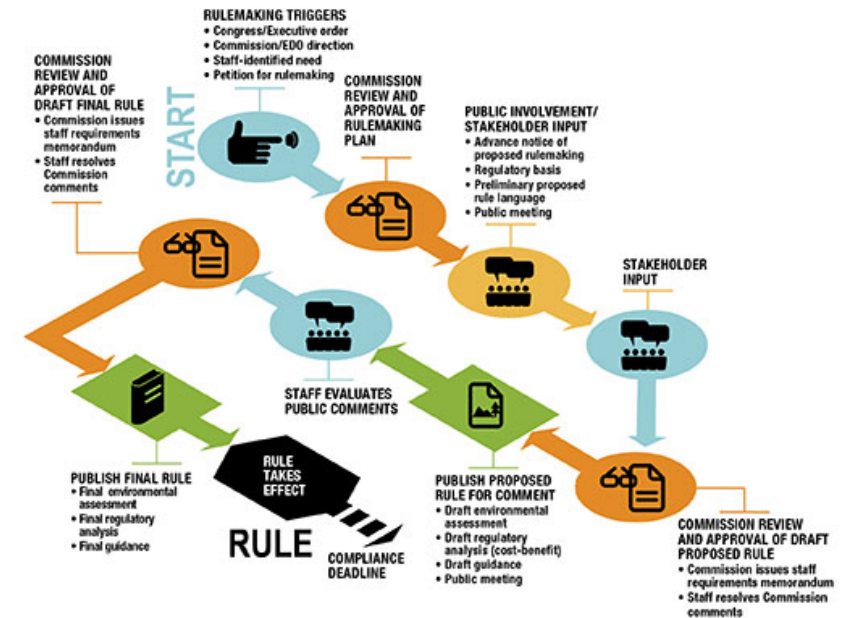
Recommendations

Reject the 1980 exemption and accept the petition.

Develop interim guidance, raise awareness, and engage with stakeholders.

Investigate throughout rulemaking, arrive at the best solution.

A TYPICAL RULEMAKING PROCESS



*Image from NRC website on rulemaking process.

Training & Experience for Authorized Users



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Background and Rulemaking

Rulemaking Plan for Training and Experience Requirements for Unsealed Byproduct Material (SECY-20-0005)

- Seeks Commission approval to initiate rulemaking.

Benefits of entering rulemaking:

- Examine our practices and reveal entirely novel solutions.
- Increase patient access to new treatments.
- Focus on radiation handling, safety, and supervision.
- Reduce administrative burden on facilities and regulators.



Low Level Radioactive Waste and Suggested State Regulation Transformation

ANGELA LEEK (IA)

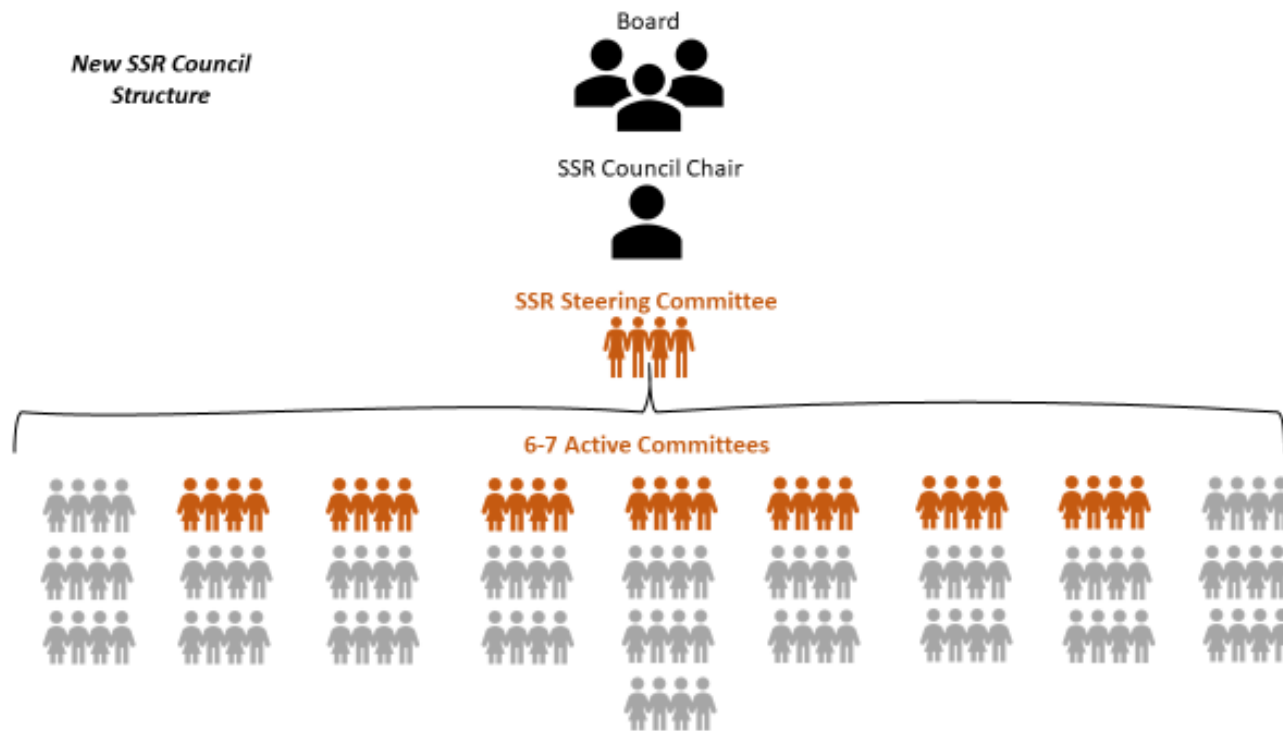
CRCPD CHAIR-ELECT

Low Level Radioactive Waste State Perspectives



- 10 CRF Part 61 outlines procedures and methods for assessing waste disposal
- Prefer definition of additional classifications to be managed under Part 61
 - Very Low Level Radioactive Waste (VLLRW)
 - Greater than Class C Waste (GTCC)
- The current Part 61 process is effective and allows for concurrent considerations such as other RCRA hazardous materials or site specific concerns
- States support maintaining current process in Part 61 and incorporating these additional classifications of waste

Transformation in the Suggested State Regulations Process



Transformation in the Suggested State Regulations Process



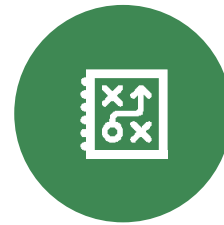
MONITOR EXISTING AND EMERGING RADIATION PROTECTION PRACTICE AND REGULATION



ADVISE COUNCIL CHAIR TO PRIORITIZE RULE REVISION FOCUS



EFFECTIVELY ALLOCATE RESOURCES AND ESTABLISH EFFICIENT PROCESSES



ESTABLISH AND MONITOR ROUTING AND TIMELINES



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Thank you!

Questions ?