

RHODE ISLAND DEPARTMENT OF HEALTH
HEIGHTENED OVERSIGHT CONFERENCE CALL
March 9, 2022

Nuclear Regulatory Commission Attendees	Rhode Island Department of Health Attendees
Monica Ford, RSAO Region I	Jennifer Olsen, Chief, Center for Health Facilities Regulation
Farrah Gaskins, RSAO, Region I	Alex Hamm, Supervisor, Radiation Control Program
Blake Welling, Director DRSS, Region I	Dennis Klaczynski, Sr. Radiological Health Specialist
Tamara Bloomer, Deputy Director DRSS, Region I	Thomas Caruolo, Radiological Health Specialist
Kevin Williams, Director, MSST, NMSS	Maria Barnes, Radiological Health Specialist
Brian Anderson, Chief, SALB, NMSS	
Duncan White, Senior Health Physicist, SALB, NMSS	

BACKGROUND

The Rhode Island Agreement State Program (the Program) has experienced challenges maintaining an adequate and compatible program since 2011. In 2011, based on findings presented by the Integrated Materials Performance Evaluation Program (IMPEP) team, a Management Review Board (MRB) found Rhode Island adequate to protect public health and safety, but needs improvement, and compatible with the U.S. Nuclear Regulatory Commission’s (NRC) program and subsequently placed the Program on Monitoring. In 2016, as a result of the IMPEP team’s findings, the MRB again found the Program adequate to protect public health and safety, but needs improvement, and compatible with the NRC’s program. Additionally, the MRB directed that the Program continue to be on Monitoring, that quarterly calls between the Rhode Island Department of Health and NRC staffs be conducted, and that two periodic meetings take place one at approximately 12 months and the other at approximately 30 months from the date of the 2016 IMPEP review. In January 2022, as a result of the IMPEP team’s findings, the MRB found the Program adequate to protect public health and safety but needs improvement and compatible with the NRC’s program. The Program experienced challenges in maintaining a first line supervisor during the review period and in the area of Technical Quality of Licensing Actions. Therefore, the IMPEP team recommended, and the MRB agreed that a periodic meeting should occur in one year, the next full IMPEP review should take place in two years, and the Program should enter a period of Heightened Oversight. Heightened Oversight is a formalized process that allows the NRC to maintain an increased level of communication with an Agreement State. As a part of the Heightened Oversight process a Program should submit a Performance Improvement Plan (PIP) to address any areas of downgraded program performance and bimonthly calls between the Program and the NRC should commence. This summary documents the first bimonthly call between the NRC and the Program.

[Note: Due to the COVID-19 Public Health Emergency the IMPEP review previously scheduled for July 2020 was rescheduled and was conducted in October 18-22, 2021.]

DISCUSSION OF PIP/ STATUS OF RECOMMENDATIONS

October 2021 IMPEP Review Findings:

Rhode Island's performance was found satisfactory for the performance indicators:

- Status of Materials Inspection Program
- Technical Quality of Inspections
- Technical Quality of Incident and Allegation Activities
- Legislation, Regulations, and Other Program Elements.

Rhode Island's performance was found satisfactory but needs improvement for the performance indicator:

- Technical Staffing and Training.

Rhode Island's performance was found unsatisfactory for the performance indicator:

- Technical Quality of Licensing Actions.

The team recommended and the MRB Chair agreed that two of the three previous recommendations be closed, and the recommendation related to accessibility of licensing and inspection documentation remains open with the following modifications:

- Rhode Island management take measures to ensure licensing and inspection documentation is complete and stored in a centralized filing system.

The team also recommended and the MRB Chair agreed with the following three new recommendations for improved program performance:

- Implement the Pre-Licensing guidance (and any updates, as necessary) and provide training to ensure staff understands how to properly identify unknown applicants and transfer of control requests, and how to document the basis for the known entity determination.
- Implement the RSRM checklist (and any updates, as necessary) and provide additional training to ensure staff understand when to use the checklist.
- Implement a financial assurance program consistent with State regulations; that licenses that authorize possession of radioactive material in excess of quantities requiring financial assurance post financial assurance; and, that financial assurance license conditions be consistent with possession limits authorized on the license.

The team determined that the declining performance from the 2016 IMPEP review was mainly due to: (1) significant management turnover, (2) inconsistent management oversight of programmatic activities primarily involving licensing actions, and (3) incomplete licensing and inspection documentation.

Recommendation 1

- Rhode Island management take measures to ensure licensing and inspection documentation is complete and stored in a centralized filing system.

In order to address this recommendation, the Program defined four tasks with five associated milestones. Since the 2021 IMPEP review one milestone involving integrating a new organization system has been completed. Three milestones are currently in progress, and one has not yet been started. Program management stated that the first priority was to ensure that none of the data was lost. The Program was able to successfully retrieve all licensing data from the one license reviewers personal drive associated with their computer. The Program manager stated that the program has

struggled to retrieve data from individuals' computers who are no longer with the program. Next the Program started to digitize all of the current licenses and added all newly received amendments and all new license actions into the SharePoint library. As time allows, the Program is working on back filling each licensee's electronic file with historical records maintained in the Program's paper files. The Program also plans to audit licensee files as they go along until all files are finalized in the electronic system. Additionally, it was noted by the NRC that it would be beneficial to share audit results during the upcoming periodic meeting. [Note: Update PIP to reflect 2022 dates instead of 2021.]

Recommendation 2

- Implement the Pre-Licensing guidance (and any updates, as necessary) and provide training to ensure staff understands how to properly identify unknown applicants and transfer of control requests, and how to document the basis for the known entity determination.

The Program identified three tasks with three associated milestones to address this recommendation. Two tasks and their associated milestones have not yet been started and the third is ongoing. The Program manager stated that for the first task that the training has been developed it has just not yet been delivered to the staff. The goal had been to complete the training in February 2022; however, the manager is waiting for one staff member to return to work before providing the training. The Program manager expects the individual will return later this month. No actions have been received by the Program since the IMPEP review that require the use of the Pre-licensing Guidance.

Recommendation 3

- Implement the RSRM checklist (and any updates, as necessary) and provide additional training to ensure staff understand when to use the checklist.

This recommendation is being handled similar to recommendation 2 with three identified tasks and three associated milestones. The training has been developed but has not been delivered yet. Once all staff are back in the Office the training will be held. The Program manager stated he expects the training to be completed by the end of March 2022 and will update the PIP accordingly.

Recommendation 4

- Implement a financial assurance program consistent with State regulations; that licenses that authorize possession of radioactive material in excess of quantities requiring financial assurance post financial assurance; and, that financial assurance license conditions be consistent with possession limits authorized on the license.

The Program identified three tasks with ten associated milestones to address this recommendation. Since the 2021 IMPEP review, the Program has contacted all licensees who were authorized to possess quantities of material requiring financial assurance. Only one licensee chose to maintain a license that authorizes possession of material in quantities requiring financial assurance. All other licenses were amended to lower the licensee's possession limits to below amounts that require financial assurance. The appropriate financial assurance documentation was collected from the one licensee and is being stored in a secure location. The Program has developed a process to review licenses to determine if financial assurance is required based on amounts authorized to be possessed on a license.

Performance Concern 1 (Technical Staffing and Training)

- Develop a balance in the staffing of licensing and inspection programs

The Program identified three tasks with eight associated milestones related to this item. At the time of the 2021 IMPEP review, the Program had only one qualified license reviewer. The Program is working to re-qualify an inspector who was previously qualified and to qualify an additional inspector to perform licensing actions. Additionally, the program manager plans to become qualified to perform licensing actions to aid in the managerial review of licensing actions and to support the workload if any staff turnover should occur. In discussing actions related to this item, the number of licensing actions to be completed (10) was questioned. NRC staff offered that the focus shouldn't be on a specific number but rather follow Inspection Manual Chapter 1248 Appendix A with regards to case work. While the Program can choose to keep that number as is, it seems high given the small number of licensees in Rhode Island.

Summary

The Program continues to address the recommendations and performance concerns associated with the 2021 IMPEP review. The PIP was submitted to the NRC for Approval in February 2021. Official approval is pending and is expected to be issued before the next call. One point made by NRC management on the call was that the PIP should be reviewed to make it more process driven. Currently a lot of actions are assigned to the program manager. If that individual would leave the knowledge of those items would also leave. Therefore, it is important that a process be established that can be followed by both management and staff in the program. The Program does not need to resubmit the PIP to the NRC to address the items mentioned during this call. However, the Program should update the PIP as appropriate and resubmit it at the time of the next bi-monthly call.

Next Bimonthly Call: May 2022.