



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
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KING OF PRUSSIA, PENNSYLVANIA 19406-1415

November 25, 2003

Robert J. Walker
Director
Massachusetts Department of Health
Radiation Control Program
90 Washington Street
Dorchester, MA 02121

SUBJECT: PERIODIC MANAGEMENT MEETING SUMMARY

Dear Mr. Walker:

A periodic meeting with the Massachusetts Radiation Control Program was held on October 30, 2003. The purpose of the meeting was to review and discuss the status of the Massachusetts Agreement State program. The NRC was represented by James Myers from the NRC's Office of State and Tribal Programs and me. Specific topics and issues of importance discussed at the meeting included the actions taken in response to the IMPEP recommendations.

I have completed and enclosed a general meeting summary, included any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussions, or have any additional remarks about the meeting in general, please contact me at (610) 337-5042 or by e-mail at adw@nrc.gov to discuss your concerns.

Thank you for your cooperation.

Sincerely,

Original signed by Duncan White

Duncan White, CHP
Regional State Agreements Officer
Division of Nuclear Materials Safety

cc:
R. Bores, RI
R. Woodruff, RI
J. Myers, STP

R. Walker
Massachusetts Department of Health

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR MASSACHUSETTS RADIATION CONTROL PROGRAM

DATE OF MEETING: October 30, 2003

ATTENDEES:

Duncan White, RSAO
James Myers, ASPO (by phone)
Robert Walker, Program Director
Salifu Dakubu, Radioactive Materials Supervisor
Ken Traegde, Materials Licensing and SS&D Supervisor
Robert Gallagher, Inspection Supervisor
Michael Whalen, Events and Database Coordinator
Tom Coulomb, Allegations Coordinator

DISCUSSION:

The proposed status of each of the four recommendations in Section 5.0 of the 2003 Integrated Materials Performance Evaluation Program (IMPEP) review of Massachusetts is summarized below.

1. The review team recommends that the Commonwealth take necessary steps to ensure that all reportable events are submitted and updated to NRC in accordance with STP Procedure SA-300. (Section 3.5)

Current Status: The Program has reorganized their reporting of events by the assignment of a single individual responsible for event tracking and reporting and the creation of a database that breaks down all events into three categories: reportable, non-reportable and landfill waste. NRC and Commonwealth staff both noted that 21 events have been reported to the NRC since the last IMPEP. Commonwealth staff indicated a higher number of events closed than the NRC staff noted. NRC staff noted that some changes have been made to the National Materials Event Database (NMED) that may account for the differences in the event closed and recommended that the Program review their event information via the external web site periodically to ensure that all data transferred by the program electronically is properly captured by NRC's contractor. It is recommended that this item be closed at the next IMPEP review.

2. The review team recommends that the Commonwealth adopt regulations necessary for compatibility within the required three year time frame and submit alternative forms of legally binding requirements for NRC review following the guidance in SA-201. (Section 4.1.2)

Current Status: Since the last IMPEP, the Program has adopted the General License Distribution amendment by adding a license condition to the nine Commonwealth licensees impacted by the rule. The license condition was reviewed by NRC staff and was found to be compatible since it directly references the NRC regulation. The Program still plans to adopt the entire rule by regulation. The Commonwealth's legal counsel has reviewed the proposed change and the Program plans to submit the General License Distribution amendment to NRC in early December. All remaining NRC amendments not adopted by the Program (including the revision to Part 35) are part of a

larger package currently being prepared for legal review. The remaining amendments will be submitted to NRC for review in early 2004. It is recommended that this item be closed at the next IMPEP review upon NRC review and Commonwealth adoption of the changes to the regulations.

3. The team recommends that in the interest of national consistency, and where practical, the Program closely follow the format for documenting product evaluations in SS&D registry certificates as detailed in NUREG 1556, Volume 3. (Section 4.2.1)

Current Status: Since the last review, the Supervisor of the Materials Licensing Section approves all SS&D actions and documents by signature on a Tracking Sheet Form. The certifications are reviewed by the Supervisor to assure that the format and subject categories with NUREG 1556, Volume 3. The Supervisor also reviews and approves the checklists used by reviewers. It is recommended that this item be verified and closed at the next IMPEP review.

4. The team recommends that the Program make corrections to registration certificates MA-1142-D-102-G and MA-0116-112-B. (Section 4.2.1)

Current Status: Since the last year review, the Program has prepared two deficiency letters regarding each sheet to the licensees and have a few remaining issues to resolve. It is recommended that this item be verified and closed at the next IMPEP review upon issuance of the amendments to registration sheets.

Since the last IMPEP, there have been a few personnel changes and a new program responsibility. The Program's emergency planner retired and was replaced by a materials and SS&D reviewer (Gus Savastano). The head of the Program's laboratory (Tom O'Connell) took an emergency preparedness training position outside the Program. As a result of the Legislature abolishing the low level radioactive waste (LLRW) disposal facility siting board last February, the Program gains the board's responsibilities, particularly for conducting an annual survey of LLRW generated by Commonwealth licensees. One position (Fred Barker) was gained by the Program to fulfill its new LLRW responsibilities. There has not been any reorganization of the Program since the last IMPEP.

Except as noted above, there were no other legislative changes that have affected the program. All fees collected by the program up to a certain amount (the cap) are placed in a dedicated Program fund. After an increase in the cap in 2000, the cap amount remained unchanged for the last few years. This fiscal year, there was a 1.25% decrease in the capped amount that the Program will have to absorb. The Program Director indicated that Mr. Savastano's former position will be used to absorb this decrease and to pay for cost of living increases for the rest of the Program staff. With no replacement in the Materials Licensing Section, the work will be redistributed among remaining staff.

The NRC staff discussed the recent developments regarding the nominations for the two vacant Commission positions. Also discussed was the consolidation of the Region I and Region II materials programs, the status of National Materials Program pilot projects, changes in the NMED database and program and the potential impact of NRC's aging workforce (i.e., succession planning). NRC staff also highlighted the proposed changes to two documents that directly affect the IMPEP process: Management Directive 5.6 and STP Procedure SA-116. There was also a discussion of the recent GAO report on the security of radioactive materials and the status of various proposals in Congress to amend the Atomic Energy Act.

NRC staff provided a brief overview of materials security issues as they impacted the States and indicated that the draft rule for the enhanced security of portable gauges was published in the Federal Register for comment. The Commonwealth is still reviewing the second draft of the 274i Agreement.

When asked about the Program's strengths, they indicated that their databases were one of these strengths. They are able to use these databases as a management tool and perform audits as needed. Since the databases have been developed in-house, they are able to adopt them as necessary. NRC staff also pointed out the Program's participation in IMPEP, various working group including some of the recent materials security efforts.

Although the Program viewed the NRC's willingness to involve the States more frequently on a number of issues, the Program feels overwhelmed at times by the number of requests for review and comment on products and activities. NRC staff noted that the expectation is for States not to respond to all inquiries, but to select those which are most important or they are most knowledgeable.

There were two allegations referred to the Program by NRC Region I since the last IMPEP. Both allegations were investigated and subsequently closed. The Allegation Coordinator indicated that an additional 16 allegations have been received by the Program directly.

The NRC staff indicated that next IMPEP of the Massachusetts Agreement State Program is scheduled for FY 2006. No issues were identified by NRC staff to change the scheduling of the next review.