

# Radioactive Materials

## TIP OF THE BRANCH

ISSUE 1, BIMONTHLY (EVERY 2 MONTHS)

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### Forward Thinking

- I know it is

unbelievable but I have actually been named the Manager of the New Radioactive Materials Branch. I know some of you are thinking -----yeah right; this is some horrible April Fool's Joke. It is the April, 2003 edition but it is true. The move was effective February 1, 2003. As with all "changing of the guards" we have begun to make some changes as well. I hope that you will perceive these changes as positive as we do. I will state most of these changes later in this issue. I do want to point out now our prevalent philosophy of "Not Regulating to Death" but "Educating to Life." I view our job as well as our licensee's job as being stewards of the environment, the occupational worker, and the public. Each licensee will be given every opportunity to comply with their license, statutes, and the NC Regulations for Protection Against Radiation. For those that choose not to comply---see fines, administrative penalties, and license modification.

We will continue to improve and rely more on our performance-based inspections. You have probably been aware of or noticed this philosophy for the past several inspections. Performance-based inspections allow us to look for root causes of problems dealing specifically with health and safety concerns. This process incorporates more observations and questioning of licensees by the inspector.

If you are reading this now, thank you for your time and I hope that you will find this update useful and informative. Please let us hear from you if we can be of assistance to you at anytime. My e-mail is [lee.cox@ncmail.net](mailto:lee.cox@ncmail.net) (the other inspectors are [first.lastname@ncmail.net](mailto:first.lastname@ncmail.net)).

*Lee Cox, Manager*

**Division Changes** - Most of you now know the North Carolina Division of Radiation Protection has been integrated into the North Carolina Division of Environmental Health, and is now officially titled "The North Carolina Radiation Protection Section." Subsequently, the Radioactive Material Section is now "The Radioactive Materials Branch." The Radioactive Materials Branch consists of 7 Health Physicists (inspectors) and one Manager as follows: Our telephone Number 919-571-4141.

Name	Title	Extension
W. Lee Cox, III	Branch Manager	250
Grant T. Mills	Health Physicist	206
James Albright	Health Physicist	210
Sharn Jeffries	Health Physicist	209
Marion Eaddy	Health Physicist	253
Gerald Speight	Health Physicist	204
George Accattato	Health Physicist	203
VACANT	Health Physicist	



**LICENSING** - all forms, publications, and licensing guides are posted on [www.drp.enr.state.nc.us](http://www.drp.enr.state.nc.us) **If you are reading this document—you have found the website.**



- **New License Requests**, when accompanied with a complete license application, should be reviewed, processed, and issued by the Agency in approximately 30 days, provided the reviewer does not need additional information. License deliveries are then scheduled with the licensee.
- **License Renewals**, when accompanied with a complete license renewal application should be reviewed, processed, and re-issued by the Agency in approximately 30 days provided the reviewer does not need additional information.  
Please note that it is the responsibility of the licensee to submit a complete renewal package to the Agency at least 30 days prior to the license expiration date. Timely renewal notices and reminders are sent to the licensees only as a courtesy by this Agency.
- **License Amendments** - and License Requests require **AT LEAST** two weeks of review and processing before they can be issued by this Agency. Please use the “License Amendment Form” to submit license amendments to the Agency. *We will try our best to process amendments more expeditiously than the two week time frame, but please try and do your part in submitting requests two weeks before they are truly needed. If you would like to know who has been assigned your specific amendment and where it is in the process, please contact Angela Woodcock at 919-571-4141 ext. 248.*

After your license amendment has been received, please read your license. Errors and omissions can be identified, and the licensee’s will become more aware of the commitments and requirements outlined in the license.

- **License Reviews** - All NC Specific Licensees are required to perform and document an Annual Review of their radioactive materials program (known as Rule 1603). Failure to perform an Annual Review is the most commonly cited violation found during license inspections.

**SECURITY** - With the emphasis on US Homeland Security, it is imperative that all North Carolina Licensees perform a security analysis of their radioactive material storage locations and transportation practices to ensure that their radioactive material is secure and accounted for. The Federal Government predicts that a “Dirty Bomb” containing radioactive material may be deployed if terrorists successfully obtain a radioactive source or radioactive material. To access a complete fact sheet on Dirty Bombs, please see the NRC web site: <http://www.nrc.gov/reading-rm/doc-collections/fact-sheets/dirty-bombs.html>



## **FINES AND ADMINISTRATIVE PENALTIES AND LICENSE MODIFICATION**

The Agency has at its discretion the use of penalties, license modification and increased inspection frequencies and may be initiated under the following circumstances:

- ▶ Theft, loss, misuse or abandonment of radioactive material;
- ▶ Deliberate and willful misconduct;
- ▶ Repeat violations;
- ▶ Multiple violations involving health and safety.



According to the NC General Statutes, this Agency is allowed to serve administrative penalties of up to \$10,000 per day for each incident.

# **Wave of Change**

Note: Many of these changes have occurred out of lessons learned from the enforcement side of the Tree; other changes have occurred for efficiency and effectiveness sake and yet others just because I am weird.

- You will see an additional item to be completed on license applications and applications for amendments---your e-mail address. This is so that we may put together a list-serve to immediately contact you of changing alert status and other pertinent information.
- We have recognized a need for a change in what is acceptable in an application for licensing accelerators in differing stages of possession:
  1. Receipt, possession only
  2. For receipt and acceptance testing
  3. For use

In general, the application for (1) receipt and possession only will require the submittal of basic information whereas the application for (2) receipt and acceptance testing and for (3) use will require a complete application submittal.

We are currently working on application guides to help you in your quest for such specific possession. They may be found on this website.

- For those licensees that submit an application for renewal of your license late (less than 30 days before expiration of your license) you will receive a letter of extension only. We will no longer amend your license with a new expiration date. The letter will serve as your extension. It will still be your responsibility to insure that you receive another extension if you have not received your renewed license by the deadline specified in the letter.

- Private practice clinics (non-hospitals) will be allowed to add their own authorized users following the submittal of an amendment application to the Branch to add a radiation safety committee and procedures specifying the process. This will be accomplished by the addition of a specific condition on your license allowing such documented additions. (see 15A NCAC 11 .0320 for radiation safety committee requirements)

- The following license condition will be added to all licenses as they become amended or renewed: *“This license may be subject to amendment, revision, modification, suspension, or revocation in accordance with the provisions of 15A NCAC 11 .0344.”*

We have always had this in the regulations, but thought it was beneficial to add it to licenses to educate the licensed community what actions the agency may impose for those that choose not to comply.

- We have started enforcing 15A NCAC 11.0339(d) which discusses decommissioning requirements if your license has expired, if you have decided to permanently cease principal activities or if you have not conducted principal activities for a period of 24 months. This rule helps you as a licensee evaluate your situation and properly decommission and dispose of material as required .

- We have decided to discontinue sending out and using the customer feedback forms following an inspection of your facility. The feedback I got from most licensees was that they were a nuisance. It will also save us money which eventually saves you money as a taxpayer. I beg you to please contact me by phone or e-mail if you ever have any concerns or you see a way we may better serve you. Our Branch is fortunate that we have the ability to make changes to our processes almost immediately if we see a need and it is in compliance with current laws, statutes and regulations. I can promise that we will always approach issues with an open mind.

- There will now only be two categories of findings resulting from inspection issues.

1. Items of Non-compliance
2. Unresolved Issues

The licensee must address both of these categories. Any recommendations by the inspector will be communicated to the licensee during the inspection. Any non-compliance issues identified by the licensee in an audit would also be cited by the inspector as an item of non-compliance but the licensee would not have to address it again to the agency. This will be spelled out in the content of the text of the report and letter to the licensee.

- The inspection response by the licensee, if required, must be signed by an officer of the licensee or someone who has been officially given authority for signing licensing actions or responses by an officer.



**Basic Recognition and Awareness Training** (B.R.A.T.) coming to a neighborhood near you soon! Presented by Grant Mills to first responders and others that may see a need. Please contact him for more information.

## **We are currently looking at the following areas:**

- How we license mobile nuclear medicine facilities. We are looking for consistency and enforceability in all of our processes and this has been an area that we have identified as needing review.
- Inspection frequencies. We have continually and purposefully conducted inspections more frequent than that required by the Nuclear Regulatory Commission. Due to budget constraints and the need for our focus in other areas ---look for these frequencies to be extended more in-line with the Nuclear Regulatory Commission frequencies.
- We are trying to beef up our database to capture the amount and types of violations cited licensees. This will allow me to keep you informed of what is going on around your regulatory community.