

Rhode Island Atomic Energy Commission  
Meeting of April 17, 2013

16 Reactor Road  
Narragansett, RI 02882  
3:45 PM

Dr. Mecca called the meeting to order at 3:45 PM. The following individuals were present at the meeting:

Rhode Island Atomic Energy Commission:

Dr. Stephen Mecca, RIAEC Chairman  
Dr. Andrew C. Kadak, Commissioner  
Dr. Barahm Nassersharif, Commissioner  
Dr. Peter L. Gromet, Commissioner

Rhode Island Nuclear Science Center:

Mr. Jeffrey Davis, RINSC Assistant Director of Operations  
Mr. Stephen Guarino, Assistant Director for Radiation and Reactor Safety  
Ms. Constance Hathaway, RINSC Staff  
Mr. Zachary Richards, RINSC Staff  
Ms. Margaret Damato, RINSC Staff

Visitors/Observers:

Mr. David Hathaway, Sr.  
Mr. Joseph Moran  
Mr. Robert Bruzzi  
Dr. Anthony Nunes

Introductions:

Dr. Mecca opened the meeting with a review of the agenda. Dr. Kadak passed out a signup sheet for the guests in attendance. Ms. Hathaway indicated that she is audio recording the proceedings of the meeting as was Robert Moran. Dr. Kadak also recorded the meeting.

At the last meeting Dr. Mecca allowed Dr. Nunes to participate in the Commission meeting despite the expiration of his term of office. At this meeting Dr. Mecca informed Dr. Nunes that he is welcome to participate in the meeting but as an observer. Dr. Nunes cited RI law 42.27.1 which he claims permits him to serve as Commissioner until replaced by an appointee of the Governor. Dr. Mecca again pointed out that on behalf of the Commission a letter recommending Dr. Kadak's reappointment was sent to the Governor in January 2013. This letter was unfortunately not sent in by the past Director last April when it should have been. No such recommendation of the Commission was made to support Dr. Nunes' reappointment and thus the Chair ruled that Dr. Nunes was no longer a member of the Commission.

1. Approval of April 15, 2013 Draft Meeting Minutes:

A motion was made by Dr. Gromet to approve the minutes seconded by Dr. Nassersharif. Mr. Davis pointed out several corrections and suggestions which were discussed. The vote on the corrected minutes was approved unanimously (4-0). They will be posted on the state web site.

## 2. Rhode Island Atomic Energy Commission Bylaws Approval

The draft bylaws discussed and amended at the last meeting were then considered for final approval. A motion to accept the bylaws was made by Dr. Gromet and seconded by Dr. Nassersharif. Dr. Nunes claimed that Article 2.02 (b) of the proposed bylaws was illegal in that the Commission cannot name a successor, only the Governor can. Dr. Mecca responded that it is recognized that the Governor must approve all recommendations of the Commission which has been the past practice. Dr. Nunes objections were noted. The Commission voted 4-0 to accept the bylaws and will seek clarification on the wording of Article 2.02 (b) and if necessary modify the specific language.

## 3. NRC Inspection Report March 25, 2013

As is their usual practice, the Commissioners reviewed the recently released NRC inspection report which was received within the last week. Of particular note was the NRC inspection report comments on the qualifications of the Radiation Safety Officer and Health Physics staff person. Given the dispute regarding qualifications of the HP person, Dr. Mecca called the NRC inspector to inquire as to the criteria used to make such a finding and upon what information was such a finding based. It was learned that the inspector was not certain as to what information was made available to him for either person nor was there a stated criterion for a finding. This initial exchange prompted the chief of Research and Test Reactors Oversight Branch (Greg Bowman) to call Dr. Mecca to discuss this question. What resulted was that Mr. Bowman sent the attached email to Dr. Mecca which was read at the Commission meeting to all in attendance. The essence of the email was that based on additional information received regarding the qualifications of the RSO that the RINSC may be in "non-compliance" with its Technical Specification 6.6.2 and this matter will be the subject of a future inspection to determine whether the facility is in non-compliance.

The following is the text of the email Dr. Mecca received:

"Dr. Mecca,

The purpose of this email is to document the discussion we had earlier today regarding the qualifications of the radiation safety officer (RSO) at Rhode Island Nuclear Science Center. Technical Specification (TS) 6.2.2 requires that the facility's RSO have a master's degree in health physics or radiological health and three years of applied health physics experience in a program with radiation safety problems similar to those in the program to be managed.

During an inspection from February 25–28, 2013, the NRC evaluated the qualification of a newly-assigned RSO and determined that the individual met the requirements of TS 6.2.2. Subsequent to that inspection, the NRC learned that the individual in question may, in fact, not meet the educational requirements described in TS 6.2.2 in that the individual's degree may not be in health physics or radiological health.

As we discussed, the NRC intends to evaluate this issue during a future inspection to ensure that the facility is in compliance with TS 6.2.2, and if a non-compliance is identified, that appropriate corrective actions are being taken.

If you have any questions, please contact me at (301) 415-2939 or Craig Bassett at [\(301\) 466-4495](tel:3014664495).

Greg Bowman, Chief  
Research and Test Reactors Oversight Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation  
[gregory.bowman@nrc.gov](mailto:gregory.bowman@nrc.gov) | [301-415-2939](tel:3014152939) | O-12D04"

Dr. Mecca pointed out that the Technical specification requires that the RSO have a Masters degree in Health Physics or Radiological Health, which, it is now believed Mr. Guarino does not have. Neither Dr. Mecca nor the other Commissioners have seen the current personnel file of Mr. Guarino to make a determination of his qualifications in accordance with Technical Specification 6.6.2. The Commissioners will review the personnel file to make a preliminary determination on the qualifications and if not met, they will need to take some action before the next NRC inspection to avoid a "non-compliance" finding in a significant safety area.

Dr. Mecca explained that, while the hiring process of the current RSO also had its problems in that the position opening was not posted widely (only on the state website counter to Commission guidance) and that Mr. Guarino was also a student of Dr. Nunes, Commissioners trusted that the past Executive Director had verified that Mr. Guarino's qualifications met the Tech Spec and state standards.

Mr. Davis said the next regular inspection was due in September but Dr. Kadak pointed out that due to the significance of the potential non-compliance, the NRC might conduct a special inspection. Since the status of the qualification of the RSO and the Commission's position on the qualifications of the current HP person, the health physics and radiation safety function of the RINSC is in doubt. Due to the importance of this issue, the Commission will try to schedule another meeting on April 24<sup>rd</sup> at 3:45 PM to discuss this matter after a review of the personnel records which Dr. Mecca will conduct.

Dr. Kadak pointed out that Ms. Hathaway's situation is not affected by this inspection report but it is a separate matter since the NRC does not have a Technical Specification on HP personnel.

#### 4. Annual Notice Requirements of the RIAEC

The Commission must file its annual notice of meetings for the year. Typically, the requirement is to hold one meeting per year, however past practice of the Commission has been to hold a minimum of three and many times more meetings per year depending upon issues that come up. The notice that will be filed will reflect this situation. The following words will be included in the annual filing: "The RIAEC is required to meet annually but meets at least 3 times each year, normally every 3-4 months and more frequently if necessary. Agendas include reviews of operations, safety, utilization, the budget and updates on special or ad hoc projects and other pertinent issues that may arise at the Nuclear Science Center."

The vote approving this filing was 4-0.

The meeting was adjourned at 4:20 PM.

Respectfully Submitted,

Andrew C. Kadak  
Commissioner