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

August 13, 2001

Marie Stoeckel, Chief
Rhode Island Department of Health
Division of Occupational and Radiological Health
3 Capitol Hill, Room 206
Providence, RI 02908-5097

SUBJECT: PERIODIC MEETING SUMMARY FOR RHODE ISLAND

Dear Ms. Stoeckel:

A periodic meeting with Rhode Island was held on July 24, 2001. The purpose of the meeting was to review and discuss the status of the State's Agreement State Program. The NRC was represented by Jennifer Palguta from the NRC's Office of State and Tribal Programs (STP) and me. Specific topics and issues of importance discussed at the meeting included the impact of personnel changes on the Radiation Control Program, implementation of the Department-wide Licensing 2000 system and overdue inspections.

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

During our meeting discussions, you indicated that routine inspections have not been conducted for the past 18 months as a result of significant staff changes after a long period of stability and the redirection of staff to support a mandatory Department-wide licensing system initiative. Your plans to eliminate overdue inspections include the completion of training and qualification initiated for two individuals in the Radiation Control Program. It was further stated that the Program plans to eliminate the inspection backlog by the Fall of 2002. On August 9, 2001, the NRC staff discussed with the Management Review Board their plans to closely follow the status of your actions to address the backlog in inspections. This will be accomplished through monthly conference calls between you and NRC staff and a one-day management meeting in your offices in March or April 2002.

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

Enclosure: As stated

cc: R. Bores, RI
D. Sollenberger, RI
Jack Ferruolo, Rhode Island

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR RHODE ISLAND

DATE OF MEETING: JULY 24, 2001

ATTENDEES:	NRC	STATE
	Duncan White	Marie Stoeckel, Program Director
	Jennifer Palguta	Jack Ferruolo, Radiation Supervisor
		William Dundulis
		Dennis Klaczynski

DISCUSSION:

At the previous periodic meeting in November 1999, the proposed status of each of the recommendations in Section 5.0 of the 1998 final Integrated Materials Performance Evaluation Program (IMPEP) was discussed. As a result of the discussions at that meeting, both recommendations were recommended for closure at the next IMPEP review. Due to programmatic and personnel changes since the last periodic meeting, the present status of the two recommendations was reviewed during this meeting.

1. **Recommendation:** The review team recommends that the State upgrade their inspection tracking system to assure that all licensees are inspected in accordance with the frequency established by the program. (Section 3.1)

   Current Status: Since the last periodic meeting, the Department of Health has implemented a new Department-wide system (License 2000) to standardize and integrate licensing. The Radiation Control Program ("Program") has used this as an opportunity to revise and upgrade their licensing program. License 2000 system also has an inspection module which the Radiation Control Program is utilizing. As with any new system, the program staff noted that there have been some difficulties with getting the system up and operational.

   In order to support this effort, the Radiation Control Program invested a significant amount of time reviewing existing licenses to ensure that they are current and accurate. One of the results of this review was the termination of six licenses that are no longer active and do not possess licensed material. Two additional licenses are in the process of being terminated. Additional changes in licensing include the distribution of application and forms in an electronic format (if requested) and the issuance of licenses in their entirety for each amendment.

   A new accounting system was also implemented that is integrated with License 2000. The Radiation Control program was directed by Department management to revise its fee structure and integrate it into the new licensing system. As part of the fees revision and shift to the License 2000 system, the Program has revised their reciprocity requirements and plans to charge reciprocity fees when the new fee structure is implemented.

2. **Recommendation:** The review team recommends that the State document a training and qualifications program equivalent to that contained in the "NRC/OAS Training Working Group Recommendations for Agreement State Training Programs." (Section 3.3)

   Current Status: The Program has been using the NRC/OAS Training Working Group Recommendations as a template to train their new radiological health specialist and industrial hygienist for licensing and inspection of radioactive materials licensees. The program has requested assistance from the NRC in expediting the training of new personnel. The radiological health specialist received training in licensing at the Region I office during the week of June 18, 2001. This individual and the Industrial Hygienist have been placed into the Inspections Procedures course scheduled for September 2001 from the waiting list.

The Office of Occupational and Radiological Health ("Office") has expanded from 17 to 28 FTE since the last periodic meeting. There have been no additional responsibilities added to the Office. Most of the increase to the Office was due to the expansion of the lead abatement program, but the Program has increased by one FTE (from four to five FTEs) since the last meeting. The Program includes both radioactive materials and x-rays. The Program Director reported that the resource commitment to the Agreement State Program is approximately 1.9 FTE to support the 67 specific radioactive materials licenses issued by the Program.

Historically, personnel in Rhode Island's Agreement State program has been very stable over the last 15 years. Since the periodic meeting held in November 1999, there have been a number of changes in personnel. At that time, the Program had one vacancy formerly filled by an individual (Al Cabral) responsible for licensing. In April 2000, Jack Ferruolo, the Program's sole inspector, was promoted into a supervisory position outside the Radiation Program but within the Office. At the end of 2000, the Radiation Supervisor (Charles McMahon) retired. During this period, the program's technician (Thomas Caruolo) transferred to another Program within the Office. New hires to the Radiation Control Program include a Radiation Health Specialist and Industrial Hygienist (Carol Horibin and Charma Clay, respectively) for the x-ray program and in February 2001, a second Radiation Health Specialist (Dennis Klaczynski) started in radioactive materials. Jack Ferruolo transferred back into the Radiation Control Supervisor position in January 2001. The technician position remains vacant. William Dundulis, currently working in another Office but formerly with the Radiation Control program, continues to provide support to the Agreement State program in the area of regulations and therapeutic radiation modalities (inspection and licensing). The addition of three new staff from the private sector was done during a time when there was a Department-wide hiring freeze in place. This supervisory position was also filled in an expedient manner in part by posting the position prior to it being vacated.

The changes in staff and the implementation of the Department's License 2000 system have had an impact on Rhode Island's Agreement State program. Despite the implementation of the License 2000 system, the program reports that they currently have 28 pending licensing actions (four new actions, four amendments and 20 renewals). The Radiation Supervisor indicated all renewal applications are in various stages of review. The Radiation Control Specialist assigned to radioactive materials is currently being trained to be a license reviewer.

The Program has not conducted any routine inspections in last 18 months. Reactive inspections in response to events are being performed as needed. The Program is currently training two staff members and plans to restart inspections within the next few months. Dennis Klaczynski, who has a nuclear medicine background, has been attending NRC training courses since he was hired earlier this year and will be focused on the inspection of medical licensees. The Program Director stated that Ms. Clay, who has a strong background in Industrial Hygiene inspections, will be focused on the inspection of gauge and radiography licensees. Ms. Clay has started to take NRC training courses. The Radiation Supervisor will train and accompany the new inspectors. Although the Program has historically had one individual performing materials inspections, the program's plan to train two individuals will afford the Program the opportunity to catch up on the backlog of materials inspections in the short term. There are currently 18 overdue core inspections and 24 non-core inspections (primarily portable gauges). The Program has a schedule is to complete all overdue inspections by Fall 2002.

There was a discussion of licensing issues currently being addressed by the Program which included intra vascular brachytherapy (IVB), positron emission tomography and feline hyperthyroidism. The program has updated their IVB guidance and a number of their radiation forms. Reviewers have begun using the licensing checklists found in the NUREG-1556 series. The Program is in the process of revising its enforcement policy. The program requested a number of licensing related documents including an electronic copy of NUREG-1556, volume 9; and boilerplate language used by NRC Region I for licensing and inspection letters. This information was provided to the State electronically on July 30, 2001.

There have been no legislative changes since the last periodic meeting. The new fees discussed above were promogated as part of the State's Radiation Protection regulations. The State adopted 17 NRC amendments in their regulation in July 1999. The Program indicated that they were awaiting NRC's adoption of new Part 35 before promogating new regulations. The State currently has not adopted five NRC amendments within the three-year time period required by NRC policy. In addition, there are two additional NRC amendments which need to be adopted. NRC staff discussed the experience during recent IMPEP reviews where States failed to adopt NRC amendments within a three-year period of final NRC adoption as regulations or legally binding requirements. The NRC staff noted that the Management Review Board (MRB) has supported findings of "satisfactory with recommendations for improvement" and "unsatisfactory" for States that were not able to promulgate regulations in a timely fashion.

The NRC staff discussed the status of a number of NRC initiatives including Part 35 and the National Materials Program Working Group. The recent addition in staff at the Office of State and Tribal Programs (STP) were also discussed.

No allegations were referred to the State since the last periodic meeting.

The NRC staff discussed the importance of monthly reporting of incidents and the need to provide complete and timely information on their follow up and resolution. NRC staff also indicated that a new version of OSTP Procedure SA-300, *Reporting Material Events* was distributed to the States earlier this year and is available on the STP web site. It was further noted that this was a matter of compatibility and continued to be examined closely during IMPEP reviews.

The next IMPEP review is scheduled for the fall of 2002 during the first quarter of fiscal year 2003.

CONCLUSION:

Rhode Island's Agreement State program has not conducted routine material inspections for the last 18 months as a result of significant staff changes after a long period of stability and the redirection of staff to support a mandatory Department-wide licensing system initiative. The State has committed to completing overdue inspections by the fall of 2002. Although there is no indication at this time of a reduction in health and safety of the use of radioactive material as a result of the State not conducting routine inspections, further delays in not conducting the inspection could have an impact on public health and safety.

On August 9, 2001, the NRC staff discussed with the MRB the status of the Rhode Island program. The NRC staff plans to closely follow the status of the Program's actions to address the backlog in inspections. This will be accomplished through monthly conference calls between the Program and NRC staff and a one-day management meeting in your offices in March or April 2002.