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April 23, 2002

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 April 3, 2002. The purpose of the meeting was to review and discuss the status of the State's Agreement State Program. The NRC was represented by Dennis Sollenberger 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 status of the State's action plan to eliminate the backlog of inspections and the upcoming IMPEP review.

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, we agreed to continue monthly conference calls between you and NRC staff. The next conference call is scheduled for May 15, 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, STP
J. Ferruolo, Rhode Island

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OFFICE	DNMS/RI	N	STP				
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DATE	4/23/02		4/23/02 by phone				

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR RHODE ISLAND

DATE OF MEETING: APRIL 3, 2002

ATTENDEES:

NRC
Duncan White
Dennis Sollenberger

STATE
Marie Stoeckel, Program Director
Jack Ferruolo, Radiation Supervisor
William Dundulis
Dennis Klaczynski

DISCUSSION:

At a 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 between the November 1999 and July 2001 periodic meetings, the present status of the two recommendations was reviewed during July 2001 meeting. As a result of the discussions during the July 2001 meeting where the State indicated that routine inspections had not been conducted for 18 months due to staffing changes and the redirection of staff to support a Department-wide licensing system initiative, NRC and Rhode Island staff have conducted monthly conference calls since October 2001 to discuss the status of the Agreement State program. Summaries of these calls have been prepared and distributed to the Office of State and Tribal Programs (STP), NRC Region I and Rhode Island staffs.

The Program continues to use the NRC/OAS Training Working Group Recommendations as a template to train their new radiological health specialist (Dennis Klaczynski) and industrial hygienist (Charma Clay) for licensing and inspection of radioactive materials licensees. Both individuals completed the Inspections Procedures course in March 2002. Ms. Clay has signed for some upcoming NRC training courses. The Program used the Nuclear Science Center to provide basic radiation protection training for Ms. Clay. NRC staff suggested that the Program consider granting interim inspector qualification to either Mr. Klaczynski or Ms. Clay as their training progresses and document that decision. Mr. Sollenberger recommended that the Program use the format in the NRC/OAS Training Working Group Recommendations report.

Mr. Ferruolo indicated that three non-core inspections have been completed that served as training for Ms. Clay. The Program plans to have Ms. Clay start performing some non-core inspections independently. A core inspection is also planned in May 2002 of the gamma knife facility at Rhode Island Hospital. The current number of overdue inspections is 18 core and 24 non-core.

Shortly after the previous management meeting last year, the Program anticipated that they would be able to eliminate their backlog of inspections by the Fall of 2002. Due to unforeseen circumstances, the Program will not be able to meet this schedule. NRC staff emphasized the need for the Program to have a written action plan and schedule to address the overdue inspections. The action plan will be particularly important at the time of the next IMPEP review when the Program will need to address the IMPEP review team's findings regarding the backlog of inspections.

There was a discussion of licensing issues currently including intra vascular brachytherapy and positron emission tomography (PET). Two large broad scope licenses (University of Rhode Island and the Nuclear Science Center) were recently renewed. Mr. Ferruolo indicated that the Program's goal is to cleanup the docket files and get the electronic copies of the licenses into the Department-wide licensing system. The Program continues to reduce the number of pending licensing actions. The current breakdown of pending licensing actions is as follows:

Type of Action	Number of Actions Received from Feb. 1999 to Present	Number of Actions Completed	Current Pending
New	6	5	1
Amendment	72	71	1
Renewal	37	17	20
Termination	15	15	0
SSD	1	1	0
Totals	131	109	22

All actions have had some level of review or deficiency letters sent to the licensees. A total of seven reciprocity requests have been received and processed since the beginning of 2002. The program currently has 60 active specific licenses.

Ms. Stoeckel indicated that the Office of Occupational and Radiological Health ("Office") has applied to create another position through a CDC grant for bio-terrorism enhancement. This position will be used to provide technical support for emergency preparedness. In addition to the position, training and equipment was also requested. The position is currently going through the State's approval process and is currently be considered by the Emergency Hiring Council. The Office still has a technician position vacant.

There have been no legislative changes since the last periodic meeting. Ms. Stoeckel anticipates no changes in the Office's budget for the coming fiscal year. The new fees recently promogated as part of the State's Radiation Protection regulations go into the State's general fund.

The Program indicated that they were awaiting NRC's adoption of new Part 35 before promogating new regulations. The new amendments to the State regulations will also include a number of NRC amendments, revisions to the PET requirements and diagnostic x-rays. The State currently has not adopted five NRC amendments within the three-year time period required by NRC policy. 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. NRC staff also discussed the new NRC review procedure for review of draft and final State regulations.

The NRC staff discussed the status of a number of NRC initiatives including the status of Part 35, changes in the inspection frequencies in IMC 2800, and coordination with US Department of Transportation with transportation regulations. Recent additions in staff and the new Deputy Director in STP were also discussed.

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

The recent misadministration at Rhode Island Hospital was discussed. Two days before the meeting, Mr. Ferruolo provided STP with a summary of the event for inclusion in the annual Abnormal Occurrence report to Congress. In response to a State inquiry, the NRC staff indicated that NMED could be used to report incidents involving accelerator produced materials. Mr. Ferruolo stated that the Program is considering reporting an incident involving a Linac due to its similar consequences to some byproduct materials incidents. The NRC staff also discussed the importance of monthly reporting of incidents and the need to provide complete and timely information on their follow up and resolution. 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 October 2002. Mr. White indicated that a request has been made to STP to identify the review team in order to proceed with planning the review.

It was agreed that the next monthly conference call will be held on May 15, 2002 at 11:00 a.m.

CONCLUSION:

The State has not reduced the number of backlog inspections since the last meeting in July 2001. Progress has been made in getting new staff trained. Some inspection accompaniments have been completed and more are planned. The backlog of inspections should start to decrease by the summer, but a backlog is anticipated at the time of the IMPEP review in October 2002. Other portions of the materials program continued to be addressed during this transition period for the Program. Monthly conference calls between the State and NRC staff should be continued at least through the IMPEP review.