

  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
**D E P A R T M E N T O F H E A L T H**

*Safe and Healthy Lives in Safe and Healthy Communities*  
30 August 2002

Leslie P. Foldesi, M.S. CHP  
Virginia Department of Health  
Radiological Health Program  
1500 East Main Street, Room 240  
PO Box 2448  
Richmond, VA 23218

Dear Mr. Foldesi:

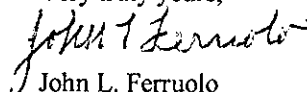
This letter is in response to the concerns expressed in your letter dated 23 July 2002. The issue of "General Licenses" and the control of radioactive material associated with them is a sensitive topic, one with which I too am concerned. However, the regulation of radioactive materials in the state of Rhode Island does not distinguish between byproduct, naturally-occurring or accelerator produced radioactive material. Thus this Agency's review of the Niton gauges does not address the origin of the radioactive material contained in the devices, other than ensuring that the sealed source(s) have been appropriately addressed in the Registry of Radioactive Sealed Sources and Devices (SS&D sheets).

Niton's activities in Rhode Island are regulated under two "Specific" licenses [3G-105-02, and 3A-105-01] which authorize possession and distribution of radioactive material. This Agency has never issued a "General License" to Niton. However, this Agency has, since 1994, conducted a Safety Evaluation of each of the devices distributed by Niton, (XL series and the XL-II series) and has filed the appropriate SS&D sheets. The sections titled "Limitations and/or other considerations of use" & "Safety Analysis Summary" of SS&D sheets RI-164-D-101-B and RI-164-D-102-B, provide guidance concerning the distribution of gauges under specific or general license. It is the responsibility of the federal or state licensing entity to determine if they will accept the device(s) as a general license or require a specific license for use of this device in their jurisdictions.

At this juncture, based on the review criteria in effect at the time, this Agency has performed an effective review of the respective gauges. It is felt that the concerns expressed in your letter require attention, on the part of the Commonwealth of Virginia, to expand their regulatory authority over byproduct radioactive material.

Should you have any additional questions concerning this matter, please contact this Office at (401) 222-2438.

Very truly yours,



John L. Ferruolo  
Supervising Radiation Control Specialist  
Office of Occupational and  
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pc. Doug Collins , USNRC Region II  
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