

DEP (SP05)



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

December 3, 1999

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

Dear Ms. Stoeckel:

A periodic meeting with Rhode Island was held on November 9, 1999. The purpose of the meeting was to review and discuss the status of Rhode Island's Agreement State program. The NRC was represented by Dennis Sollenberger from the NRC's Office of State Programs and me. Specific topics and issues of importance discussed at the meeting included the reassignment of the program's principal license reviewer and its impact on the materials program.

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

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 e-mail at [adw@nrc.gov](mailto:adw@nrc.gov) to discuss your concerns.

Thank you for your cooperation.

Sincerely,

Duncan White  
State Agreements Officer  
Division of Nuclear Materials Safety

Enclosure: As stated

cc: R. Bores, RI  
D. Sollenberger, OSP

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M. Stoeckel  
Rhode Island Department of Health

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## AGREEMENT STATE PERIODIC MEETING SUMMARY FOR RHODE ISLAND

DATE OF MEETING: November 9, 1999

**ATTENDEES:**

NRC

Duncan White  
Dennis Sollenberger

STATE

Marie Stoeckel  
Charles McMahon  
John Ferruolo  
William Dundulis

### DISCUSSION

The proposed status for each of the recommendations and suggestions in Section 5.0 of the 1998 Rhode Island final IMPEP report is summarized below (number corresponding to those in the final IMPEP report). A copy of Section 5.0 of the final IMPEP report is attached for reference.

1. The State has revised their tracking system to show the actual inspection date due. In addition, the two new licenses issued since the last review were done close to time the licensee received radioactive material. It is recommended that this item be verified at the next IMPEP review.
2. The State has been unable to replace the position vacated by their primary license reviewer (Al Cabral) when he was transferred to another group within the Department. When a new individual is hired to fill the position, the State plans to utilize the "NRC/OAS Training Working Group Recommendations for Agreement State Training Programs" as a basis to develop a training plan for the individual. It is recommended that this item be verified at the next IMPEP review.

With regard to the suggestions in the 1998 IMPEP report, the State has made a concerted effort to conduct reciprocity and temporary job site inspections, including requesting calls from facilities that routinely utilize radiography or gauge licensees. The State indicated that supervisory accompaniments for 1999 have not been performed. The State has not been able to cross train individuals due to the current staffing levels. The program has been able to utilize individuals who formerly worked in the radioactive materials program and are still in the Department, particularly in the areas of licensing and revisions of regulations. The program's licensing tracking system is currently being revised as part of Department wide initiative. The program is currently still working on revising their procedures for incidents and allegations. Finally, the State recently finalized a large number of NRC amendments to the Rhode Island regulations. The State plans to package NRC amendments together and revise their regulations on a more frequent (i.e., yearly) and routine basis.

The State discussed their efforts to replace one of the two individuals primarily assigned to the radioactive materials program who received a promotion in April 1999 to another group within the Department of Health. Despite a Statewide hiring freeze, the program got approval to fill the vacant position from the State's emergency hiring board and placed on the Department's priority list. However, other Department priorities have prevented the hiring of a new individual to fill the vacancy. The program is utilizing other program staff and individuals formerly with the

radioactive materials program to conduct the program's work. At this time, the only backlog in the program is a few overdue core inspections.

The State indicated that with the exception of the loss of staff, there have been no other changes to the radioactive materials program. There have been no legislative changes and the budget and program funding has been stable. Although the radiation protection program collects fees, all except the tanning fees go to the State's general revenue fund (the tanning fees go to a special dedicated fund). The program's general revenue allocation; however, is greater than the fees collected. The Program Director also indicated that her Division has added a new responsibility, environmental lead abatement, since the last IMPEP.

NRC staff discussed recent changes in NRC management, particular the new Chairman and changes in the EDO's office. The status of NRC rulemaking initiatives including medical, release of solid material and general licensing were also discussed. The OAS review of NRC's sealed source and device evaluation program was also discussed.

No allegations were referred to the State since the last IMPEP review.

The next rulemaking package planned by the State will incorporate the Suggested State Regulations for subparts G (medical) and T (transportation). This will probably be started next year.

The NRC staff discussed the Commission's recent reassertion that incidents reported by the States and incorporated into the Nuclear Materials Event Database (NMED) must be done on a monthly basis. The two NMED reports submitted by the State were discussed and the importance of providing information to close out the events was stressed.

The NRC staff requested and the State agreed to provide Mr. Dundulis' inspection schedule for next year in order that an inspection accompaniment be completed for the next IMPEP review.

The next periodic meeting will be scheduled for early 2001. The next IMPEP review is scheduled for fiscal year 2002.

## CONCLUSION

Conclusion No. 1: Prolonged vacancy of the license reviewer position may result in backlogs in licensing and inspection.

Action No. 1: Monitor the State's progress in filling and training an individual for the vacancy.

**RHODE ISLAND  
RECOMMENDATIONS AND SUGGESTIONS FROM 1998 IMPEP REPORT**

**RECOMMENDATIONS:**

1. 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)
2. 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)

**SUGGESTIONS**

1. The review team suggests that Rhode Island continue to make reasonable efforts to conduct inspections at temporary and reciprocity job sites. (Section 3.1)
2. The review team suggests that the State adhere to their policy of performing supervisory accompaniments of all materials inspectors on an annual basis. (Section 3.2)
3. The review team suggests that the program continue to cross train staff members in various job functions to meet any future contingency. (Section 3.3)
4. The review team suggests that the State improve the license tracking system to assure timely processing of actions. (Section 3.4)
5. The review team suggests that written procedures be revised for processing incidents and allegations to reflect specific Department policy or State laws specific to Rhode Island. (Section 3.5)
6. The review team suggests that the State evaluate the process of revising their regulations to ensure that the State meets the three-year time frame. (Section 4.1.2)