



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

May 10, 2005

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

Dear Ms. Stoeckel:

A periodic meeting with Rhode Island was held on April 21, 2005. The purpose of this meeting was to review and discuss the status of Rhode Island's Agreement State program. Subsequent to the November 17-18, 2003 follow-up IMPEP, the Management Review Board (MRB) requested quarterly conference calls be conducted between the appropriate Rhode Island and NRC staffs to monitor the State's performance with regard to the Status of Materials Inspection Program indicator. This meeting considered the State's performance in this indicator to determine if additional quarterly conference calls were necessary.

Specific topics and issues of importance discussed at the meeting included staffing and training, performance of licensing and inspection activities, incidents and allegations and the updating of regulations for compatibility.

I have completed and enclosed a general meeting summary. Since the State has maintained satisfactory performance in the inspection program, I will recommend discontinuance of the monitoring activities through quarterly conference calls at the next quarterly MRB meeting, and they will make the final decision.

If you feel that my conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at 610-337-5358 or email to [sam9@nrc.gov](mailto:sam9@nrc.gov) to discuss your concerns.

Thank you and your staff for the exchange of information and kindness extended during my visit.

Sincerely,

***Original signed by Sheri Minnick***

Sheri Minnick  
Regional State Agreements Officer  
Division of Nuclear Materials Safety

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## AGREEMENT STATE PERIODIC MEETING SUMMARY FOR RHODE ISLAND

DATE OF MEETING: April 21, 2005

### ATTENDEES:

NRC

Sheri Minnick, RSAO, Region I

### STATE

Walter S. Combs, Jr., Ph.D., Executive Director/Environmental Health

Marie Stoeckel, MPH, Chief, Office of Occupational and Radiological Health

Jack Ferruolo, Supervisor, Radiation Control Program

William Dundulis, Environmental Health Risk Assessment Toxicologist

### DISCUSSION:

A meeting was held with the Rhode Island representatives on April 21, 2005 in Providence, Rhode Island. The topics listed in NRC letter dated March 1, 2005 (ML 050620240), to Ms. Stoeckel were discussed. Details for each area are discussed below.

### BACKGROUND:

During the November 2003 follow-up IMPEP review, the team evaluated actions taken by the Program in response to the finding of "unsatisfactory" in the Status of Material Inspection Program Indicator, made during the 2002 IMPEP review. The team reviewed the status of the inspections performed since the 2002 review, and the current status of due and overdue inspections. The team noted that significant program improvements had been implemented by Rhode Island, which include reducing the inspection backlog and recruiting and training of two new technical staff. The review team recommended closure of four of the five recommendations from the 2002 IMPEP review and that the Program's performance be raised to "satisfactory". Subsequent to the review, the Management Review Board agreed with the teams finding and requested quarterly conference calls be conducted between appropriate Rhode Island and NRC staff to monitor the State's performance with regard to the Status of Material Inspection Program.

### STATUS OF THE INSPECTION PROGRAM:

Conference calls were conducted on a quarterly basis between NRC and RI staff. Results of the most recent call on January 12, 2005, indicated that the Program had no overdue inspections (per IMPEP criteria). The Program had a number of inspections that would become overdue in April, 2005: Radiation Oncology Services-Maddock (Priority 2), RI PET (Priority 3, initial), and Ocean State Technical Services (Priority 1). This periodic meeting included a review to determine performance in the inspection program in order to determine if quarterly monitoring activities need to be continued.

The Program Supervisor summarized the status of the inspection program by using a tracking spreadsheet that he has put in place. The Program is using the new NRC inspection frequencies and the inspection status spreadsheet reflects the new priorities. Subsequent to the January 12, 2005 telephone conference, the Program has completed the following

inspections: Radiation Oncology Services-Maddock, RI Cardiology Center, RI PET, Anvil Supply Sales, and Ocean State Technical Services. The inspections were performed before they became overdue (per the IMPEP criteria). The next two core inspections, namely PK Associates and RI Hospital, are planned for April and May, 2005. The inspection of RI Hospital, the State's largest licensee, will be a three-person team inspection.

The Program has nine reciprocity licensees, three of which are core licensees. This year, the Program has completed two of the three core reciprocity inspections.

The Program reported one new licensee in the application process that will need to be inspected within six months of the license issue date.

Since the State has maintained a satisfactory performance in the inspection program, discontinuance of the monitoring activities through quarterly conference calls will be recommended to the MRB.

#### STATUS OF OTHER PROGRAM AREAS:

Rhode Island has a radiation control program that includes mammography, X-ray, nuclear materials, and emergency preparedness. Their program includes about 58 specific licenses. The State's sole manufacturer and distributor (Niton) operates in Rhode Island as well as in Massachusetts, but the State of Massachusetts performs SS&D reviews. All materials licensing and inspections are performed out of Providence. Inspections are completed by the Program Supervisor, a Radiological Health Specialist who is interim qualified, and the Environmental Health Risk Assessment Toxicologist, who is fully qualified to perform inspections. It is expected that one staff member, who is currently on extended leave, will perform some lower priority inspections, upon returning to work. The Program Supervisor and Toxicologist remain cognizant of radiation issues through attendance at OAS and CRCPD meetings.

The Executive Director/ Environmental Health explained that their program has a stable source of funding. The fiscal year 2006 budget proposal does not have any program cuts. The Office of Occupational and Radiological Health has four programs, namely Indoor Air Quality, OSHA Consultation, Radiation Control and Environmental Lead. The Office is organized under the Department of Health.

The status of the State's licensing backlog was discussed. Since January 2004, the Program has completed 39 amendment requests. There are no pending amendment requests. There is one new license application request that was received March 29, 2005. There are 23 open renewals. These renewals will not likely be substantially reduced until October, 2005 when a staff member, who is currently on extended leave, is expected to return to work. This staff member, in addition to fulfilling her other responsibilities in the x-ray and tanning programs, will be working on selective materials licensing and inspection activities. It is expected that she will have an impact on the backlog for certain types of licenses.

The Program Supervisor explained that Rhode Island historically had experienced very few allegations, with no new allegations since the last IMPEP. A review of the allegations referred to the State by the NRC Region I office indicated that there had been no allegations referred to the State since the last IMPEP.

The mechanism for reporting events, what events to report, the timeliness of reporting, completeness of the reports, and closing out reports was discussed. Upon review of the NMED

system, and the NRC Operating Events, the reports show that events are being appropriately reported and documented to NRC and the NMED system. Two recent incidents at Cardinal Health and RI Hospital were discussed.

The STP's procedures for reviewing proposed State regulations and the regulation amendments needed for adequacy and compatibility and the availability of the regulations on the NRC bulletin board were briefly discussed. The Regulation Assessment Tracking System (RATS) data sheet for Rhode Island was reviewed, which shows that they are up to date with providing NRC with regulations.

The next IMPEP review is scheduled for November 2006.

#### CONCLUSION:

All of the IMPEP Indicators were discussed and there were no performance issues identified during the meeting.

The State does not currently have any inspection backlog. Since the State has maintained a satisfactory performance in the inspection program, it is recommended discontinuance of the monitoring activities through quarterly conference calls.

#### ACTION ITEMS:

Discuss the recommendation to remove Rhode Island from quarterly monitoring conference calls at the next MRB meeting.