



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

January 15, 2010

Raymond Rusin
Chief
Office of Facilities Regulation
Division of Environmental and Health Services Regulation
Rhode Island Department of Health
3 Capitol Hill
Providence, RI 02908

Dear Mr. Rusin:

A periodic meeting with your Office was held on December 2, 2009. The purpose of the meeting was to review and discuss the status of the Rhode Island Department of Health's Agreement State program. The NRC was represented by Monica Orendi and me.

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 discussion, or have any additional remarks about the meeting in general, please contact me at (610) 337-5214, or by email to James.Kottan@nrc.gov to discuss your comments.

Sincerely,

/RA/

James Kottan
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

cc w/encl:
Carol Horibin, State of Rhode Island

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR RHODE ISLAND DEPARTMENT
OF HEALTH (RIDH)

DATE OF MEETING: December 2, 2009

NRC Attendees	RIDH
James Kottan, Region I RSAO	Raymond Rusin, Chief, Office of Facilities Regulation
Monica Orendi, FSME	Carol Horibin, Acting Supervising Radiation Control Specialist
	William Dundulis, Risk Assessment Toxicologist
	Dennis Klaczynski, Radiation Control Specialist

DISCUSSION:

During the 2007 Integrated Materials Performance Evaluation Program (IMPEP) review of the Rhode Island Agreement State Program, the review team found the State's performance satisfactory for five performance indicators and satisfactory, but needs improvement, for one performance indicator. Two recommendations were made by the IMPEP review team. On January 8, 2008, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Rhode Island Agreement State Program. The MRB found the Rhode Island program adequate to protect public health and safety, and compatible with the NRC program. The MRB requested that a periodic meeting take place approximately 2 years from the 2007 IMPEP review.

This summary describes that periodic meeting.

The status of the State's actions to address the open recommendation follows:

1. The review team recommended that Rhode Island take appropriate measures to conduct Priority 1, 2 and 3 inspections and initial inspections in accordance with the inspection priority schedule in IMC 2800.

Status: The Program continues to have difficulty in completing inspections in accordance with the IMC 2800 inspection priority schedule. See the Inspection Program Section of this meeting summary.

This recommendation remains open and should be evaluated at the next IMPEP review.

2. The review team recommended that Rhode Island develop a written documentation of its radioactive materials licensing program to ensure that a memorialized program exists to train and transfer knowledge to future, as well as current, staff.

Status: The Program has not taken any action on this recommendation. The current Acting Program Supervisor (Ms. Horibin) noted the need to develop a procedures manual, and stated that work on a manual will begin in the future.

This recommendation remains open and should be evaluated at the next IMPEP review.

OTHER TOPICS COVERED DURING THE MEETING INCLUDED:Program Strengths

An experienced and well-trained staff is the strength of the Program. There is a good working relationship among the staff. There is support for training from Program and Office management. Office and Program management have a clear vision for the Program. Additionally, the Acting Program Supervisor plans to address the issue of knowledge transfer due to possible pending retirements.

Feedback on the NRC's Program

The Acting Program Supervisor commented that both the overall relationship and communication with the NRC are good and welcomed the NRC funding of training. However, the Acting Program Supervisor commented that, at times, various NRC actions, such as proposed rule making, are sent to the States without sufficient time to respond with comments back to the NRC. Rhode Island would like more time for review and comment on NRC documents. The Acting Program Supervisor also noted that Rhode Island licensees find the National Source Tracking System (NSTS) cumbersome to use, and most licensees are entering data into the system via paper, rather than electronically. The Program does not yet have access to the NSTS system.

Agreement State Program Staffing and Training

The Program staff consists of five individuals including the supervisor. There are two staff vacancies. Since the previous IMPEP the Program Supervisor retired, and a member of the staff has been made the Acting Supervisor. This created one of the staff vacancies. Another member of the staff transferred to another part of the State government. Although there are two staff vacancies, the Program is currently staffed with 1.75 FTE. Ms. Horibin stated that at least three FTE were necessary to adequately staff the Program. Both Mr. Rusin and Ms. Horibin stated their commitment to filling the two staff vacancies and making Ms. Horibin the permanent Program Supervisor.

Support for staff training exists in the Program. Rhode Island welcomed the NRC's revised policy on funding training for Agreement States. Program staff have attended NRC and other training courses, including the NRC's Security Systems and Principles Course. The Acting Program Supervisor noted that other activities that are not specifically training, such as attendance at professional organization meetings, also provide valuable opportunities for knowledge sharing. The Acting Program Supervisor noted the lack of cross training among the staff and plans to initiate cross training to strengthen the Program.

Organization

Since the last IMPEP review the Rhode Island Agreement State Program has been moved under the Office of Facilities Regulation within the Division of Environmental and Health Services in the Rhode Island Department of Health.

Program Budget/Funding

Mr. Rusin stated that the program is adequately funded by license fees. There have been no fee increases since the last IMPEP review. The funds are placed into a restricted account that is reserved for the Program. Although the Program is adequately funded, Mr. Rusin noted that the Program is subject to the overall budget issues that are affecting the State and the Department of Health in particular. This includes the need to justify filling vacant positions regardless of funding. Additionally, the staff has taken a 10 percent cut in pay. Mr. Rusin stated that he is committed to filling staff vacancies.

Inspection Program

The Program's inspection frequencies are at least as frequent as NRC's. Of a total of eight inspections, one Priority 1 inspection, three Priority 2 inspections, and two Priority 3 inspections were overdue by approximately three to six months. There were no overdue inspections for 2008, but during 2009 the Program began to get behind in performing inspections due to staff leaving the program and other staff issues. Mr. Rusin stated that management is aware of the importance of inspection program schedules; plans call for the overdue inspections to be completed by spring of 2010.

The Program has eight licensing actions that were in the process of timely renewal, some for as long as a year. Of all the activities within the Program, renewals are given the lowest priority. Ms. Horibin stated that the number of licenses has remained approximately constant over the last several years at about 50 to 60 licenses. Ms. Horibin also stated that the Program is aware of the requirement for "pre-licensing" visits, and pre-licensing visits are conducted on a case-by-case-basis. The Program averages about 20 to 25 licensing actions per year.

Regulations and Legislative Changes

There have not been any legislative changes or proposals that have affected the Program. Rhode Island has two regulations that are overdue.

The following regulations are overdue:

- "Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments," 10 CFR Part 71 amendment (69 FR 3697), that was due for Agreement State adoption by October 1, 2007. (RATS ID 2004-1)
- "Minor Amendments," 10 CFR Parts 20, 30, 32, 35, 40, and 70 amendment (71 FR 15005), that was due for Agreement State adoption by March 27, 2009. (RATS ID 2006-1)

Event Reporting

The Program communicates reportable incidents to the NRC Operations Center and Region I when appropriate in prompt manner. Since the last IMPEP review in October 2007, one event was reported to the NRC.

Response to Incidents and Allegations

The Program continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their effect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Program is aware of the need to maintain an effective response to incidents and allegations.

Current State Initiatives

The Program's priority initiative is maintaining the program by filling staff vacancies and responding to the recommendations made during the last IMPEP review.

Mechanisms to Evaluate Performance

Mr. Rusin stated that at the present time there are no self assessment programs in place to evaluate the performance of the Program. However, Mr. Rusin stated that he is new to having responsibility for the Program and still learning about the Program, but he will implement some type of self assessment.

Action Items Resulting From the Meeting

NRC:

- FSME will assist Rhode Island in obtaining a password for access to the RCPD letters.
- FSME will assist Rhode Island in obtaining access to NSTS.
- FSME will ensure that the current Rhode Island Program management is on the NRC mailing list to receive NRC's correspondence to the Agreement States.

Rhode Island:

- None

CONCLUSIONS:

Rhode Island continues to maintain their Agreement State Program during a period of significant budget constraint within the State. Even though the Program is fee funded, other State budget constraints, including hiring freezes and pay cuts affect the Program. While the Program has two vacancies, the Program is adequately staffed. The effort to reduce the inspection backlog continues. With a few exceptions, the regulations are up to date.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2012 (tentatively November 2011). Staff also recommends that a periodic meeting be held in approximately 9 months in order to follow up on the status of the Rhode Island Agreement State Program.