

December 27, 1984

H. Denman Scott, M.D., Director
Department of Health
Cannon Building, Davis Street
Providence, Rhode Island 02908

Dear Dr. Scott:

During a recent discussion with James Hickey the week of January 21-25, 1985 was agreed to for the 1985 review of the Rhode Island radiation control program for radioactive materials. Under an agreement signed between Rhode Island and the Federal government, Rhode Island assumed authority over certain radioactive materials covered by the Atomic Energy Act of 1959. Background on this agreement is provided in the enclosure.

Mr. John McGrath will be our representative for the review. Mr. McGrath would like to discuss the results of the meeting with you during the morning of January 25, 1985.

Sincerely,

Original signed by
Thomas E. Murley

Thomas E. Murley
Regional Administrator

Enclosure:
As stated

cc: James Hickey
G. Wayne Kerr, Director
Office of State Programs

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Background Statement on Rhode Island Agreement

Section 274 of the Atomic Energy Act was enacted by the Congress in 1959 to recognize the States' interest in atomic energy activities, to clarify the respective responsibilities of the States and the AEC under the Act, and to provide a mechanism by which the AEC could relinquish, and the States assume, a part of the Atomic Energy Commission's regulatory authority. Under Section 274, the Atomic Energy Commission was permitted to relinquish to the States on a State-by-State basis, certain of its authority to regulate the use of reactor-produced isotopes, the source materials uranium and thorium, small quantities of special nuclear materials, uranium mill tailings, and low-level radioactive waste disposal. These materials collectively are referred to as agreement materials. The Act reserved certain areas to the Atomic Energy Commission, such as regulation of the construction and operation of nuclear reactors and fuel fabrication and reprocessing plants, the export and import of agreement materials, certain disposal of radioactive wastes, and distribution of items to persons exempt from licensing.

The Energy Reorganization Act of 1974 (P.L. 93-438) transferred the regulatory functions of the Atomic Energy Commission to the newly formed Nuclear Regulatory Commission (NRC). The NRC's Regional Offices carry out the major portion of the Agreement State program under policy and guidance provided by the NRC Office of State Programs.

Before the Commission is permitted to relinquish regulatory authority to a State under the Act, the Governor must certify that the State has a regulatory program that is adequate to protect the public health and safety. The Commission must find that the State's program is adequate from the health and safety standpoint and compatible with the Commission's program. The Commission works closely with each State to assure that the State's program for regulation of agreement materials meets these requirements and that the State is equipped with a sufficient number of technically qualified personnel to administer the regulatory program.

Rhode Island became an Agreement State when a Section 274 agreement between the Commission and the State became effective on January 1, 1980. At present there are twenty-seven Agreement States.

Since the beginning of the Commission's Agreement State program, a system of post-agreement relationships with the States has been developed to promote continuing compatibility and adequacy by periodically reviewing and evaluating the capabilities of the State to protect the public health and safety.

The periodic reviews of State regulatory programs for control of agreement materials cover the principal administrative and technical aspects of a radiation control program. An in-depth examination is made of the program's legislation and regulations, organization, management and administration, personnel, licensing, and compliance and enforcement activities.

Our review will use as a reference, the NRC "Guidelines for the NRC Review of Agreement State Radiation Control Programs," published in the Federal Register on December 4, 1981 as an NRC Policy Statement. The Guide provides 30 Indicators for evaluating Agreement State program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the Indicators into 2 categories. Category I Indicators address program functions that directly related to the State's ability to protect public health and safety. Category II Indicators address functions which provide essential technical and administrative support.

If a significant problem exists in a Category I Indicator, the deficiency may seriously affect the State's ability to protect the public health and safety and needs to be addressed on a priority basis. If significant problems exist in more than one Category I Indicator, then improvements are critically needed. In such cases, we will need a timely response from the State and staff recommendations for adequacy and compatibility will not be offered until after the responses are received and evaluated. A follow-up review within 6 months may also be scheduled.