

January 10, 2005

MEMORANDUM TO: Management Review Board Members

Paul H. Lohaus, STP  
Karen D. Cyr, OGC  
Charles L. Miller, NMSS  
Josephine Piccone, STP

FROM: Osiris Siurano, Health Physicist */RA/*  
Office of State and Tribal Programs

SUBJECT: MINUTES: NOVEMBER 18, 2004 GEORGIA MRB MEETING

Attached are the minutes of the Management Review Board (MRB) meeting held on November 18, 2004. If you have comments or questions, please contact me at 415-2307.

Attachment:  
As stated

cc: Cynthia Sanders, GA  
James Sommerville, GA  
Thomas Conley, OAS Liaison



MINUTES: MANAGEMENT REVIEW BOARD MEETING OF NOVEMBER 18, 2004

These minutes are presented in the same general order as the items were discussed in the meeting. The attendees were as follows:

Paul Lohaus, MRB Chair, STP  
Karen Cyr, MRB Member, OGC  
Lloyd Bolling, Team Leader, STP  
John Jankovich, NMSS, Team Member  
Pamela Bishop, Team Member, OK  
Isabelle Schoenfeld, EDO  
James Sommerville, GA

Josephine Piccone, MRB Member, STP  
Charles Miller, MRB Member, NMSS  
Sheri Minnick, NRC-RI, Team Member  
Terry Brock, Team Member, STP  
John Zabko, STP  
Cynthia Sanders, GA  
Osiris Siurano, STP

By videoconference:

By teleconference:

Thomas Conley, OAS Liaison  
George Pangburn, NRC-RI

1. **Convention.** Mr. Paul Lohaus, Chair of the Management Review Board (MRB) convened the meeting at 10:05 a.m. He summarized the meeting's agenda. Introductions of the attendees were conducted.
2. **Georgia IMPEP Review.** Mr. Lloyd Bolling, STP, led the Integrated Materials Performance Evaluation Program (IMPEP) team for the Georgia IMPEP review.

Mr. Bolling summarized the review and noted the findings. Preliminary work included a review of Georgia's response to the IMPEP questionnaire. Inspector accompaniments were performed during June 1-4, 2004. The onsite review was conducted August 23-26, 2004 and included an entrance interview, review of applicable Georgia statutes and regulations, analysis of quantitative information from the State's licensing and inspection data base, technical evaluation of selected licensing and inspection actions, field accompaniments of two Georgia inspectors, and interviews with staff and management to answer questions or clarify issues. The team issued a draft report on September 27, 2004; received Georgia's comment letter dated October 25, 2004; and submitted a proposed final report to the MRB on November 10, 2004. He noted that a recommendation from the previous (July 2000) IMPEP review, regarding a review of all Georgia licensees to ascertain if licensees that require financial assurance meet the State's financial assurance requirements, was closed during this review. A short discussion on the financial assurance requirement was held. The State uses license conditions to address this requirement. The MRB asked for clarification on how the license condition is applied and included in the license and if there is guidance that the State follows for applying the condition. The State explained that the application of the license condition has been discussed with the State staff and they are aware of when to apply the license condition.

**Common Performance Indicators.** Mr. Bolling presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. The team recommended that Georgia's performance be found "satisfactory" and made no recommendations. A discussion on unfilled positions was held. For the last year the Program has had an acting manager and one Specialist's position unfilled. The State noted that a study of their organizational structure is currently in process and efforts are being made to fill both positions. A short discussion on the State's advisory committee (Board of Natural Resources), its effectiveness and how other States have implemented and use such bodies was held. The Georgia advisory committee meets on an "as needed" basis. The MRB agreed that Georgia's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Sheri Minnick presented the findings regarding the common performance indicator, Status of Materials Inspection Program. Her presentation corresponded to Section 3.2 of the proposed final IMPEP report. The team recommended that Georgia's performance be found "satisfactory" and recommended that the Program update its inspection procedures to eliminate extensions of license inspection due dates. A short discussion on this recommendation was held. The State noted that since the review it has revised its procedures to eliminate the extensions of inspection due dates, consistent with NRC's inspection guidance. The State explained that the procedure will be in place starting in January 2005. The MRB agreed that Georgia's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Minnick also presented the findings regarding the common performance indicator, Technical Quality of Inspections. Her presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team recommended that Georgia's performance with respect to this indicator be found "satisfactory but needs improvement" and made three recommendations: (1) that all inspection reports, notices of violation and licensee acknowledgment letters document supervisory review and approval, (2) that the Program develop and implement a process for conducting annual accompaniments of all radiation compliance inspectors by a supervisor and, (3) that the Program revise and implement procedures to address the handling of cases where inspection findings reveal a systemic breakdown in a licensee's radiation safety program and when a large number of health and safety violations are identified. The MRB discussed recommendation #1 and the supervisors role in reviewing inspection results and reports. The MRB concluded that the recommendation, as written, was too prescriptive and directed that a more generic, performance based recommendation be developed to provide the State with flexibility in resolving this issue. The State noted that this issue will be addressed through the appraisal process and quarterly review of inspection documentation. The MRB agreed that Georgia's performance met the standard for a "satisfactory but needs improvement" rating for this indicator.

Ms. Pamela Bishop presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions. Her presentation corresponded to Section 3.4 of the proposed final IMPEP report. The team recommended that Georgia's performance with respect to this indicator be found "satisfactory" and made no recommendations. A discussion of how determinations are made that reviewers are

performing at an appropriate level was held. The State noted that reviewers follow the State's licensing procedures, and that licensing actions are sometimes discussed between the staff and Program management. The MRB agreed that Georgia's performance met the standard for a "satisfactory" rating for this indicator.

Mr. Terry Brock presented the findings regarding the common performance indicator, Technical Quality of Incident and Allegation Activities. His presentation corresponded to Section 3.5 of the proposed final IMPEP report. The review team recommended that Georgia's performance with respect to this indicator to be found "satisfactory, but needs improvement," and made two recommendations. The review team recommended, (1) that the staff receive training on STP Procedure SA-300, identifying abnormal occurrences, and the schedule of reporting of significant events to the NRC headquarters and, (2) that the Program develop an allegations procedure based on NRC's Management Directive 8.8, "Management of Allegations," including an explicit section on informing the concerned individual of the final disposition of the allegation. The State noted that it has already put in place an allegations procedure to address all issues found by the team, which includes procedures for protecting an alleged's identity. The MRB directed that this information be reflected in the report. Based on the discussions and the State actions to address the issues, the MRB directed that the team's recommendation on the State's performance be upgraded to "satisfactory" for this indicator. The MRB agreed that Georgia's performance met the standard for a "satisfactory" rating for this indicator.

**Non-Common Performance Indicators.** Mr. Bolling led the discussion of the non-common performance indicator, Compatibility Requirements. His discussion corresponded to Section 4.1 of the proposed final IMPEP report. The team recommended that Georgia's performance be found "satisfactory" and made no recommendations. The MRB agreed that Georgia's performance met the standard for a "satisfactory" rating for this indicator.

Mr. John Jankovich led the discussion of the non-common performance indicator, Sealed Source and Device Evaluation Program. His discussion corresponded to Section 4.2 of the proposed final IMPEP report. The team recommended that Georgia's performance be found "satisfactory, but needs improvement" for this indicator and made four recommendations. The review team recommended: (1) that the Program qualify one additional Specialist in SS&D evaluations to provide backup for the principal reviewer, (2) that the Program develop written qualification requirements for SS&D reviewers, (3) that the Program establish an objective method to address defects and incidents involving SS&D evaluations and, (4) that the staff with primary review and concurrence responsibilities for SS&D evaluations attend a training course on root cause analysis such as the NRC course "Root Cause/Incident Investigation Workshop" (G-205). On recommendation #1, the State noted that it is already taking action to qualify another individual as a backup for SS&D reviews. On recommendation #2, the review team found that, although the staff is sufficiently qualified at the present time to perform safety evaluations, the Program does not have formal qualification requirements for SS&D reviewers. It was noted that the State could use NRC training criteria as guidance for developing its own criteria. The State has already started to work on this recommendation and the requirements will be in place within the next few

months. Regarding recommendation #3, the team noted that the State does not have a process to review events for generic implications and to share generic issues with regulatory agencies. The MRB directed that the recommendation be redrafted to include the identification of generic issues, trend analysis and the communication of findings with other regulatory agencies. On recommendation #4, the State noted that it will be sending its staff to the next scheduled Root Cause/Incident Investigation Workshop. A discussion of the State's response to, and follow-up actions, on events, and evaluations of licensees' corrective actions was held. The review team noted that the State's files did not contain documentation that the Program analyzed the events, reviewed the issues, or followed up on the incidents. The MRB highlighted the importance of documenting the State's evaluation of corrective actions in its files. The review team identified a potential good practice in noting that the Program registered a sealed source as part of a device evaluation. The Program makes such source registrations prominent by placing a note on the first page in the sealed source designation place. The MRB agreed that Georgia's performance met the standard for a "satisfactory, but needs improvement" rating for this indicator and agreed that the Program's registration of sealed sources as part of a device evaluation be found a good practice.

**MRB Consultation/Comments on Issuance of Report.** Mr. Bolling concluded, based on the discussion and direction of the MRB, that the Georgia Program was rated "satisfactory" for the common performance indicators: Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Licensing Actions, Technical Quality of Incident and Allegation Activities, and the non-common performance indicator Compatibility Requirements. The Georgia Program was rated "satisfactory, but needs improvement," for the common performance indicator, Technical Quality of Inspections, and the non common performance indicator, Sealed Source and Device Evaluation Program. The review team recommended, and the MRB agreed, that the Georgia Agreement State Program be found adequate, but needs improvement, and compatible with NRC's program. The review team also recommended, and the MRB agreed, that the next full IMPEP review should be in approximately four years.

**Comments.** Mr. Bolling thanked the review team for their job and commitment to complete their task and the State for its cooperation during the review. Mr. Sommerville and Ms. Sanders thanked the team and the MRB for their professionalism and cooperation. Ms. Bishop and Mr. Conley thanked the MRB for the opportunity to participate in the onsite review and the MRB respectively. Mr. Jankovich highlighted the effectiveness of IMPEP to evaluate performance and stated that, when compared to the International Atomic Energy Agency's (IAEA) processes, IMPEP is as effective as those of IAEA's. The MRB thanked the IMPEP review team and Georgia for their efforts.

3. **Status of Current and Upcoming Reviews.** Mr. Zabko briefly commented that the Ohio draft IMPEP report is being revised by the review team based on State comments. A special MRB meeting for discussing periodic meetings results will be scheduled within the next month. He also reported that the State of California requested an extension on the due date to provide an amended Improvement Plan. The extension was granted until November 30, 2004.

4. **Precedents/Lessons Learned.** No precedents were established by the MRB during this review.
5. **Good Practices.** The review team identified a potential good practice in noting that the Program registered a sealed source as part of a device evaluation. In common practice, if a source is not currently registered, the sealed source must be registered as part of the device and the registration certificate usually notes in the text that the source is approved for use in such an application only. However, the Program makes such source registrations prominent by placing a note on the first page in the sealed source designation place. The MRB agreed that this be found a good practice.
6. **Adjournment.** The meeting was adjourned at approximately 11:58 a.m.