

January 5, 2009

MEMORANDUM TO: Martin J. Virgilio
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Bradley W. Jones
Assistant General Counsel for Rulemaking
and Fuel Cycle
Office of the General Counsel

George Pangburn, Deputy Director
Office of Federal and State Materials
and Environmental Management Programs

Charles A. Casto
Deputy Regional Administrator
Region IV

FROM: Aaron T. McCraw, IMPEP Project Manager */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MINUTES: DECEMBER 4, 2008, GEORGIA MANAGEMENT
REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on December 4, 2008. If you have comments or questions, please contact me at (301) 415-1277.

Enclosure: Minutes of the Management
Review Board Meeting

cc: Cynthia Sanders, Manager
Georgia Radioactive Materials Program

Barbara Hamrick, California
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

Distribution: DCD (SP01)
DMSSA RF
KCyr, OGC
RErickson, RIV
JKottan, RI/RSAO
BParker, RI
KNull, RIII
Stephen James, OH
Kenath Traegde, MA
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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF DECEMBER 4, 2008

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

Martin Virgilio, MRB Chair, OEDO
George Pangburn, Acting MRB Member, FSME
Cynthia Sanders, GA
Alison Rivera, OEDO
Joan Olmstead, OGC
Jeremy Suttentberg, OGC
Sean Croston, OGC

Brad Jones, Acting MRB Member, OGC
Aaron McCraw, FSME
Duncan White, FSME
Karen Meyer, FSME
Carrie Brown, FSME
Terry Reis, FSME

By Videoconference:

Chuck Casto, MRB Member, Region IV
Bryan Parker, Team Member, Region I
Ted Jackson, GA

Randy Erickson, Team Leader, Region IV
Kevin Null, Team Member, Region III

By Teleconference:

Barbara Hamrick, OAS Liaison, CA
Kenath Traegde, Team Member, MA
Eric Jameson, GA
Kit Ramdeen, GA
Joseph Flevet, GA
Donna Janda, Region I

Stephen James, Team Member, OH
Jim Sommerville, GA
Irene Bennett, GA
Kathaleen Hill, GA
John Kinneman, Region I

- 1. Convention.** Mr. Aaron McCraw convened the meeting at 3:08 p.m. He noted that this Management Review Board (MRB) meeting was open to the public; however, no members of the public participated in this meeting. He then transferred the lead to Mr. Martin Virgilio, Chair of the MRB. Introductions of the attendees were conducted.
- 2. Georgia IMPEP Review.** Mr. Randy Erickson, Team Leader, led the presentation of the Georgia Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. He summarized the review and noted the findings. The on-site review was conducted by a review team comprised of technical staff members from the U.S. Nuclear Regulatory Commission (NRC), the Commonwealth of Massachusetts, and the State of Ohio during the period of September 22-26, 2008. A draft report was issued to the State for factual comment on October 27, 2008. Georgia responded via letter from Dr. Carol A. Couch, Director, Environmental Protection Division, on November 21, 2008. Based on the response, the State had a number of clarifying comments, most of which were incorporated into the proposed final report.

Common Performance Indicators. Mr. Erickson, on behalf of Mr. Jim Kottan, 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. Mr. Erickson noted that the program experienced a high degree of turnover during the review period. At the time of the review, the program was almost fully staffed.

Mr. Erickson explained that the program does not have a formal qualification program, and as discussed in later indicators, several of the staff considered to be independently qualified to perform certain regulatory actions could have benefitted from additional training and/or experience prior to being approved to work independently. The review team found Georgia's performance with respect to this indicator to be "satisfactory, but needs improvement" and made one recommendation. The review team recommended that the State develop, document, and implement a formal qualification program for licensing and inspection activities that includes written documentation and supervisor endorsement of competency in each program area. Mr. Brad Jones asked the State about the hiring freeze the State is currently experiencing. Mr. Jim Sommerville indicated that the freeze will be lifted anytime soon; however, the program is pursuing getting an exception to fill the one vacant position in the program. Mr. George Pangburn asked if the State had determined the root cause of their staff turnover. Ms. Cynthia Sanders responded that the departed staff left for higher paying jobs. Mr. Pangburn encouraged the State to communicate with other States regarding qualification programs and training opportunities. Ms. Barbara Hamrick indicated that staffing and training are important issues to the Organization of Agreement States (OAS) and encouraged the State to interact with OAS. The MRB agreed that Georgia's performance met the standard for a "satisfactory, but needs improvement" rating for this indicator.

Mr. Bryan Parker presented the findings regarding the common performance indicator, Status of Materials Inspection Program. His presentation corresponded to Section 3.2 of the proposed final IMPEP report. Mr. Parker indicated that the program inspected approximately 15 percent of its "core" inspections overdue. The overdue inspections were attributed to the staff turnover, and the program has a plan to catch up on the overdue inspections now that the program is almost fully staffed. Mr. Parker stated that the program had completed all of its initial Increased Controls inspections in a timely manner; however, the State had not performed any subsequent inspections at the time of the review. He indicated that the State inspected 20 percent of its candidate reciprocity licensees in one of the 4 years covered by the review period. The review team recommended that Georgia's performance with respect to this indicator be found "satisfactory, but needs improvement" and made no recommendations. The MRB directed staff to include a more direct link between the performance of inspections and staff turnover in the final report. The MRB agreed that Georgia's performance met the standard for a "satisfactory, but needs improvement" rating for this indicator.

Mr. Stephen James presented the findings regarding the common performance indicator, Technical Quality of Inspections. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. Mr. James explained that the State's inspection guidance does not require followup Increased Controls inspections to ensure that previously identified violations or deficiencies had been corrected. Mr. James also explained that there were several individuals that did not receive supervisory accompaniments on an annual basis. Mr. Erickson presented his findings from the inspector accompaniments that were performed as part of the IMPEP review. Mr. Erickson indicated that there were several instances where the inspectors would have benefitted from additional training and/or experience prior to being authorized to work independently. The review team found Georgia's performance with respect to this indicator to be "satisfactory, but needs improvement," made one new recommendation, and kept a recommendation from the

2004 IMPEP review open. The review team recommended that the State update their inspection procedures and enforcement guidance to include the requirements for timely followup of Increased Controls violations. The review team recommended that the Program develop and implement a process for conducting annual accompaniments of all radiation compliance inspectors by a supervisor. Mr. Pangburn asked the State to consider assistance from neighboring States in getting the inspectors the requisite training and experience to work independently. The MRB agreed that Georgia's performance met the standard for a "satisfactory, but needs improvement" rating for this indicator.

Mr. Kevin Null presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions. His presentation corresponded to Section 3.4 of the proposed final IMPEP report. Mr. Null indicated that the licensing actions reviewed were adequate to protect public health and safety; however, there were issues with thoroughness, completeness, consistency, clarity, and adherence to licensing guidance. The review team concluded that the license reviewers could have benefitted from additional experience prior to being authorized to independently review licensing actions. The review team found Georgia's performance with respect to this indicator to be "satisfactory, but needs improvement" and made no recommendations. The MRB directed staff to clarify the discussion on the State's implementation of the pre-licensing guidance in the final report. The MRB agreed that Georgia's performance met the standard for a "satisfactory, but needs improvement" rating for this indicator.

Mr. Erickson, on behalf of Mr. Kottan, 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 found Georgia's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Georgia's performance met the standard for a "satisfactory" rating for this indicator.

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

Mr. Kenath Traegde presented the findings regarding the non-common performance indicator, Sealed Source and Device (SS&D) Evaluation Program. His presentation corresponded to Section 4.2 of the proposed final IMPEP report. The review team found Georgia's performance to be "satisfactory" and kept one recommendation from the 2004 IMPEP review open. The team recommended that the Program qualify one additional reviewer in SS&D evaluations to provide backup for the principal reviewer. The MRB agreed that Georgia's performance met the standard for a "satisfactory" rating for this indicator.

MRB Consultation/Comments on Issuance of Report. Mr. Erickson concluded, based on the discussion and direction of the MRB, that the Georgia program was found “satisfactory” for three of the seven performance indicators reviewed and “satisfactory, but needs improvement” for the remaining four indicators. Accordingly, the review team recommended, and the MRB agreed, that the Georgia program was “adequate to protect public health and safety, but needs improvement,” and “compatible with NRC’s program.” Based on the results of the IMPEP review, the review team recommended, and the MRB agreed, that the next IMPEP review take place in approximately 4 years, with a periodic meeting in approximately 1 year. The review team recommended and the MRB agreed that a period of monitoring of the Georgia Agreement State Program should be initiated.

Comments. Ms. Sanders was appreciative of the review and the review team’s recommendations to help enhance the Georgia program. She thought the review was educational for her and her staff. Mr. Ted Jackson echoed Ms. Sanders’ comments and indicated that the program will focus on addressing the root causes of the performance weaknesses, which are staffing and training. Mr. Barbara sympathized with the program on their staffing issues. Mr. James stated that he hopes all States will get involved in the IMPEP process as it is very beneficial to better understand how your program will be reviewed. Mr. Traegde indicated that his IMPEP experience on this review was better than past experiences and that he hopes to participate on future reviews.

3. **Precedents/Lessons Learned.** The MRB established no new precedents to be applied to the IMPEP process during this meeting.
4. **Adjournment.** The meeting was adjourned at approximately 4:48 p.m.