



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

April 14, 2009

Mr. James Lynch, State Agreements Officer
United States Nuclear Regulatory Commission
Region III
2443 Warrenville Road, Suite 210
Lisle, IL 60532-4352

Dear Mr. Lynch:

Thank you for your professionalism, and that of your review team during the recent Integrated Materials Performance Evaluation Program (IMPEP) review of the North Carolina Radiation Protection Section (Section) program. We value the IMPEP process as a tool to evaluate the status of our radiation protection program on a national level and to identify opportunities to improve our processes. We appreciate the opportunity to work with the US Nuclear Regulatory Commission (USNRC) staff, and staff from other Agreement States toward the common goal of protecting the public and the environment from unnecessary exposure to radiation.

The IMPEP team reviewed seven performance indicators and found that North Carolina's performance was found to be satisfactory, which is the highest ranking, across all indicators.

The review team also formulated two recommendations as follows:

- (1) It is recommended that the State strengthen its incident response process to ensure that incidents that are reportable to the NRC are reported as required by FSME Procedure SA-300; and,
- (2) It is recommended that the State make appropriate regulatory changes to maintain compatibility with the NRC and to resolve the NRC-generated comments made in 2006 and 2008 on draft rules promulgated by the agency as noted in Section 4.1.2 of the report.

The following is the Section's response to these recommendations.

The Section has addressed the first recommendation by modifying the incident response procedure. This modified procedure requires all incidents to be evaluated against the USNRC reporting requirements and against the reporting requirements in various sections of the North Carolina Regulations for Protection Against Radiation (15A NCAC Chapter 11). The individual designated as the Incident Team Leader is now responsible for this reporting evaluation. Also, the Incident Team Leader will document this evaluation and any required reporting in the Section's incident database in the data fields for USNRC event reporting.

The Section is in the process of addressing the second recommendation. Several proposals for consideration of rulemaking have been submitted to the Subcommittee Chair of the NC Radiation Protection Commission for rule development. These proposals include actions to resolve past comments on draft rules made by USNRC staff as well as adopting rules becoming due for implementation. Once the draft rules are developed and have been approved by the Radiation Protection Commission, copies will be sent to the USNRC for review and comment. USNRC comments on the draft rules will be resolved by the agency and the Radiation Protection Commission prior to submitting the draft rules as proposed rules to the NC Rules Review Commission. The Section will work with the Radiation Protection Commission, and the USNRC to resolve any issues identified by the NC Rules Review Commission. To prevent recurrence of this situation, the Section has implemented a tracking system to keep abreast of regulatory changes in the USNRC rules. Also the Section will track programmatic changes in USNRC regulatory activities in such areas as security, increased controls, and the national source tracking system that occur too quickly to be captured by the rule-making process.

As an aside, I would like to personally thank the USNRC for the full financial support in training Section staff through attendance at USNRC training classes. We also appreciate your most recent assistance in securing a training slot for North Carolina in the upcoming irradiator training course. Without your continued full financial support, it would be difficult in the current economic environment to maintain training for staff.

Thank you again for this opportunity to respond to the draft report of your IMPEP findings. We look forward to working further with the USNRC to protect the health of the public and the environment from radiation hazards.

Sincerely,



Dee Freeman,
Secretary

cc: Manly Wilder, Chief Deputy Secretary
Robin Smith, Assistant Secretary
Terry Pierce, Division Director
Mike A. Kelly, Deputy Director
W. Lee Cox, III, Acting Section Chief