

December 22, 2009

MEMORANDUM TO: Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

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

Cynthia A. Carpenter, Deputy Director
Office of Federal and State Materials
and Environmental Management Programs

Mark A. Satorius, Regional Administrator
Region III

FROM: Michelle R. Beardsley, Health Physicist */RA Karen Meyer for/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: JANUARY 7, 2010 SPECIAL MRB MEETING

A Special Management Review Board (MRB) meeting to discuss the results of periodic meetings held with the Georgia, Kentucky, and New York Agreement State Programs has been scheduled for **Thursday, January 7, 2010 from 2:30 p.m. to 4:00 p.m. EDT, in Two White Flint North, Room 2-B5**. The summaries for each of the meetings are enclosed (Enclosures 1-5).

In accordance with Management Directive 5.6, the meeting is open to the public. The agenda for this meeting is enclosed (Enclosure 6).

If you have any questions or need additional information, please feel free to contact me at (610) 337-6942 or Michelle.Beardsley@nrc.gov.

Enclosures:
As stated

cc w/ encl: George Johns, Minnesota
Organization of Agreement States
Liaison to the MRB

MRB Members

Distribution: DCD (SP01)

MSSA RF

RLewis, FSME

TReis, FSME

DWhite, FSME

MFranovich, OEDO

JOImstead OGC

DJanda, Region I

JKottan, Region I

MBeardsley, FSME

MOrendi, FSME

Dewey Crawford, KY

Cynthia Sanders, GA

Steve Gavitt, NY

Gene Miskin, NY

Sandra Hinkel, NY

Timothy Rice, NY

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**AGREEMENT STATE PERIODIC MEETING SUMMARY FOR NEW YORK CITY
DEPARTMENT OF HEALTH AND MENTAL HYGIENE (NYC)**

DATE OF MEETING: July 16, 2009

NRC Attendees	New York City Department of Health Attendees
James Kottan, Region I RSAO	Chris Boyd, Assistant Commissioner
Monica Orendi, FSME	Gene Miskin, Director
	Tobias Lickerman, Chief

DISCUSSION:

In November 2006, the Integrated Materials Performance Evaluation Program (IMPEP) review team found the NYC Agreement State Program's (the Program) performance to be satisfactory for all common and non-common performance indicators with the exception of the Compatibility Requirements non-common performance indicator. This indicator was found to be unsatisfactory. Additionally, one recommendation was made by the review team regarding the Program. On February 8, 2007, the Management Review Board (MRB) met to consider the IMPEP review team's proposed findings regarding the Program. The MRB found the Program adequate to protect public health and safety and not compatible with the NRC's program. Accordingly, the MRB determined that the Program should continue on Heightened Oversight. Further, the MRB requested that the Program revise and submit their Program Improvement Plan (the Plan) and that bi-monthly conference calls continue. The MRB determined that a periodic meeting should take place in November 2007.

Subsequent to the November 2007 periodic meeting, the MRB met on March 24, 2008, to consider the findings of the November 2007 Periodic Meeting. The MRB requested that calls between NYC and NRC staffs continue to be conducted quarterly to discuss NYC's revised Plan regarding their performance with compatibility requirements. The MRB also determined that a periodic meeting should take place in the spring/summer of 2009. This summary describes this periodic meeting.

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

The review team recommended that NYC develop and implement an action plan to adopt NRC regulations in accordance with the current NRC policy on adequacy and compatibility.

Status: The Program is in the process of enacting regulations to make the Program compatible with NRC's program. Revised Plans have been submitted to NRC periodically (ML072280086, ML072280098, ML081700395, ML081700396 and ML082950402). NYC is coordinating development with the New York State Health Department (DOH) where necessary. The latest Plan, submitted to NRC during this periodic meeting, calls for having the final regulations required for compatibility adopted in December 2009.

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

OTHER TOPICS COVERED DURING THE MEETING INCLUDED:Program Strengths

A well-trained, stable, and experienced staff is the strength of the Program. Two staff members have joined the Program since the last periodic meeting, one individual is a transfer from the Radiation Producing Equipment functional area, and the other is a new hire who has been in place not quite a year. The Program is fully staffed. Mr. Miskin stated that when vacancies do arise, he is able to fill them in a timely manner from a well-qualified pool of applicants.

Feedback on the NRC's Program

The Program noted that NRC initiatives related to security, such as the order for Increased Controls, the National Source Tracking System, and fingerprinting, required considerable effort on the part of the Program. The Program commented that both the overall relationship with NRC and communication with NRC are good. Additionally, the Program appreciates NRC's funding of training. The Program would like NRC to provide guidance to the Agreement States on acceptable practices for compliance with NRC security initiatives. The Program stated that these could be in the form of "best practices" or some other guidance. The Program felt that the potential existed for each Agreement State to regulate this area in an uncoordinated manner without such guidance.

Agreement State Program Staffing and Training

The Program staff consists of eight individuals including the supervisor and is currently fully staffed. Support for staff training exists in the Program. NYC welcomed NRC's revised policy on funding training for Agreement States. Program staff has attended NRC and other training courses, including NRC's Security Systems and Principles Course. NYC noted that other activities that are not specifically training, such as participation on IMPEP teams and attendance at meetings, also provide valuable opportunities for knowledge sharing.

Organization

The Program is administered by the Office of Radiological Health in the Bureau of Environmental Sciences and Engineering under the Division of Environmental Health of the NYC. There have been no changes to the Program's organization since the previous periodic meeting.

There are two functional areas within the Office of Radiological Health: Radioactive Materials and Radiation Producing Equipment. The Radioactive Materials functional area makes up the Program, which administers approximately 370 licenses.

Program Budget/Funding

Mr. Miskin stated that while there are some budget constraints, funding for the program is stable, and the Program is adequately funded. Although pending budget cuts may result in travel restrictions for Program staff, Mr. Miskin stated that when necessary, and with the appropriate justification, travel for the Program staff has been approved.

Inspection Program

NYC's inspection frequencies are at least as frequent as NRC's. No inspections were overdue with respect to NRC inspection priorities. The Program maintains a database to monitor inspection scheduling and tracking. Management is aware of the importance of inspection program schedules. The Program is implementing a new tracking system that will provide for scheduling and tracking of inspections, and also licensee source inventories as well. This system is expected to be operational within about two months.

The Program had no licensing actions that were pending for greater than one year. Mr. Miskin stated that the number of licensees has remained approximately constant over the last several years at about 370 licensees. Mr. Miskin also stated that NYC is aware of the requirement for "pre-licensing" visits, and pre-licensing visits will be conducted.

Regulations

The Program submitted the latest version of their Plan dated July 15, 2009, to NRC during this periodic meeting (ML092100609). The Plan calls for the completion of the three remaining overdue regulations by December 2009.

The following three regulations are overdue:

- "Medical Use of Byproduct Material," 10 CFR Parts 20, 32, and 35 amendment (67 FR 20249), that became effective on April 24, 2002, and was due for Agreement State adoption by October 24, 2005. (RATS ID 2002-2)
- "Medical Use of Byproduct Material - Recognition of Specialty Boards," 10 CFR 35 Part amendment (70 FR 16336; 71 FR 1926), that became effective on April 29, 2005, and was due for Agreement State adoption by April 29, 2008. (RATS ID 2005-1)
- "Minor Amendments," 10 CFR Parts 20, 30, 32, 35, 40, and 70 amendment (71 FR 15005), that became effective on March 27, 2006, and was due for Agreement State adoption by March 27, 2009. (RATS ID 2006-1)

When these three regulations are adopted, the Program will have no overdue regulations. The Program has made good progress in adopting overdue regulations. NYC coordinates with (DOH) when required in the adoption of regulations. Quarterly coordination meetings are held between NYC and DOH. Adoption of RATS ID 2002-2 will require coordination with DOH. Additionally, Mr. Miskin stated that NYC is attempting to be proactive with respect to future regulations.

The following regulations are listed on NRC's State Regulation Status (SRS) sheets as overdue and are not part of the NYC Plan; however, Mr. Miskin stated that NYC had adopted these regulations, either by license condition or regulation, and would provide documentation to NRC indicating this fact:

- “Notification of Incidents,” 10 CFR Parts 20, 30, 31, 34, 39, 40 and 70 amendment (56 FR 64980), that became effective on October 15, 1991, and was due for Agreement State adoption by October 15, 1994. (RATS ID 1991-4)
- “Quality Management Program and Misadministrations,” 10 CFR Part 35 amendment (56 FR 34104), that became effective on January 27, 1992, and was due for Agreement State adoption by January 27, 1995. (RATS ID 1992-1)
- “Decommissioning Recordkeeping and License Termination: Documentation Additions (Restricted areas and spill sites),” 10 CFR Parts 30 and 40 amendment (58 FR 39628), that became effective on October 25, 1993, and was due for Agreement State adoption by October 25, 1996. (RATS ID 1993-1)
- “Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use,” 10 CFR Parts 30, 32 and 35 amendment (59 FR 61767, 59 FR 65243 and 60 FR 322), that became effective on January 1, 1995, and was due for Agreement State adoption by January 1, 1998. (RATS ID 1995-1)
- “Criteria for the Release of Individuals Administered Radioactive Material,” 10 CFR Parts 20 and 35 amendment (62 FR 4120) that became effective on May 29, 1997, and was due for Agreement State adoption by May 29, 2000. (RATS ID 1997-3)
- “Minor Corrections, Clarifying Changes, and a Minor Policy Change,” 10 CFR Parts 20, 35 and 36 amendment (63 FR 39477 and 63 FR 45393), that became effective on October 26, 1998, and was due for Agreement State adoption by October 26, 2001. (RATS ID 1998-5)
- “Transfer for Disposal and Manifests: Minor Technical Conforming Amendment,” 10 CFR Part 20 amendment (63 FR 50127), that became effective on November 20, 1998, and was due for Agreement State adoption by November 20, 2001. (RATS ID 1998-6)

Event Reporting

NYC communicates reportable incidents to the NRC Operations Center and Region I when appropriate in a prompt manner. Since the last periodic meeting in November 2007, one event was reported to NRC. Mr. Miskin stated that the majority of events that occur in New York City are related to machine-produced ionizing radiation rather than the use of radioactive material.

Response to Incidents and Allegations

NYC continues to be sensitive to notifications of incidents and allegations. There were no allegations referred to the program since the last periodic meeting in November 2007.

Action Items Resulting From the Meeting

None.

CONCLUSIONS:

The overall performance of the Program continues to be good. The Program staff is experienced, well trained, and remains stable. The occasional vacancy is filled in a timely manner. The Program is adequately funded. NYC continues to make progress on adopting overdue regulations, with only three regulations remaining for adoption.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2011 (tentatively November 2010).

**AGREEMENT STATE PERIODIC MEETING SUMMARY FOR NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)**

DATE OF MEETING: July 28, 2009

NRC Attendees	New York DEC Attendees
Monica Orendi, Health Physicist, FSME	David O'Toole, Assistant Division Director
James Kottan, Region I RSAO	Robert Phaneuf, Acting Bureau Director
	Timothy Rice, Section Chief
	Sandra Hinkel, Section Chief

DISCUSSION:

In November 2006, the Integrated Materials Performance Evaluation Program (IMPEP) review team found the DEC Agreement State Program's (the Program) performance to be satisfactory for all common and non-common performance indicators with the exception of the Compatibility Requirements non-common performance indicator. This indicator was found to be unsatisfactory. Additionally, two recommendations were made by the review team regarding the Program. On February 8, 2007, the Management Review Board (MRB) met to consider the IMPEP review team's proposed findings regarding the Program. The MRB found the Program adequate to protect public health and safety and not compatible with NRC's program. Accordingly, the MRB determined that the Program should continue on Heightened Oversight. Further, the MRB requested that the Program revise and submit their Program Improvement Plan (the Plan) and that bi-monthly conference calls continue. The MRB determined that a periodic meeting should take place in November 2007.

Subsequent to the November 2007 periodic meeting, the MRB met on March 24, 2008 to consider the findings of the November 2007 Periodic Meeting. The MRB requested that calls between DEC and NRC staffs continue to be conducted quarterly to discuss DEC's revised Plan regarding their performance with compatibility requirements. The MRB also determined that a periodic meeting should take place in the spring/summer of 2009. This summary describes this periodic meeting.

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

Recommendation 1: The review team recommends that DEC transmit inspection findings to their licensees within 30 days after the close of the inspection.

Status: This recommendation was discussed during the previous periodic meeting. As a result of that discussion, it was recommended that this item be closed at the next review. During this

periodic meeting the Radiation Control Permit Section Chief stated that inspection findings continue to be transmitted to licensees within 30 days after the close of the inspection.

It is recommended that this item be closed at the next review.

Recommendation 2: The review team recommended that DEC develop and implement an action plan to adopt NRC regulations in accordance with the current NRC policy on adequacy and compatibility.

Status: The Program is in the process of enacting regulations to make the Program compatible with NRC's program. Revised Plans have been submitted to NRC periodically (ML0722801101, ML0722801160, ML080310348, ML080310358, ML083020548, ML090230252, ML090230262, ML091250060, and ML091250062). DEC is coordinating development with other New York State agencies where necessary. The latest Plan submitted to NRC calls for having the final regulations required for compatibility adopted in the spring of 2011.

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

OTHER TOPICS COVERED DURING THE MEETING INCLUDED

Program Strengths

A well-trained, stable, and experienced staff is the strength of the Program. Management support exists for the program, and this allowed the previously vacant Radiological Sites Section Chief position to be filled. Additionally, DEC stated that they were well equipped, and their equipment was a program strength. This included both an in-house laboratory with gamma spectrometry and TLD systems, and emergency/incident response instrumentation mounted in dedicated vehicles. Also the Program participates in various exercises and drills, such as the recent Empire '09 exercise. Ms. Hinkel and Mr. Rice stated that participation in these exercises raises the profile of the Program, and strengthens and improves the capabilities of the Program.

Feedback on NRC's Program

The Program commented that both the overall relationship with NRC and communication with NRC are good. In particular, Mr. Rice mentioned the cooperation with NRC on the Indian Point groundwater issue and West Valley. Additionally, the Program appreciates NRC's funding of training. Both Ms. Hinkel and Mr. Rice noted difficulty in enrolling their staff in some of NRC's training courses, especially the core courses. The Program also felt there was good communication with NRC on rulemaking issues.

Agreement State Program Staffing and Training

The Program staff consists of twelve individuals, including both section chiefs. There are two staff vacancies. Ms Hinkel stated that due to budget constraints, DEC is unable to fill the two vacant positions.

Support for staff training exists in the Program. DEC welcomed NRC's revised policy on funding training for Agreement States. Program staff has attended NRC and other training courses.

DEC noted that other activities that are not specifically training, such as participation in emergency exercises, such as the recent Empire '09 exercise, and attendance at meetings, also provide valuable opportunities for knowledge sharing.

Organization

The Program is administered by the Bureau of Hazardous Waste and Radiation Management within the Division of Solid and Hazardous Materials of the DEC. There have been no changes to the Program's organization since the previous periodic meeting.

There are two functional areas within the Bureau of Hazardous Waste and Radiation Management: Radiation Control Permit Section and Radiological Sites Section. Both sections make up the Program. The Program administers approximately 30 effluent release permits for licenses issued by the New York State Department of Health.

Program Budget/Funding

Mr. Rice and Ms. Hinkel stated that the program is adequately funded with the exception of some areas such as sample analyses. Adequate funding exists for in-state travel, and out-of-state travel is permitted with outside funding.

Inspection Program

DEC's inspection frequencies are at least as frequent as NRC's. No inspections were overdue with respect to NRC inspection priorities. Management is aware of the importance of inspection program schedules and issuing inspections in a timely manner. Approximately 25 inspections are conducted annually.

The Program had no permitting actions that were overdue. DEC processes approximately 25 permitting actions annually, including new permits, renewals, and modifications. Ms. Hinkel stated that the number of permits has remained approximately constant over the last several years at about 30 permits.

Regulations

The Program submitted the latest version (Update #9) of their Plan in April 2009 to NRC (ML091250062). The Plan, with slippage, calls for completion of the overdue regulations by spring of 2011.

The following regulations are overdue:

- "Notification of Incidents," 10 CFR Parts 20, 30, 31, 34, 39, 40, and 70 amendment (58 FR 64980), that became effective on October 15, 1991, and was due for Agreement State adoption by August 15, 1994. (RATS ID 1991-4)
- "Timeliness in Decommissioning Material Facilities," 10 CFR Parts 30, 40 and 70 amendment (59 FR 36026), that became effective on August 15, 1994, and was due for Agreement State adoption by August 15, 1997. (RATS ID 1994-3)

- “Radiation Protection Requirements: Amended Definitions and Criteria,” 10 CFR Parts 19 and 20 amendment (60 FR 36038), that became effective on August 14, 1995, and was due for Agreement State adoption by August 14, 1998. (RATS ID 1995-5)
- “Radiological Criteria for License Termination,” 10 CFR Parts 20, 30, 40, and 70 amendment (62 FR 39057), that became effective on August 20, 1997, and was due for Agreement State adoption by August 20, 2000. (RATS ID 1997-6)
- “Minor Corrections, Clarifying Changes, and a Minor Policy Change,” 10 CFR Parts 20, 30, 40, and 70 amendment (63 FR 39477, 63 FR 45393), that became effective on October 26, 1998, and was due for Agreement State adoption by October 26, 2001. (RATS ID 1998-5)
- “Revision of the Skin Dose Limit,” 10 CFR Part 20 amendment (67 FR 16298), that became effective on April 5, 2002, and was due for Agreement State adoption by April 5, 2005. (RATS ID 2002-1)

NRC staff concluded that the DEC Plan is a reasonable and realistic approach to addressing the DEC compatibility requirements with NRC. NRC staff review concluded that the tasks, milestones, and assignments for finalizing each overdue or upcoming regulation appeared reasonable and achievable. DEC continues to move forward with the most recent version of their Plan, although the schedule has slipped by about 3 months due to the workload in the Department, and the absence of an acting Section Chief due to illness.

Additionally, both Ms. Hinkel and Mr. Rice stated that DEC is attempting to be proactive with respect to future regulations.

Event Reporting

DEC communicates reportable incidents to the NRC Operations Center and Region I when appropriate in a prompt manner. No events were reported to NRC since the last periodic meeting in November 2007. Ms. Hinkel stated that the majority of events that occur under DEC jurisdiction involve medical waste in trash or naturally occurring radioactive material in trash.

Response to Incidents and Allegations

DEC continues to be sensitive to notifications of incidents and allegations. There were two allegations referred to the program by NRC since the last periodic meeting in November 2007. DEC responded promptly to both allegations.

Action Items Resulting From the Meeting

None.

CONCLUSIONS:

The overall performance of the Program continues to be good. The Program staff is experienced, well trained, and remains stable. The Radiological Sites Section Chief position was filled in a timely manner. The program is adequately funded with some minor exceptions. DEC continues to make progress on adopting overdue regulations.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2010 (tentatively November 2010).

**AGREEMENT STATE PERIODIC MEETING SUMMARY FOR NEW YORK STATE
DEPARTMENT OF HEALTH (DOH)**

DATE OF MEETING: July 29, 2009

NRC Attendees	New York State Department of Health Attendees
James Kottan, Region I RSAO	Adela Salame-Alfie, PhD, Assistant Division Director
Monica Orendi, FSME	Stephen Gavitt, CHP, Bureau Director
	Robert Dansereau, Assistant Bureau Director
	Charles Burns, Section Chief
	Clayton Bradt, Principal Radiophysicist

DISCUSSION:

In November 2006, the Integrated Materials Performance Evaluation Program (IMPEP) review team found the DOH Agreement State Program's (the Program) performance to be satisfactory for all common and non-common performance indicators with the exception of the Compatibility Requirements non-common performance indicator. This indicator was found to be unsatisfactory. Additionally, one recommendation was made by the review team regarding the Program. On February 8, 2007, the Management Review Board (MRB) met to consider the IMPEP review team's proposed findings regarding the Program. The MRB found the Program adequate to protect public health and safety and not compatible with NRC's program. Accordingly, the MRB determined that the Program should continue on Heightened Oversight. Further, the MRB requested that the Program revise and submit their Program Improvement Plan (the Plan) and that bi-monthly conference calls continue. The MRB determined that a periodic meeting should take place in November 2007.

Subsequent to the November 2007 periodic meeting, the MRB met on March 24, 2008, to consider the findings of the November 2007 periodic meeting. The MRB requested that calls between DOH and NRC staffs continue to be conducted quarterly to discuss DOH's revised Plan regarding their performance with compatibility requirements. The MRB also determined that a periodic meeting should take place in the spring/summer of 2009. This summary describes this periodic meeting.

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

The review team recommended that DOH develop and implement an action plan to adopt NRC regulations in accordance with the current NRC policy on adequacy and compatibility.

Status: The Program is in the process of enacting regulations to make the Program compatible with NRC's program. Revised Plans have been submitted to NRC periodically (ML091271106, ML091271108, ML072840063 and ML072840069). DOH is coordinating development with the New York City Department of Health and Mental Hygiene (NYC) where necessary. The latest

Plan submitted to NRC calls for having the final regulations required for compatibility adopted by the third quarter of 2010.

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

OTHER TOPICS COVERED DURING THE MEETING INCLUDED:

Program Strengths

A well-trained, stable, experienced and credentialed staff is the strength of the Program. Mr. Gavitt stated that an additional strength was the program equipment, and the fact that the staff was well trained in the use of the equipment. The Program also maintains emergency/incident response vehicles. One is a mobile sample analysis laboratory containing sample preparation facilities and high resolution gamma spectrometry and gas flow proportional counting equipment. The other vehicles are mobile air sampling and monitoring facilities. In addition the Program provides in-house training on such topics as new modalities, and staff is being cross trained in order to strengthen the Program.

Feedback on NRC's Program

The Program noted that the National Source Tracking System (NSTS) appeared to still have a number of problems. DOH has about 50 Category 1 and 2 licensees and about 800 Category 3 and one tenth of Category 3 licensees. All of these licensees are in the NSTS system, and this makes the system cumbersome to use. The Program noted that the Category 3 and one tenth of Category 3 licensees need to be removed from the system, but this has not yet been done. Also, the Program noted that NSTS is not working with regard to obtaining information for conducting inspections. The Program commented that both the overall relationship with NRC and communications with NRC are good. In particular, the Program noted the invitation to accompany NRC inspectors on inspections in New York State, and NRC's funding of training.

Agreement State Program Staffing and Training

The Program staff consists of 12 individuals including the supervisor. There is one staff vacancy. Other than the one vacancy, the program is fully staffed.

Support for staff training exists in the Program. DOH welcomed NRC's revised policy on funding training for Agreement States. Program staff has attended NRC and other training courses, including NRC's Security Systems and Principles Course. DOH noted that other activities that are not specifically training, such as participation on IMPEP teams and attendance at meetings, also provide valuable opportunities for knowledge sharing.

Organization

The Program is administered by the Radioactive Materials Section of the Bureau of Environmental Radiation Protection (Bureau). The Bureau is part of the Division of Environmental Health Investigations in the New York State Department of Health. In addition to the Program, the Bureau is responsible for radiation producing machines, radiological emergency response, and environmental radiation/radon. The Bureau experienced a minor

reorganization since the last periodic meeting. The position of Assistant Bureau Director was created and filled with the former Chief of the Radioactive Materials Section.

Program Budget/Funding

Mr. Gavitt stated that the program is adequately funded for now. Funding sources for the Bureau include fees, grants, contract monies, and appropriations. The last fee update for the Bureau occurred in 2001. There are no restrictions on in-State travel, and out-of-State travel is permitted for training if an outside source is funding the training.

Inspection Program

DOH's inspection frequencies are at least as frequent as NRC's. No inspections were overdue with respect to NRC inspection priorities. The Program maintains a database to monitor inspection scheduling and tracking. Management is aware of the importance of inspection program schedules. The Program has completed the first round of Increased Controls inspections and continues to conduct Increased Controls inspections.

The Program had no licensing actions that were overdue. Mr. Gavitt stated that the number of licenses has remained approximately constant over the last several years at about 1,100 licenses. Mr. Gavitt also stated that DOH is aware of the requirement for "pre-licensing" visits, and pre-licensing visits will be conducted; however, Mr. Gavitt inquired as to the need to conduct pre-licensing visits for nuclear cardiology. He stated that if the cardiologist is medically licensed in New York and working in New York, then why conduct the pre-licensing visit for this type of low-risk licensee. NRC will review this issue and provide a response to the Bureau.

Regulations

The Program submitted the latest version of their Plan to NRC in April 2009 (ML09 1271106 and ML091271108). NRC staff concluded that the DOH Plan is a reasonable and realistic approach to addressing the DOH compatibility requirements with NRC. NRC staff review concluded that the tasks, milestones, and assignments for finalizing each overdue or upcoming regulation appeared reasonable and achievable. The Plan calls for the completion of the remaining overdue regulations by the third quarter of 2010.

The following regulations are overdue:

- "Quality Management Program and Misadministrations," 10 CFR Part 35 amendment (56 FR 34104), that became effective on January 27, 1992, and was due for Agreement State adoption by January 27, 1995. (RATS ID 1992-1)
- "Medical Administration of Radiation and Radioactive Materials," 10 CFR Parts 20 and 35 amendment (60 FR 48623), that became effective on October 20, 1995, and was due for Agreement State adoption by October 20, 1998. (RATS ID 1995-7)
- "Termination or Transfer of Licensed Activities: Recordkeeping Requirements," 10 CFR Parts 20, 30, 40, 61, and 70 amendment (61 FR 24669), that became effective on June 17, 1996, and was due for Agreement State adoption by June 17, 1999. (RATS IS 1996-3)

- “Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction With an Agreement State,” 10 CFR Part 150 amendment (62 FR 1662), that became effective on February 27, 1997, and was due for Agreement State adoption by February 27, 2000. (RATS ID 1997-2)
- “Criteria for the Release of Individuals Administered Radioactive Material,” 10 CFR Parts 20 and 35 amendment (62 FR 4120), that became effective on May 29, 1997, and was due for Agreement State adoption by May 29, 2000. (RATS ID 1997-3)
- “Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations,” 10 CFR Parts 30, 34, 71, and 150 amendment (62 FR 28947), that became effective on June 27, 1997, and was due for Agreement State adoption by June 27, 2000. (RATS ID 1997-5)
- “Radiological Criteria for License Termination,” 10 CFR Parts 20, 30, 40, and 70 amendment (62 FR 39057), that became effective on August 20, 1997, and was due for Agreement State adoption by August 20, 2000. (RATS ID 1997-6)
- ”Deliberate Misconduct by Unlicensed Persons,” 10 CFR Parts 30, 40, 61, 70, 71 and 150 amendment (63 FR 1890, 63 FR 13773), that became effective on February 12, 1998, and was due for Agreement State adoption on February 12, 2001. (RATS ID 1998-1)
- “Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations,” 10 CFR Part 34 amendment (63 FR 37059), that became effective on July 9, 1998, and was due for Agreement State adoption by July 9, 2001. (RATS ID 1998-4)
- “Minor Corrections, Clarifying Changes, and a Minor Policy Change,” 10 CFR Parts 20, 30, 40, and 70 amendment (63 FR 39477, 63 FR 45393), that became effective on October 26, 1998, and was due for Agreement State adoption by October 26, 2001. (RATS ID 1998-5)
- “Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” 10 CFR Part 39 amendment (65 FR 20337), that became effective on May 17, 2000, and was due for Agreement State adoption by May 17, 2003. (RATS ID 2000-1)
- “New Dosimetry Technology,” 10 CFR Parts 34, 36, and 39 amendment (65 FR 63749), that became effective on January 8, 2001, and was due for Agreement State adoption by January 8, 2004. (RATS ID 2000-2)
- ”Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material,” 10 CFR Parts 30, 31 and 32 amendment (65 FR 79162), that became effective on February 16, 2001, and was due for Agreement State adoption by February 16, 2004. (RATS ID 2001-1)
- “Revision of the Skin Dose Limit,” 10 CFR Part 20 amendment (67 FR 16298), that became effective on April 5, 2002, and was due for Agreement State adoption by April 5, 2005. (RATS ID 2002-1)

- "Medical Use of Byproduct Material," 10 CFR Parts 20, 32 and 35 amendment (67 FR 20249), that became effective on October 24, 2002, and was due for Agreement State adoption by October 24, 2005. (RATS ID 2002-2)
- "Financial Assurance for Materials Licensees," 10 CFR Parts 30, 40, and 70 amendment (68 FR 57327), that became effective on December 3, 2003, and was due for Agreement State adoption by December 3, 2006. (RATS ID 2003-1)
- "Security Requirements for Portable Gauges Containing Byproduct Material," 10 CFR Part 30 amendment (70 FR 2001), that became effective on July 11, 2005, and was due for Agreement State adoption by July 11, 2008. (RATS ID 2005-1)
- "Medical Use of Byproduct Material - Recognition of Specialty Boards," 10 CFR Part 35 amendment (70 FR 16336; 71 FR 1926), that became effective on April 29, 2005, and was due for Agreement State adoption by April 29, 2008. (RATS ID 2005-2)
- "Minor Amendments," 10 CFR Parts 20, 30, 32, 35, 40, and 70 amendment (71 FR 15005), that became effective on March 27, 2006, and was due for Agreement State adoption by March 27, 2009. (RATS ID 2006-1)

Mr. Dansereau stated that RATS IDs 1997-2, 1997-3, and 1999-3 were being implemented by license condition, and he would send these license conditions to the NRC for review.

Event Reporting

DOH communicates reportable incidents to the NRC Operations Center and Region I when appropriate in a prompt manner. Since the last periodic meeting in November 2007, seven events were reported to NRC. Mr. Gavitt stated that the majority of events that occur in New York are related to machine produced ionizing radiation rather than the use of radioactive material.

Response to Incidents and Allegations

DOH continues to be sensitive to notifications of incidents and allegations. Two incidents and one allegation were referred to the program since the last periodic meeting in November 2007.

Action Items Resulting From the Meeting

NRC:

-FSME will follow-up on DOH's concerns regarding NSTS.

-FSME will provide an answer to DOH regarding pre-licensing visits to licensees of low risk (nuclear cardiologists).

-FSME will provide guidance to DOH on Increased Controls inspection frequencies.

DOH:

DOH will send license conditions for RATS IDs 1997-2, 1997-3, and 1999-3 to the NRC for review.

CONCLUSIONS:

The overall performance of the Program continues to be good. The Program staff is experienced, well trained, and remains stable. The program is adequately funded. DOH continues to make progress on adopting overdue regulations.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2011 (tentatively November 2010).

**AGREEMENT STATE PERIODIC MEETING SUMMARY FOR KENTUCKY DEPARTMENT
FOR PUBLIC HEALTH (DPH)**

DATE OF MEETING: September 15, 2009

NRC Attendees	Kentucky Department For Public Health
James Kottan, Region I RSAO	Dewey Crawford, Radiation Control Program Administrator
Michelle Beardsley, FSME	Matthew McKinley, Radiation Health Supervisor

DISCUSSION:

During the 2008 Integrated Materials Performance Evaluation Program (IMPEP) review of the Kentucky Agreement State Program (the Program), the review team found the Commonwealth's performance satisfactory for five performance indicators and satisfactory, but needs improvement, for three performance indicators. Six recommendations were made by the IMPEP review team. On October 28, 2008, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Kentucky Agreement State Program. The MRB found the Kentucky program adequate to protect public health and safety, but needs improvement, and compatible with the NRC program. The MRB requested that Kentucky continue to remain in monitoring status, and that calls between the DPH and NRC staffs continue to be conducted quarterly, and that a periodic meeting take place approximately one year from the 2008 IMPEP review.

This summary describes that periodic meeting.

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

1. The review team recommended that the Commonwealth revise its inspection procedures to require documentation of the closure of any previous violation, verification of corrective actions and evaluation of preventive measures implemented by the licensee both in the inspection documentation and during the exit meeting with the licensee.

Status: The Program has revised their inspection procedures to address this recommendation and has trained the staff on the revised procedures.

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

2. The review team recommended that the Commonwealth discuss previous inspection findings, corrective actions, and any potential violations with the licensee during inspections.

Status: The Program has revised their inspection procedures to address this recommendation and has trained the staff on the revised procedures.

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

3. The review team recommended that the Commonwealth use its own calibrated radiological survey equipment to perform independent confirmatory surveys during inspections.

Status: The Program has revised their inspection procedures to address this recommendation and has trained the staff on the revised procedures and the need to use Program equipment when conducting radiation surveys/measurements at licensee facilities.

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

4. The review team recommended that the Commonwealth develop and implement a reliable mechanism to identify when a license is in need of a comprehensive renewal, identify these licenses, and develop and implement a plan to perform these renewals.

Status: The Program has put in place a revised data base that tracks licensing actions and identifies when a license is in need of a comprehensive renewal.

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

5. The review team recommended that the Commonwealth integrate the pre-licensing requirements of FSME 07-026 into their licensing program and reevaluate new licenses issued since September 2007 for implementation of these requirements.

Status: The Program has put in place a specific procedure to implement the requirements of FSME 07-026; Program staff have received training on this procedure. These requirements have been implemented for new licenses issued since September 2007.

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

6. The review team recommended that the Commonwealth develop and implement a mechanism to verify the implementation of the approved quality assurance and quality control program of the Sealed Source and Device (SS&D) manufacturer's program.

Status: The Program has taken action on this recommendation. Changes were made to the manufacturing and distribution inspection forms so that during inspections of SS&D manufacturers, the staff verifies the implementation of the manufacturers' approved quality assurance and quality control programs.

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

OTHER TOPICS COVERED DURING THE MEETING INCLUDED:

Program Strengths

An enthusiastic staff with a balanced work load and a good relationship with management is the strength of the Program. The staff is working to become more efficient, and to strengthen the Program, Radiation Producing Machines Section staff are being cross-trained to perform inspections in the medical area of the materials program. Program management has a clear

vision for the Program. New policies and procedures have been implemented, and more training time is being allocated to the staff.

Feedback on NRC's Program

The Program commented that both the overall relationship and communications with NRC are good. The Program welcomed NRC's funding of training. The National Source Tracking System (NSTS) continues to be an issue for the Program. The Program has yet to obtain access to the NSTS system, but stated that they will continue to work to resolve this problem, particularly the computer interface issues. In general, the Program found the NRC systems cumbersome to use.

Additionally, the Program noted "creep" in the requirements being implemented on the Program by various Federal Agencies in areas such as emergency planning and transportation. The Program would prefer that one Federal Agency, NRC, provide coordination on all radioactive materials issues.

Agreement State Program Staffing and Training

The Program staff consists of nine individuals including the supervisor. The Program is fully staffed. Since the previous IMPEP, two vacancies in the Program were filled, both with experienced individuals.

Support for staff training exists in the Program. Kentucky welcomed NRC's revised policy on funding training for Agreement States. Program staff has attended NRC and other training courses, including NRC's Security Systems and Principles Course. The Program Supervisor noted that other activities that are not specifically training, such as participation on IMPEP teams and attendance at meetings, also provide valuable opportunities for knowledge sharing. The Program has allocated up to 4 weeks of training for each member of the staff. Additionally, a core training program has been developed, and the two recent hires will complete the new training program.

Organization

The Program is administered by the Radioactive Materials Section of the Radiation Health Branch (Branch). The Branch is part of the Division of Public Health Protection and Safety in the Kentucky Department for Public Health. In addition to the Program, the Branch is responsible for radiation producing machines, radiological emergency response, and environmental radiation/radon.

Program Budget/Funding

Mr. Crawford stated that the program is adequately funded for now. Funding sources for the Bureau include fees, grants, and appropriations. Program fees are approximately 10 percent of NRC fees. Fee revenues are not adequate to fund the Program, but any short falls are made up by general fund appropriations.

Inspection Program

DPH's inspection frequencies are at least as frequent as NRC's. No Priority 1 or Priority 2 inspections were overdue with respect to NRC inspection frequencies. About 30 other inspections were past due. Mr. McKinley stated that the inspection backlog was manageable and not a burden on the Program. The Program maintains a database to monitor inspection scheduling and tracking and is working on a new database. Rather than develop an in-house database, Kentucky will utilize a data base system that is available from another Agreement State. Management is aware of the importance of inspection program schedules. The Program has completed the first round of Increased Controls inspections and continues to conduct Increased Controls inspections as part of the routine health and safety inspections.

The Program had no licensing actions that were overdue. Mr. McKinley stated that the number of licenses has remained approximately constant over the last several years at about 440 licenses. Mr. McKinley also stated that the Program is aware of the requirement for "pre-licensing" visits, and pre-licensing visits will be conducted. The Program averages about 60 licensing actions per month, including about 7 amendments in entirety.

Regulations and Legislative Changes

There have not been any legislative changes or proposals that have affected the Program. There has been legislation proposed that would prohibit the construction of a nuclear power plant in Kentucky unless there is a solution for the disposal of the associated radioactive waste.

The following regulations are overdue:

- "Low-Level Waste Shipment Manifest Information and Reporting," 10 CFR Parts 20 and 61 amendment (60 FR 15649 and 60 FR 25983), that was due for Agreement State implementation on March 1, 1998. (RATS ID 1995-3)
- "Clarification of Decommissioning Funding Requirements," 10 CFR Parts 30, 40, and 70 amendment (60 FR 38235), that was due for Agreement State implementation on November 24, 1998. (RATS ID 1995-6)
- "Medical Administration of Radiation and Radioactive Materials," 10 CFR Parts 20 and 35 amendment (60 FR 48623), that was due for Agreement State implementation on October 20, 1998. (RATS ID 1995-7)
- "10 CFR Part 71: Compatibility with the International Atomic Energy Agency," 10 CFR Part 71 amendment (60 FR 50248 and 61 FR 28724), that was due for Agreement State implementation on April 1, 1999. (RATS ID 1996-1)
- "Minor Corrections, Clarifying Changes and a Minor Policy Change," 10 CFR Parts 20, 35, and 36 amendment (63 FR 39777 and 63 FR 45393), that was due for Agreement State implementation on October 26, 2001. (RATS ID 1998-5)

- “Transfer for Disposal and Manifests: Minor Technical Conforming Amendment,” 10 CFR Part 20 amendment (63 FR 50127), that was due for Agreement State implementation on November 20, 2001. (RATS ID 1998-6)
- “Respiratory Protection and Controls to Restrict Internal Exposure,” 10 CFR Part 20 amendment (64 FR 54543 and 64 FR 55524), that was due for Agreement State implementation on February 2, 2003. (RATS ID 1999-3)
- “Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” 10 CFR Part 39 amendment (65 FR 20337), that was due for Agreement State implementation on May 17, 2003. (RATS ID 2000-1)
- “New Dosimetry Technology,” 10 CFR Parts 34, 36, and 39 amendment (65 FR 63749), that was due for Agreement State implementation on January 8, 2004. (RATS ID 2000-2)
- “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material,” 10 CFR Parts 30, 31, and 32 amendment (65 FR 79162), that was due for Agreement State implementation on February 16, 2004. (RATS ID 2001-1)
- “Revision of the Skin Dose Limit,” 10 CFR Part 20 amendment (67 FR 16298), that was due for Agreement State implementation on April 5, 2005. (RATS ID 2002-1)
- “Medical Use of Byproduct Material,” 10 CFR Parts 20, 32, and 35 amendment (67 FR 20250), that was due for Agreement State implementation on October 24, 2005. (RATS ID 2002-2)
- “Financial Assurance for Materials Licensees,” 10 CFR Parts 30, 40, and 70 amendment (68 FR 57327), that was due for Agreement State implementation on December 3, 2006. (RATS ID 2003-1)
- “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 implementation on October 1, 2007. (RATS ID 2004-1)
- “Medical Use of Byproduct Materials - Recognition of Specialty Boards - Part 35,” 10 CFR Part 35 amendment (70 FR 16336 and 71 FR 1926), that was due for Agreement State implementation on April 29, 2008. (RATS ID 2005-2)
- “Security Requirements for Portable Gauges Containing Byproduct Material,” 10 CFR Part 30 amendment (70 FR 2001), that was due for Agreement State implementation on October 1, 2007. (RATS ID 2005-1)
- “Minor Amendments,” 10 CFR Parts 20, 30, 32, 35, 40, and 70 amendment (71 FR 15005), that was due for Agreement State implementation on March 27, 2009. (RATS ID 2006-1)

The Program plans to submit the above regulations to the Cabinet for Health and Family Services for review by October 1, 2009, and to the Legislative Review Committee for review by October 15, 2009. After these reviews, the regulations will be available for public comment.

Event Reporting

The Program communicates reportable incidents to the NRC Operations Center and Region I when appropriate in prompt manner. Since the last periodic meeting in August 2008, four events were reported to NRC. All of these events were medical events.

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 on-site 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 implementing the currently overdue NRC regulations. Other Program initiatives involve decommissioning of an old refractory manufacturing facility, environmental monitoring of a gaseous diffusion facility in the Commonwealth, and remediation issues with EPA at the former low-level radioactive waste site located in the Commonwealth. The Program is also involved in emergency response efforts with Federal, Commonwealth, and local law enforcement and fire departments.

Commonwealth's Mechanisms to Evaluate Performance

Mr. Crawford stated that the Branch conducts self assessments by tracking program statistics, supervisor accompaniments of inspectors, assessing time management, holding monthly staff program meetings and by peer and supervisory review of licensing actions and inspection results.

Action Items Resulting From the Meeting

NRC:

- FSME will provide Kentucky with copies of selected ANSI Standards and NRC Forms 4 and 5.
- FSME will provide a response to Kentucky regarding NRC serving as a focal point for coordination among Federal Agencies for issues involving radiation and radioactive materials.

DPH:

- DPH will review RATS ID 1997-5 for implementation.

CONCLUSIONS:

Kentucky's program continues to improve. Kentucky has been responsive to the recommendations that were made during the 2008 IMPEP review. All of the recommendations made during the IMPEP have been addressed. Draft overdue regulations were submitted for NRC review, NRC comments were incorporated, and the regulations have begun the process for State approval. Although Kentucky cannot predict a date for implementation of the final regulations, they are hoping for a fall 2009 implementation. The program is adequately staffed. The effort to reduce the inspection backlog continues.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2012 (tentatively August 2012).

**AGREEMENT STATE PERIODIC MEETING SUMMARY FOR GEORGIA DEPARTMENT OF
NATURAL RESOURCES (DNR)**

DATE OF MEETING: October 28, 2009

NRC Attendees	Georgia DNR
James Kottan, Region I RSAO	James Sommerville, Chief, Program Coordination Branch
Monica Orendi, FSME	Ted Jackson, Program Manager, Environmental Emergency and Radiation Program
	Cynthia Sanders, Manager, Radioactive Materials Program

DISCUSSION:

During the 2008 Integrated Materials Performance Evaluation Program (IMPEP) review of the Georgia Agreement State Program, the review team found the State's performance satisfactory for three performance indicators and satisfactory, but needs improvement, for four performance indicators. Two recommendations were made by the IMPEP review team, and two recommendations were carried over from the previous IMPEP. On December 4, 2008, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Georgia Agreement State Program. The MRB found the Georgia program adequate to protect public health and safety, but needs improvement, and compatible with NRC's program. The MRB directed NRC staff to initiate a period of monitoring, and requested that calls between the Georgia DNR and NRC staffs be conducted quarterly, and directed that a periodic meeting take place approximately 1 year from the 2008 IMPEP review.

This summary describes that periodic meeting.

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

1. The review team recommended that Georgia 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.

Status: The Program has developed and implemented a policy and procedure for formal qualification of staff that includes written documentation and supervisor endorsement of competency in each program area.

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

2. The review team recommended that Georgia update their inspection procedures and enforcement guidance to include the requirements for timely follow up of Increased Controls violations.

Status: The Program has revised their inspection procedure to address this recommendation and has trained the staff on the revised procedure.

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

3. The review team recommended that Georgia develop and implement a process for conducting annual accompaniments of all radiation compliance inspectors by a supervisor. (Carryover recommendation from the 2004 IMPEP.)

Status: The Program Supervisor is conducting annual accompaniments of inspectors. The accompaniments are documented in an Accompaniments Tracking Log.

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

4. The review team recommended that Georgia qualify one additional reviewer in Sealed Source and Device (SS&D) evaluations to provide backup for the principal reviewer. (Carryover recommendation from the 2004 IMPEP.)

Status: Mr. Sommerville stated that a Division meeting is planned to discuss filling this position. A job solicitation has been posted for this vacancy. The Program anticipates that this position can be filled because the position is fee funded rather than general revenue funded.

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

OTHER TOPICS COVERED DURING THE MEETING INCLUDED:

Program Strengths

An enthusiastic staff that accepts responsibility and takes ownership of their Program areas is the strength of the Program. The Program has recovered from a significant turnover of staff, and now has a good mix of staff with respect to experienced staff and new hires. There is support for staff training throughout the Program management chain. The regulations are up to date. The Program has been responsive to the recommendations from the latest IMPEP review. DNR management has a clear vision for the Program.

Feedback on the NRC's Program

The Program commented that both the overall relationship and communications with the NRC are good. The Program welcomed NRC's funding of training; however, the Program commented that they would like more training slots to be made available to the Agreement States, especially in the medical and radiography training courses. Additionally, they would like NRC to fund the 5-week Oak Ridge Health Physics Course. Georgia has not had any major issues with the National Source Tracking System.

Agreement State Program Staffing and Training

The Program staff consists of nine individuals including the supervisor. There is one staff vacancy, the additional SS&D reviewer. Additionally, the Program staff includes a secretary and

a technical assistant. Since the previous IMPEP there have been no changes in Program staffing.

Support for staff training exists in the Program. Georgia welcomed NRC's revised policy on funding training for Agreement States. Program staff has attended NRC and other training courses, including NRC's Security Systems and Principles Course. The Program Manager noted that other activities that are not specifically training, such as attendance at meetings, also provide valuable opportunities for knowledge sharing. In response to recommendations made during the last IMPEP review, the Program has developed core training course requirements for program staff.

Organization

The Georgia Agreement State Program is administered by the Radioactive Materials Program of the Emergency Response and Radiation Section of the Program Coordination Branch. The Branch is a part of the Environmental Protection Division of the Georgia Department of Natural Resources. Since the most recent IMPEP review, the Director of the Environmental Protection Division resigned and the new replacement is F. Allen Barnes.

Program Budget/Funding

Mr. Sommerville stated that the program is adequately funded for now. The Program is funded by fees. The funds are placed into a restricted account that is reserved for the Program. Although the Program is adequately funded, Mr. Sommerville noted that Georgia has not had a fee increase since 1992. Funding is adequate for training, but because of overall State budget constraints, training requests are required to go through a management approval process.

Inspection Program

The Program's inspection frequencies are at least as frequent as NRC's. One Priority 1 inspection and one Priority 2 inspection were overdue by more than 6 months. The Program has completed the first round of Increased Controls inspections and continues to conduct Increased Controls inspections as part of the routine health and safety inspections. There have not been any new Increased Controls licensees since the last IMPEP review. About 30 other inspections were past due. Ms. Sanders stated that the inspection backlog was manageable and not a burden on the Program. The Program monitors and tracks inspection scheduling. Management is aware of the importance of inspection program schedules.

The Program had no licensing actions that were overdue. Ms. Sanders stated that the number of licenses has remained approximately constant over the last several years at about 525 licenses. Ms. Sanders 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 400 licensing actions per year.

Regulations and Legislative Changes

There have not been any legislative changes or proposals that have affected the Program. Georgia is up-to-date with respect to implementation of the regulations. There are no overdue regulations.

Event Reporting

The Program communicates reportable incidents to the NRC Operations Center and Region I when appropriate in a prompt manner. Since the last IMPEP review in September 2008, seven events were reported to 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 implementing the programs that have been put into place in response to the recommendations made during the last IMPEP review. Other Program initiatives involve decommissioning of a naturally occurring radioactive material facility and a cyclotron, and also the licensing of treatment systems for removal of uranium from drinking water. The Program is also involved in tritium gun sight and irradiator modification licensing issues.

Commonwealth's Mechanisms to Evaluate Performance

Ms. Sanders and Mr. Sommerville stated that the Branch conducts self assessments by tracking program statistics, supervisor accompaniments of inspectors, and providing monthly Program reports to the Division Director. Additionally, Program budget audits are conducted by the Office of Planning and Budget.

Action Items Resulting From the Meeting

NRC:

-FSME will make arrangements to assist in training the new Georgia staff individual, once hired, in conducting SS&D reviews by arranging for observation of NRC SS&D reviewers.

DNR:

-DNR will provide their regulations to NRC to resolve and clarify the status of RATS IDs 1991-4, 1998-5, and 1999-3.

CONCLUSIONS:

Georgia's program continues to improve. Georgia has been responsive to the recommendations that were made during the 2008 IMPEP review. All of the recommendations made during the IMPEP review have been addressed. The program is adequately staffed. The effort to reduce the inspection backlog continues.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2012 (tentatively September 2012).

**Agenda for Management Review Board Meeting
January 7, 2010, 2:30 p.m. - 4:00 p.m. EST, T-2-B5**

1. Announcement of Public Meeting to all attendees and request for identification of any members of the public participating in this meeting.
2. MRB Chair convenes meeting. Introduction of MRB members, Agreement State representatives, and other participants.
3. Discussion of Periodic Meetings:
 - a. New York
 - City Health – (July 16, 2009) – ML092250514 – Kottan/Orendi
 - State Environment – (July 28, 2009) – ML092360087 – Kottan/Orendi
 - State Health – (July 29, 2009) – ML092360162 – Kottan/Orendi
 - b. Kentucky
 - (September 15, 2009) – ML092020245 – Kottan/Beardsley
 - c. Georgia
 - (October 28, 2009) – ML092260146 – Kottan/Orendi
4. Adjournment

Invitees:	Charles Miller, FSME	James Kottan, Region I
	Bradley Jones, OGC	Monica Orendi, FSME
	Cynthia Carpenter, FSME	Michelle Beardsley, FSME
	Mark Satorius, Region III	Aaron McCraw, FSME
	George Johns, MN	Karen Meyer, FSME
	Cynthia Sanders, GA	Rob Lewis, FSME
	Dewey Crawford, KY	Terrence Reis, FSME
	Steve Gavitt, NY	Duncan White, FSME
	Gene Miskin, NY	Mike Franovich, OEDO
	Sandra Hinkel, NY	Tim Rice, NY