

GEORGIA DEPARTMENT OF NATURAL RESOURCES (DNR) MONITORING  
CONFERENCE CALL  
June 4, 2012

<b>Nuclear Regulatory Commission (NRC) Attendees</b>	<b>Georgia DNR Attendees</b>
Monica Orendi, RSAO, Region I	Cynthia Long, Manager, Radioactive Materials Program
Ray Lorson, Region I	Chuck Mueller, Policy Advisor
Donna Janda, Region I	
Duncan White, FSME	
Michelle Beardsley, FSME	
Lisa Dimmick, FSME	
Jim Lynch, Region III	

## **BACKGROUND**

During the 2008 Integrated Materials Performance Evaluation Program (IMPEP) review of the Georgia Agreement State Program (the 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 review. 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 the NRC program. The MRB directed NRC staff to initiate a period of monitoring, requested that calls between the Georgia DNR and NRC staff be conducted quarterly, and that a Periodic Meeting take place in approximately September 2009. DNR provided their response to the IMPEP findings in a letter dated December 4, 2008. NRC acknowledged DNR's responses in a letter dated January 2, 2009. NRC staff concluded that the DNR responses are addressing the recommendations in the IMPEP report in a reasonable and realistic manner. The NRC staff review noted that action was being taken on three of the four recommendations and the tasks, milestones, and assignments for completing the recommendations appeared reasonable and achievable. Action on the fourth recommendation was limited by State budget constraints.

Quarterly conference calls began in March 2009 and a Periodic Meeting was held in October 2009. Subsequent to the October 2009 Periodic Meeting, the MRB met on January 7, 2010 to consider the findings of the Periodic Meeting. The MRB directed that the State remain on monitoring and that calls between the State and the NRC continue to be conducted quarterly. Another Periodic Meeting was held with Georgia on April 26, 2011. Subsequent to the April 2011 Periodic Meeting, the MRB met on August 16, 2011 to consider the findings of the Periodic Meeting. The MRB again directed that the State remain on monitoring and that calls between the State and the NRC continue to be conducted quarterly. This is the third quarterly conference call with DNR since the August 16, 2011 MRB.

## **DISCUSSION OF PROGRAM STATUS**

Mrs. Long led the discussion of the State's status for each of the IMPEP performance indicators.

### Technical Staffing and Training (2008 IMPEP: Satisfactory but Needs Improvement)

The Program staff currently consists of nine individuals, which includes the Program manager. There are three staff vacancies - two technical positions and one administrative position. During

the February 2012 call, the Program had not been given official approval to fill any of the vacancies; however there was a possibility that the Program would be able to fill one of the technical positions. This position might have been able to be filled by someone from a pool of candidates being interviewed for several open positions in the Georgia DNR. After looking at the pool of candidates it was determined that these were general specialists who lacked the technical expertise needed to fill one of the Program's vacancies. The Program is receiving some administrative help from outside the Program. Mrs. Long stated that Program staff is working together as a team to maintain the Program and pick up the workload of the departed staff. Mr. Mueller also mentioned budget issues facing the Program. The Program is now required to pay a higher percentage of its employee's health benefits. This additional cost equals close to 1 budgeted full time equivalent staff person. The Program is 100 percent supported by fees.

The Program continues to support staff training and utilizes NRC training courses when available. Mrs. Long also stated that a few of her staff had applied several times to a course and had not yet been accepted. Those staff names and associated course were provided to the Office of Federal and State Materials and Environmental Management Programs for follow up.

The 2008 IMPEP review team generated one recommendation for this performance indicator. The recommendation is listed below along with its status.

**Recommendation 1:** The review team recommends 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.

**Status:** The Program has developed and implemented a policy and procedure for formal qualification of staff. All staff are now fully qualified with the exception of the junior staff member. Staff licensing actions are undergoing review by Mrs. Long, and peer reviews of licensing actions have also been implemented. Mrs. Long is conducting training accompaniments with staff as part of the inspection qualification program. Georgia staff are attending NRC sponsored training courses, and Georgia is attempting to place as many staff as possible into the training courses in order to respond to the recommendation in this area.

#### Status of the Materials Inspection Program (2008 IMPEP: Satisfactory but Needs Improvement)

The Program's inspection frequencies are at least as frequent as NRC's. Mrs. Long stated that as of May 31, 2012 there are no Priority 1 inspections overdue, two Priority 2 inspections overdue, and seven Priority 3 inspections overdue at the time of this call. The Program continues to perform reciprocity inspections with a goal of two reciprocity inspections per inspector per year. The Program is unsure if this effort meets the IMPEP criteria of inspecting 20 percent of the candidate licensees from the candidate pool in each calendar year. The Program was also unsure if there were any overdue initial inspections as of this call. On the last call the Program mentioned that they were aware of some overdue initial inspections and stated they were working to try and complete them.

#### Technical Quality of Inspections (2008 IMPEP: Satisfactory but Needs Improvement)

The 2008 IMPEP review team generated two recommendations for this performance indicator (one of which was left open from the 2004 IMPEP review). These recommendations are listed below along with their status.

**Recommendation 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:** Mrs. Long stated that the inspection procedures have been updated to include the guidance in FSME's RCPD-07-006 letter and that staff has been trained on the revised procedure. Increased Controls inspections are now being completed with the routine inspections.

**Recommendation 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. Mrs. Long stated that all Program staff was accompanied during calendar year 2010. Mrs. Long also stated that she completed six out of seven inspector accompaniments for calendar year 2011 and that the remaining junior staff member was accompanied by a senior staff member. Ms. Long has completed 1 inspection accompaniment in calendar year 2012.

#### Technical Quality of Licensing (2008 IMPEP: Satisfactory but Needs Improvement)

The Program currently has approximately 520 licensees. Georgia licensees are subject to a five year license renewal term. As of this call Georgia has approximately 104 licensing actions pending in-house. The Program receives 20 to 30 new actions per month and has completed 323 licensing actions in fiscal year 2012. The Program normally receives between 300 and 400 licensing actions per year.

At the start of this calendar year Ms. Long implemented a peer review process for licensing actions. Ms. Long stated that she makes the peer review assignments to her staff. This peer review process will help shift the workload of second reviews from Ms. Long to the staff so that Ms. Long can focus on other programmatic activities. The staff has been very receptive of this initiative.

#### Technical Quality of Incidents and Allegations (2008 IMPEP: Satisfactory)

The Program continues to be sensitive to notifications of incidents and allegations. 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, 14 events were reported to the NRC. It was noted during the April 2011 Periodic meeting that a few of the events had either not been closed out by the State or the reports were either not completed by the State or had additional information requests from Idaho National Laboratory. The Program is still following-up on these issues and is in the process of taking action as appropriate.

#### Compatibility Requirements (2008 IMPEP: Satisfactory)

There have not been any legislative changes or proposals that have affected the Program. Georgia has four overdue regulations due for adoption. Ms. Long stated that she is aware of the overdue regulations and will be making their adoption a top priority over the next few months.

The following regulations are currently overdue:

- "Notification of Incidents," 10 CFR Parts 20, 30, 31, 34, 39, 40, and 70 amendment (56 FR 64980), that was due for implementation on October 15, 1994. (RATS ID 1991-4)
- "Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements," 10 CFR Parts 30, 31, 32, and 150 amendment (72 FR 58473), that was due for implementation on December 17, 2010.

(RATS ID 2007-2)

- “Requirements for Expanded Definition of Byproduct Material,” 10 CFR Parts 20, 30, 31, 32, 33, 35, 61, and 150 amendment (72 FR 55864), that was due for implementation on November 30, 2010. (RATS ID 2007-3)
- “Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent,” 10 CFR Parts 19 and 20 amendment (72 FR 68043), that was due for implementation on February 15, 2011. (RATS ID 2008-1)

Georgia plans to have draft regulations covering RATS IDs: 2007-2, 2007-3, 2008-1, and 2009-1 submitted to the NRC in August 2012 and final regulations adopted and in place before the next IMPEP review which is tentatively scheduled for October 2012.

#### Sealed Source and Device (SS&D) Evaluation Program (2008 IMPEP: Satisfactory)

Georgia currently has one staff member qualified to do SS&D reviews. The Program is in the process of training two staff members to help with second reviews on SS&D actions. Both staff members have attended the SS&D course (one in the spring of 2009 and one in the fall of 2011). Since the 2008 IMPEP review the Program has received 16 SS&D actions. There are three actions still pending from 2009 and two actions pending from 2010. Mrs. Long stated the Program usually gets less than five SS&D actions per year. Ms. Long also stated that the Program expects to receive a higher than normal number of actions in the coming year due to the purchase of a Maryland based company by a Georgia based company. This purchase will necessitate the transfer of existing Maryland SS&D sheets into Georgia SS&D sheets.

Given the increasing workload and the inability to hire or train another qualified SS&D reviewer, the Program did entertain the idea of turning back the SS&D program to the NRC. Per Program management, while the idea of turning back the SS&D program isn't completely off the table, the Program has decided to move forward and keep the SS&D portion of the program. The Program will continue to analyze the sustainability of this part of the Program.

The 2008 IMPEP review team generated one recommendation for this performance indicator (which was held open from the 2004 IMPEP review). The recommendation is listed below along with its status.

**Recommendation 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:** Mrs. Long stated that this position remains unfilled at the present time. Due to budget constraints within the State, the Program has been unable to fill this vacant position. Mrs. Long is currently performing the second review for SS&D sheets. In the interim, Mrs. Long stated that the Program is working on qualifying two staff members to be able to perform the second review for SS&D sheets while the vacancy remains.

#### Conclusion

Georgia has been responsive to three of the four recommendations that were made during the 2008 IMPEP review. Staffing vacancies (one of which was noted during the 2008 IMPEP review and still has not been filled) and budget issues continue to impact the Program. The effort to reduce the licensing and inspection backlog continues. The Program has multiple overdue SS&D actions some dating back to 2009.

Next quarterly call: August 2012