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Division of Health Service Regulation

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May 7, 2014

Duncan White, Chief  
Agreement State Programs Branch  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and Env. Man. Programs  
US Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT: Response to North Carolina Draft 2014 IMPEP Report**

Dear Mr. White:

Thank you for the professionalism that your review team demonstrated 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, property and environment from hazards associated with radiation exposure.

The findings of the report were not entirely unexpected, but gave further insight in just how much improvement is needed in the program. We take your findings and recommendations seriously and have already begun addressing those specific issues and identifying and addressing root causes. I have made a recommendation for hire for the Environmental Program Consultant position, so that should be filled prior to the MRB. The vacant health physicist position has been posted and interviews should have occurred prior to the MRB. I have met with department human resources to also come up with a strategy to address failing salaries and staff turnover. I will also have a strategy for new management for the Branch soon.

I have reviewed the draft report and offer the following edits and comments for your consideration.

Radiation Protection Section

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### 3.1 Technical Staffing and Training

*3<sup>rd</sup> Paragraph, Add after the 1<sup>st</sup> sentence.*

In September 2013, the Branch Manager was moved to a reduced management role to fill the gap of the vacated Environmental Program Consultant position. This was necessary to make leadership changes and to continue the regulation writing efforts which became void due to the vacancy. The Section Chief, Lee Cox, has been the acting Radioactive Material Branch Manager since that time.

*4<sup>th</sup> Paragraph, Edit 4<sup>th</sup> sentence.*

Replace “random” with unconventional.

### 3.2 Status of Materials Inspection Program

*6<sup>th</sup> Paragraph, Comment on 3).*

The team may want to consider using some other than “confident” or eliminate 3 altogether. My comment is that findings are based on facts which you have stated in 1) and 2) to justify the finding. Lack of confidence stated in 3) is a feeling which is not backed by documented inaccuracies. While your comments in number 3) actually provide an excuse for non-performance, I don’t think it should be part of the report.

### 3.4 Technical Quality of Licensing Actions

*3<sup>rd</sup> Paragraph, Last sentence edit, General Comment on sentence 9*

..”the Branch committed to resolving the issue with” the new Distributed Version of Web Based Licensing (WBL) “so that .....

Comment on sentence 9: NUREG-1556 guidance document at least for industrial radiography licenses does not require that manufacturer and model numbers be listed in Item 7 of the license. I think you are referencing all licensing actions in this paragraph, so that statement may need to be revised. We have committed to listing those things in Item 7 in the new WBL, because we believe it is a good practice, but it is not required as stated in the report.

*5<sup>th</sup> Paragraph, 1<sup>st</sup> sentence Comment*

License reviewers have never had signature authority and will not in our new procedure. Only the Branch Manager has signature authority, but in this transitional period of me acting as Manager, I have granted that authority to the lead senior license reviewer as is noted in your report. It seems to me that by the report noting “that none of three license reviewers hired since the previous IMPEP review had obtained signature authority” it denotes a deficiency. Is that the team’s intent. I don’t think it is.

### 3.5 Technical Quality of Incident and Allegation Activities

*3<sup>rd</sup> Paragraph, Last sentence*

Replace Branch chief with Branch Manager.

4.2.2 Technical Quality of the Product Evaluation Program

*4<sup>th</sup> and 5<sup>th</sup> Paragraph, Comment*

In general these two paragraphs reference plural sheets and then “this registry”. Could this be reworked so it is clear as to what was specifically found?

Thank you for the opportunity to improve our program and give suggestions for the draft report. Do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Lee Cox, III", with a stylized flourish at the end.

W. Lee Cox, III  
Radiation Protection Section Chief

WLC

Enclosure(s): as stated.