

GEORGIA DEPARTMENT OF NATURAL RESOURCES (DNR)
BI-MONTHLY CONFERENCE CALL
June 26, 2014

Nuclear Regulatory Commission (NRC) Attendees	Georgia DNR Attendees
Monica Ford, Region I	David Crowley, Manager
Dan Collins, Region I	Karen Hays, Policy Advisor
Michelle Beardsley, FSME	Keith Bentley, Branch Chief

BACKGROUND

During the 2008 Integrated Materials Performance Evaluation Program (IMPEP) review of the Georgia Agreement State Program (Program), the review team found the State's performance satisfactory, but needs improvement for the indicators Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Licensing, and Technical Quality of Inspections and satisfactory for the indicators Technical Quality of Incidents and Allegations, Compatibility Requirements, and Sealed Source and Device Evaluation. 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 Program. The MRB found the Program adequate to protect public health and safety, but needs improvement, and compatible with the NRC's program. The MRB directed NRC staff to initiate a period of monitoring for the Program.

During the 2012 IMPEP review the review team found the State's performance unsatisfactory for the indicators Technical Quality of Inspections and Technical Quality of Incidents and Allegations; satisfactory but needs improvement for the indicators Technical Staffing and Training, Status of Materials Inspection Program, and Technical Quality of Licensing; and satisfactory for the indicators Compatibility Requirements and Sealed Source and Device Evaluation. Twelve recommendations were made by the IMPEP team, one of which was carried over from the 2004 and 2008 IMPEP reviews. On January 17, 2013 the MRB met to consider the proposed final IMPEP report on the Program. The MRB found the Program adequate to protect public health and safety but needs improvement and compatible with the NRC's program. The MRB stated that it would recommend to the Commission that the Program be placed on probation and until such time as the Commission votes, the Program would be on Heightened Oversight. The MRB also directed that another full IMPEP review take place one year from the date of the MRB. SECY-13-0051, conveying the IMPEP findings and the MRB's recommendation, was presented for Commission vote on May 9, 2013. On August 1, 2013 the Commission sent a letter to Georgia Governor Nathan Deal informing him of their decision to place the Program on probation (ML13193A193). A press release, letters to Congress, and a Federal Register Notice were also issued.

In January 2014 another full IMPEP review of the Program took place. The review team found the State's performance satisfactory for the indicators Technical Staffing and Training, Technical Quality of Licensing Acts, Technical Quality of Incidents and Allegations, and Compatibility Requirements; satisfactory but needs improvement for the indicator Technical Quality of Inspections; and unsatisfactory for the indicator Status of Materials Inspection Program. One new recommendation was made and two recommendations were kept open from the 2012 IMPEP review. On April 17, 2014 the MRB met to consider the proposed final IMPEP report on the Program. The MRB found the Program adequate to protect public health and safety but needs improvement and compatible with the NRC's program. The MRB stated that it would recommend to the Commission that the Program be removed from Probation and placed on Heightened Oversight. The MRB also directed that a full IMPEP review take place

approximately two years from the date of the MRB meeting, that a periodic meeting be held in a year and include a focused review of the inspection program, specifically inspection accompaniments and inspection procedures, that bi-monthly calls between the Program and the NRC continue, and that the Program revise its program improvement plan (Plan) accordingly. A paper conveying the IMPEP findings and MRB recommendations is currently being drafted and will be presented to the Commission for a vote later this summer.

The Program submitted their original Plan to the NRC, addressing recommendations from the 2012 IMPEP review, on March 7, 2013 (ML13070A161) and the Plan was approved by the NRC in a letter dated April 4, 2013 (ML13084A029). Revisions to this Plan were submitted on June 10, 2013 (ML13161A314) and August 21, 2013 (ML13240A136). Subsequent to the April 2014 MRB, on June 23, 2014, the Program submitted a new Plan reflecting the recommendations made during the 2014 IMPEP review (ML14174A733). This is the first bi-monthly call since the April 2014 MRB.

DISCUSSION OF PROGRAM STATUS

Technical Staffing and Training (2014 IMPEP: Satisfactory)

The Program staffing plan calls for nine technical staff positions and one program manager. At the time of the January 2014 IMPEP review the Program had no vacancies. Following the IMPEP review two staff left the Program creating two vacancies within the Program. The Program has since been able to post these positions and both positions have been filled at the time of this call. One new staff member recently started with the Program and the other person is starting with the Program on August 1, 2014. Both new hires come to the Program with a wealth of experience. One of the new hires previously worked for the Ohio Agreement State Program and also worked as a medical physics consultant and the other new hire has a PhD in Health Physics.

The Program has revised its training manual in June 2013 to incorporate changes that were made in NRC's Inspection Manual Chapter 1248. This revised training manual is being used by new staff starting with the Program. Program staff is attending NRC training courses when available.

Status of the Materials Inspection Program (2014 IMPEP: Unsatisfactory)

The 2014 IMPEP review found that the Program completed 53 percent of its priority 1, 2, and 3 and initial inspections overdue during the review period. Since the 2014 IMPEP review the Program has conducted four inspections overdue by more than 25 percent of its assigned inspection frequency. These inspections were overdue at the time of the 2014 IMPEP review as the Program was working off the backlog identified as a result of the 2012 IMPEP review. The Program's inspection frequencies are the same as NRC's inspection frequencies as listed in Inspection Manual Chapter 2800. No initial inspections have been completed greater than 1 year from license issuance since the IMPEP review. The Program has completed no reciprocity inspections for calendar year 2014. This is a result of diverting their attention to complete the overdue inspections identified during the 2012/2014 IMPEP reviews. The Program plans to start completing reciprocity inspections during the second half of the calendar year.

Technical Quality of Inspections (2014 IMPEP: Satisfactory but needs improvement)

As of this call the Program manager has performed no supervisory accompaniments in calendar year 2014. All staff is currently scheduled to be accompanied within the next two months (July and August 2014).

The 2014 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: (1) implement its inspection procedures to ensure that inspectors document the reason for missing temporary job site inspections; document details and circumstances of violations in inspection reports and NOVs; consider a reduction in inspection frequency for serious violations; and conduct performance based inspections; and (2) complete its enforcement procedure for assigning severity levels of violations.

Status: According to the Program's Plan, the Program is taking a multi-step approach to resolving this recommendation. In order to address item number one, the Program will first retrain staff on the appropriate documentation of inspection activities. The program manager will also be evaluating this step during the annual supervisory inspector accompaniments. Next the Program plans to conduct managerial and peer reviews of all inspection reports. Third, the Program is working with the NRC to reschedule training on performance based inspecting for some time in September 2014. Fourth, inspection forms are being updated to include more performance based characteristics. Lastly, the Program will review its inspection procedures to see what if any improvements need to be made to enhance an inspector's comprehension of performance based inspections. In order to address item number two the Program first prepared a draft enforcement procedure (completed May 7, 2014). The next step is to incorporate all staff comments once the items to address task number one are complete (estimated completion December 2014). Lastly the Program plans to analyze the effectiveness of the procedure on an annual basis.

Technical Quality of Licensing (2014 IMPEP: Satisfactory)

The Program has approximately 470 licensees. Georgia licensees are subject to a five year license renewal term. The Program currently has a backlog of 88 licensing actions. The longest action (a decommissioning action) has been in house since 2008. Three other licensing actions have been open for approximately 491, 250, and 112 days respectively. All other licensing actions have been in house less than 60 days. Program management is working to ensure completion of the four lengthy licensing actions and is prioritizing its other incoming and pending licensing actions based on their health and safety significance.

The 2014 IMPEP review team generated two recommendations for this performance indicator. These recommendations are listed below along with their status.

Recommendation 2: The review team recommends that the State verify that all previously approved medical authorized users have proper documentation of their qualifications, since the new requirements were initiated in 2008. (Kept open from the 2012 IMPEP)

Status: The Program has been working on addressing this recommendation since the 2012 IMPEP review. As of June 9, 2014 211 users still required additional documentation to be correctly placed on a license as an authorized user. Starting in July, the Program plans to send letters to 20 deficient users each month in order to address the 211 users that still remain. The Program hopes to have this work completed before the next IMPEP review in FY 2016.

Recommendation 3: The review team recommends that the State finalize its procedures for pre-licensing requirements and provide training to the staff on the revised procedure.

Status: The Program finalized its new licensing procedure, which includes the pre-licensing

requirements, in May 2014 and plans to conduct an annual review of the procedure and revise it as necessary. The Program has scheduled training on this procedure for July 8, 2014. Following the training, in November 2014, the Program manager plans to perform a review of pre-licensing activities to ensure that the procedure is being used correctly and is effective.

Technical Quality of Incidents and Allegations (2014 IMPEP: Satisfactory)

The Program continues to be sensitive to notifications of incidents and allegations. Since the last IMPEP review two events have been reported to the NRC. The Program has received no allegations since the 2014 IMPEP review. As stated previously by Georgia and as listed in the Office of Federal and State Materials and Environmental Management Programs procedure SA-400 "Management of Allegations," due to Georgia's open records act the Georgia Agreement State Program is unable to protect an alleged's identity.

Compatibility Requirements (2012 IMPEP: Satisfactory)

There have not been any legislative changes or proposals that have affected the Program. There are no regulations overdue for adoption. The Program is working on a proposed rule package to address regulation amendments that are not yet overdue and they hope to have that to the NRC for review in the next week or two.

Conclusion

The Program provided a revised Plan reflecting actions taken to address the recommendations made as a result of the 2014 IMPEP review on June 23, 2014 (ML14174A733). The Program will provide another updated Plan prior to the next bi-monthly call. The Program has hired two new staff to fill vacancies that were created in the Program earlier in the year. Both new staff should be on board with the Program by the time of the next bi-monthly call. The Program is up to date on all of its inspection activities and is continuing to work on finishing the four licensing actions that have been with the Program for an extended period of time as well as new licensing actions that arrive.

Next bi-monthly call: September 2014