

GEORGIA DEPARTMENT OF NATURAL RESOURCES (DNR)
BI-MONTHLY CONFERENCE CALL
September 16, 2014

Nuclear Regulatory Commission (NRC) Attendees	Georgia DNR Attendees
Monica Ford, Region I	David Crowley, Manager
Donna Janda, Region I	Karen Hays, Policy Advisor
	Keith Bentley, Branch Chief
	Travis Cartoski, Environmental Compliance Specialist

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 Actions, 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. SECY 14-0074 was transmitted to the Commission on July 24, 2014 (ML14115A053) requesting discontinuance of the probation period for the Program. SRM-SECY-14-0074 was issued on August 25, 2014 removing the Program from probation and placing them on heightened oversight (ML14237A148).

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 (ML13079A465). 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). A revised version of the before mentioned Plan was submitted on September 10, 2014 (ML14265A191). This is the second 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 was able to post these positions and both positions were filled at the time of the last bimonthly call. At the time of the September 2014 bimonthly call one of the newly hired staff had already left the program for a position in another state and another staff member has decided to take a position in another part of the Division. This means the Program is currently dealing with one vacancy and will have two once the staff person officially transfers into their new position. The Program is intending to post both positions within the next month. The Program is currently operating with five fully qualified staff members and two staff who are in varying phases of the qualification process.

The Program 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 one reciprocity inspection for calendar year 2014 and has approximately 6 more assigned. The Program plans to complete 10 reciprocity inspections before the end of calendar year 2014.

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

As of this call the Program manager has performed two supervisory accompaniments in calendar year 2014. Another accompaniment is scheduled for September 17, 2014 and a fourth

accompaniment is scheduled for the week after. After that the Program has one more accompaniment to perform before the end of the year. The program manager also stated that he has been out with staff going through the qualification process as well.

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 attended a webinar hosted by the NRC on performance based inspecting on September 23, 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 (anticipated 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 66 licensing actions. The longest action (a decommissioning action) has been in house since 2008. Two other licensing actions have been open for approximately 156 and 103 days respectively. All other licensing actions have been in house less than 100 days. Program management is working to ensure completion of the three 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 this call 135 users still required additional documentation to be correctly placed on a license as an authorized user. Starting in July 2014, the Program has sent letters to 20 deficient users each month in order to address the 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 held training on this procedure on July 8, 2014. Following the training, in November 2014 (tentative), 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 three 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. Since the last call, the Program has sent a proposed rule package to the NRC for comment. The NRC responded to GA with comments on August 18, 2014 (ML14488B167). The Program is working on addressing the comments and hopes to have the regulations finalized in early 2015. The Program will then begin to work on adopting equivalent rules to NRC's 10 CFR Part 37. The Program hopes to have these rules in place by November 2015.

Conclusion

The Program provided a Plan reflecting actions taken to address the recommendations made as a result of the 2014 IMPEP review on June 23, 2014 (ML14174A733). An updated plan was provided by the Program on September 10, 2014 (ML14265A191). 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. One of the newly hired staff has left the Program and another staff member is transferring to another position within the Division. The Program plans to post both of these positions in the coming months. The Program is up to date on all of its inspection activities and is continuing to work on finishing the three 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: November 2014