

GEORGIA DEPARTMENT OF NATURAL RESOURCES (DNR)  
BI-MONTHLY CONFERENCE CALL  
August 6, 2015

<b>Nuclear Regulatory Commission (NRC) Attendees</b>	<b>Georgia DNR Attendees</b>
Daniel Collins, Region I	Travis Cartoski, Manager
Monica Ford, Region I	Karen Hays, Branch Chief
Christian Einberg, NMSS	Chuck Mueller, Assistant Branch Chief
Duncan White, NMSS	
Lisa Dimmick, NMSS	
Lizette Roldan, NMSS	

## **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). As directed by the MRB a periodic meeting was held, approximately one year after the January 2014 IMPEP review, on February 24, 2015 (ML15089A444).

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) and a revised version was submitted on September 10, 2014 (ML14265A191) and November 7, 2014 (ML14337A383). Prior to this call, a revised version of the plan was submitted on August 5, 2015 (ML15217A571). This is the first bi-monthly call since the February 2015 periodic meeting.

## **DISCUSSION OF PROGRAM STATUS**

### Technical Staffing and Training (2014 IMPEP: Satisfactory)

The Program underwent a reorganization at the beginning of August 2015. The Environmental Radiation Program and the Radioactive Materials Program were combined. The new staffing plan calls for one program manager, two team leaders (one over the environmental radiation program and one over the radioactive materials program) and 10 technical staff positions. Of those positions the program manager, one team leader, and seven specialists perform work covered by the Agreement. The Program currently has one vacancy. This vacancy has been there for approximately one week. The Program expects to be able to post and fill this position in the near future. There was no impact on the Program's funding created by the reorganization.

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. Five technical staff are currently going through the qualification process. The program manager was informed during the call of the need for fully qualified staff to complete 24 hours of refresher training every two years (per the new requirements in Inspection Manual Chapter 1248). The Program plans to use NRC webinars and internal training as means to meet this requirement.

### 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. The Program's inspection frequencies are the same as NRC's inspection frequencies as listed in Inspection Manual Chapter 2800. The Program has no inspections overdue as of this call and has completed one inspection overdue since the previous IMPEP review. No initial inspections have been completed greater than one year from license issuance since the 2014 IMPEP review. The Program is mindful of licensees performing work under reciprocity and is working to inspect 20 percent of candidate licensees each calendar year.

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

As of this call, the Program manager has performed supervisory accompaniments with all staff for 2014 and has performed one supervisory accompaniment for 2015. The Program Manager stated that he has all of the other accompaniments scheduled to be performed before the end of the year.

The Program Manager mentioned that multiple inspection files had been found in an employee's office (who had recently been let go) that did not contain the inspection report/ write-up for the completed inspection but did however contain letters of compliance/ non-compliance. The Program is working on a memo to file for each file which explains the situation. The Program Manager stated that if no documentation of any kind could be found for an inspection, which the Program had taken credit for being complete, that the Program would go out and do a follow-up inspection.

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:** The Program is taking a multi-step approach to resolving this recommendation. In order to address item number one, the Program retrained staff on the appropriate documentation of an inspection. The training occurred on August 5, 2014. Additional training (both in house and NRC offered courses) has been utilized to give specialized refresher training on a number of inspection topics. The Program is also conducting managerial reviews of 50 percent of inspection reports each quarter. This review will allow program management to ensure that inspections are being conducted using a performance based approach and will help to identify weaknesses in the program's inspection abilities. In addition inspection forms were updated as of June 10, 2015 to include more performance based characteristics. On September 23, 2014, the Program completed training offered by the NRC on performance based inspection techniques. The Program has reviewed its inspection procedures to determine what improvements need to be made to enhance an inspector's comprehension of performance based inspections. These procedure improvements are in progress and are

expected to be completed by the end of August 2015. The Program manager is also performing inspection accompaniments and will evaluate staff on their performance based and overall inspection technique and will provide feedback to each inspector on areas for improvement.

In order to address item number two, the Program developed and implemented an enforcement procedure and provided training to the staff in January 2015. 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 445 licensees. Georgia licensees are subject to a five year license renewal term. The program has a decommissioning action that has been in house since 2008. As of the call, the Program was progressing with this action and had completed the final confirmatory surveys. After the call the program manager informed the NRC that this action had been completed. At the time of this call, all other active licensing actions have been in house less than 100 days.

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. All of the authorized users/ licensees have been contacted and the Program is waiting for additional information to complete these actions. The Program will be sending out a final letter letting licensees know that if a response is not received within in a given time frame, the user will be administratively removed from the license. The Program hopes to have this work completed before the next IMPEP review in May 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, in May 2014, its new licensing procedure which included the pre-licensing requirements. The Program held training on this procedure on July 8, 2014. The Program plans to conduct an annual review of the procedure and revise it as necessary. The procedure is currently undergoing its first review and the Program hopes to have the revisions completed by the end of September 2015.

The Program uses checklists based off of the NRC's worksheets for its Basis of Confidence checklists. The program manager plans to perform reviews of pre-licensing activities to ensure that the procedure is being used correctly and is effective. The program manager completed a review of prelicensing actions for new licenses issued from July 2013 thru January 2015 and found three of 13 actions did not have any pre licensing documentation in the chart. Those three files were assigned to staff and prelicensing work was completed for each case. Staff was then assigned a list of renewals that were completed between July 2013 and January 2015 to ensure prelicensing documentation existed in each file. Deficiencies discovered as a result of this audit were corrected. The audit for quarter 2 of calendar year 2015 has been completed. The Program Manger stated that this will continue to be reviewed on a quarterly basis.

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

The Program continues to be sensitive to notifications of incidents and allegations. The program has received 15 events since the previous IMPEP review. Two events are currently undergoing a reactive inspection. There is one event in NMED (item number 150031) that needs additional information in order for the record to be considered complete. The Program has received four 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 alleger'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. However, final rules that were promulgated earlier in 2015, which cover 10 regulation amendments, still need to be submitted to the NRC for final review. The Program is waiting to receive the official version from their Secretary of State's office before sending them to the NRC for review. The Program has also sent in final regulations covering regulation amendment tracking sheet ID 2011-1 (due in December 2015). The Program has sent in a license condition to incorporate equivalent regulations to the NRC's 10 CFR Part 37. The Program hopes to have this condition in place by the end of calendar year 2015 and have their licensees implementing in January 2016.

### Conclusion

The Program provided a Plan reflecting actions taken to address the recommendations made as a result of the 2014 IMPEP review on August 5, 2015 (ML15217A571). The Program underwent a reorganization in August 2015 and currently has one vacancy which they are working to fill. The Program is up to date on all of its inspection activities and is continuing to work on licensing actions that it receives.

Next bi-monthly call: October 2015