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September 16, 2016

MEMORANDUM TO: Glenn M. Tracy
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, Compliance, Administration,
and Human Capital Programs
Office of the Executive Director for Operations

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Scott W. Moore, Director
Division of Material Safety, State, Tribal, and
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SUBJECT: MINUTES: AUGUST 4, 2016 GEORGIA
MANAGEMENT REVIEW BOARD MEETING

Enclosed are the minutes of the Management Review Board (MRB) meeting held on August 4, 2016, for the Georgia Agreement State program. If you have comments or questions, please contact me at (301) 415-0694.

Enclosure:
MRB Meeting Minutes

cc: David Walter, AL
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF GEORGIA
August 4, 2016

The attendees were as follows:

In person at U.S. Nuclear Regulatory Commission (NRC) Headquarters in Rockville, Maryland:

Glenn Tracy, MRB Chair, OEDO
Tison Campbell, MRB Member, OGC
Scott Moore, MRB Member, NMSS
Dan Collins, NMSS
Lisa Dimmick, NMSS

Karen Hays, GA
Irene Bennett, GA
Duncan White, NMSS
Julian Sessoms, NMSS
Joe O'Hara, NMSS

By videoconference:

Darrell Roberts, MRB Member, Region III
Monica Ford, Team Member Region I
Farah Gaskins, Team Member Region I

Joe Nick, Region I
Shawn Seeley, Region I
Lizette Roldan-Otero, Team Member,
NMSS

By telephone:

David Walter, MRB Member, AL, OAS
Jeff Griffis, Team Member, NRC, TTC
Vanessa Danese, Team Member, TX

Kathy Modes, NMSS
Michelle Beardsley, NMSS

1. **Convention.** Ms. Lisa Dimmick convened the meeting at 1:00 p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public. Ms. Dimmick then transferred the lead to Mr. Glenn Tracy, Chair of the MRB. Introductions of the attendees were conducted.

2. **Georgia IMPEP Review.** Ms. Lizette Roldan-Otero led the presentation of the Georgia Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. She summarized the review and the team's findings for the six indicators reviewed. The on-site review was conducted by a review team composed of technical staff members from the NRC and the State of Texas during the period of May 9-12, 2016. A draft report was issued to Georgia for factual comment on June 13, 2016. Georgia responded to the review team's findings by letter dated June 29, 2016. Ms. Roldan-Otero reported that the team found the Georgia Agreement State Program (the Program) satisfactory for five of six performance indicators reviewed, and satisfactory, but needs improvement for the indicator, Technical Quality of Licensing Actions. The review team made three recommendations and determined that the three recommendations made during the 2014 IMPEP be closed. The team recommended that the Georgia program be found adequate to protect public health and safety, and compatible with the NRC's program. In addition the team recommended to discontinue heightened oversight and implement monitoring until the Program has demonstrated a sustained level of satisfactory performance.

3. Performance Indicators.

Mr. Jeff Griffis reviewed and presented the common performance indicator **Technical Staffing and Training**. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. Based on the criteria in Management Directive 5.6 the team recommended to the MRB that Georgia's performance with respect to the indicator, Technical Staffing and Training, be found satisfactory. The Georgia program had a total of 13 staff members. Of these 13 staff, about 10 full-time staff equivalents (FTE) were dedicated to the radioactive materials program and the rest supported emergency response. During the review period, 5 staff left the program for various reasons. All five vacancies were filled, and one additional emergency response position was also filled, with the intent that this staff member would seek qualification to support the radioactive materials program as well. The individual vacancies took between 3-6 months to fill, and there were no vacant positions at the time of the review. The review team had identified performance issues in the indicators of Status of the Materials Inspection Program, and Technical Quality of Licensing actions that are attributed to staff turnover. The review team found that the Georgia's training and qualification manual is compatible with the NRC's Inspection Manual Chapter (IMC) 1248, "Formal Qualifications Program for Federal and State Material and Environmental Management Program, and newly hired staff were progressing through the qualification process. At the time of the review, some of the recently hired staff had already achieved interim qualifications for some license types and had been assigned independent inspection and licensing duties. The MRB discussed the turnover and impact on performance and staff training and qualifications. The MRB considered if the indicator should be rated should be rated satisfactory but needs improvement. Program management informed the MRB that salary has been one cause for attrition and that Georgia was able to raise salaries for the majority of the Program. Georgia also indicated that it was looking for ways to reclassify job positions as "Health Physicists" and boost its image in the recruitment process. In consideration of the Program's actions to address staff turnover and program's ability to fill vacant positions. The MRB agreed that Georgia's performance met the criteria for a "satisfactory" rating for this indicator. However, the MRB recommended that the Program management develop a strategy to address staff retention and implement corrective actions to mitigate the causes of the Program's turnover to ensure satisfactory program performance is sustained.

Ms. Roldan-Otero presented the common performance indicator, **Status of Materials Inspection Program**, which was reviewed by Binesh Tharakan. Her presentation corresponded to Section 3.2 of the proposed final IMPEP report. Based on the IMPEP evaluation criteria in MD 5.6, the review team recommended that Georgia's performance with respect to the indicator, Status of the Materials Inspection Program, be found satisfactory. The Georgia program performed 143 Priority 1, 2, 3, and initial inspections during the review period, of which 11 inspections were conducted overdue. This is a significant improvement over the Program's overdue rate of 53 percent during the 2014 IMPEP review period. A review of the database for Priority 1, 2, 3, and initial inspections performed during the review period indicated that 16 inspection reports were issued anywhere from 1 to 34 days beyond the Program's goal of 30 days. For each year of the review period the Program did not meet the greater than 20 percent of candidate reciprocity. The review team did not make a recommendation for the low number of

reciprocity inspections because the program manager had implemented corrective actions to address the issue as outlined in the report. The MRB discussed if the team had considered if the indicator should be rated satisfactory but needs improvement because the overdue inspection rate was close to 10 percent coupled with the Program not meeting the reciprocity criteria, and some reports being issued late. The team and Georgia expressed that Program had made improvements with the overdue inspections and that the Program was catching up from the previous review period and there were currently no overdue inspections. Concerning reciprocity, the Program implemented corrective actions just prior to the onsite review. At the time of the MRB, the Program reported to the MRB that it had completed five reciprocity inspections. The MRB agreed that Georgia's performance met the criteria for a "satisfactory" rating for this indicator. However, the MRB discussed that Georgia has not had sufficient time to show sustained performance with regard to the corrective actions taken just prior to the onsite IMPEP review concerning reciprocity. The MRB recommended that Program management implement corrective actions and make necessary adjustments to ensure satisfactory program performance is sustained with regard to reciprocity inspections.

Ms. Farah Gaskins and Ms. Roldan-Otero reviewed and presented the common performance indicator, **Technical Quality of Inspections**. Their presentation corresponded to Section 3.3 of the proposed final IMPEP report. Based on the criteria in MD 5.6, the review team recommended to the MRB that Georgia's performance with respect to the indicator, Technical Quality of Inspections, be found satisfactory. The review team evaluated the inspection documentation for 19 inspections conducted by 7 current and former inspectors over the review period. The review consisted of a range of higher priority categories of licensees. The documentation reviewed included security inspections, temporary job sites, initial inspections, and a follow up inspection. Documentation reviewed was thorough and complete and sensitive documents were properly labeled, handled and stored. The team found that Georgia maintained appropriate instrumentation to support inspection activities. In addition, the team reviewed the status of recommendation made during the previous IMPEP for this performance indicator. Based on the discussions with management and inspectors in addition to a review of documentation, the team recommended, and the MRB agreed to close the recommendation. (See Section 2 of the final IMPEP report). During the inspection accompaniments of the Program's inspectors, the review team determined that four out of five inspectors demonstrated appropriate inspection techniques, conducted performance-based inspections, and focused on health, safety, and security issues. However, during the medical (HDR and permanent brachytherapy) inspection accompaniment, the review team determined that the inspector did not verify whether the licensee had any medical events through examination of the written directives (prescribed vs. administered dose). The review team member observed that the licensee's authorized medical physicist (AMP) had dated and signed, in advance, several verification sections for proper implementation of a written directive for a manual brachytherapy procedure scheduled for later that day. The inspector did not consider the pre-filled form or lack of procedures for administrations requiring a written directive to be an issue; however, this appeared to be a violation of Georgia's regulation equivalent to 10 CFR 35.41(a). The 2014 IMPEP report discusses similar performance issues. Because these performance issue went uncorrected, the review team recommended, and the MRB agreed that the Program develop and

implement training for inspectors on the examination of the written directives, and NRC Inspection Procedure 87132, Brachytherapy Program. The MRB discussed and considered if the indicator should be rated satisfactory but needs improvement. The team indicated they had discussed the option of a satisfactory but needs improvement rating for the indicator. Because the Program demonstrated appropriate inspection technique for the other license types assessed by the IMPEP team on inspection accompaniments and because the performance issues concerned the inspection of only one type of brachytherapy procedure, the review team determined the Program met a satisfactory level of performance overall for technical quality of inspections. The review team found that inspections are usually well founded and well documented. The MRB agreed that Georgia's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Vanessa Danese reviewed and presented the common performance indicator, **Technical Quality of Licensing Actions**. Her presentation corresponded to Section 3.4 of the proposed final IMPEP report. Based on the IMPEP evaluation criteria in MD 5.6, the review team is recommending to the MRB that the indicator, Technical Quality of Licensing Actions, be found satisfactory, but needs improvement. In making that determination, the team looked at 14 licensing actions (5 new applications, 4 amendments, 1 renewal, 2 terminations 1 decommissioning action and 1 financial assurance action) that were performed during the review period, for 7 of the Program's materials license current and former reviewers and covered a sampling of license types such as commercial manufacturing and distribution, industrial radiography, medical diagnostic and therapy, gamma knife, academic and nuclear pharmacy. The team reviewed the status of recommendation made during the previous IMPEP for this performance indicator. Based on the discussions with management and inspectors in addition to a review of documentation, the teams recommended, and the MRB agreed to close the two recommendations from the 2014 review (See Section 2 of the final IMPEP report). For the current review, the team found that some licensing actions indicated repeated examples of problems with respect to thoroughness, completeness, consistency, technical quality and adherence to existing guidance. The team identified that authorized users were designated as Radiation Safety Officers (RSO) without an RSO attestation or documentation of required training and that some staff were not aware of these requirements; and pre-licensing checklists were either not completed or criterion were not evaluated as intended by the checklist guidance and that some staff indicated they were not familiar with the questions and sources of information intended to be used to evaluate the pre-licensing criteria. Therefore, the team recommended and the MRB agreed that Georgia (1) verify that all previously approved radiation safety officers for medical licenses have an attestation by a preceptor RSO, including that the individual has completed training in the radiation safety, regulatory issues and emergency procedures for the appropriate license type, and (2) Program management develop and implement training and guidance that provides the staff with the tools necessary to accurately complete the Program's pre-licensing requirements for each new license. The MRB discussed the licensing issues observed by the team and considered if they were chronic and if the indicator should be rated unsatisfactory. The team discussed that the issue with pre-licensing guidance was attributed to new staff who were hired subsequent to the Program's July 2014 pre-licensing training were not provided the instructions for completing the pre-licensing checklist and in part the reason for making the above

recommendation concerning pre-licensing guidance. The MRB agreed that Georgia's performance met the criteria for a "satisfactory, but needs improvement" rating for this indicator.

Ms. Monica Ford reviewed and presented the common performance indicator, **Technical Quality of Incident and Allegation Activities**. Her presentation corresponded to Section 3.5 of the proposed final IMPEP report. Based on the IMPEP evaluation criteria in M.D. 5.6, the review team recommended to the MRB that Georgia's performance with respect to the indicator, Technical Quality of Incident and Allegation Activities, be found satisfactory. The team examined the Program's incident and allegation case files and interviewed the Program's inspectors and determined that all incidents and allegations were properly reviewed, investigated, dispositioned and documented. The MRB agreed that Georgia's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Roldan-Otero reviewed and presented the non-common performance indicator, **Compatibility Requirements**. Her presentation corresponded to Section 4.1 of the proposed final IMPEP report. Based on the IMPEP evaluation criteria in MD 5.6, the review team recommended that Georgia's performance with respect to the indicator, Compatibility Requirements, be found satisfactory. There were no legislative changes affecting the radiation control program passed during the review period. The State's administrative rulemaking process takes approximately 12 months from drafting to finalizing a rule. During the review period, Georgia submitted four final regulation amendments and three proposed regulation amendments, and one legally binding license condition to the NRC for compatibility review. Two out of the three proposed regulations had been promulgated in a timely manner. However, the Program had not submitted the final packages for NRC review. One regulation package submitted as proposed had been adopted by a legally binding license condition. One of the amendments was overdue for adoption by Georgia at the time of submission. The Program also submitted three additional regulation packages addressing several comments that were generated during previous reviews. At the time of the review, no amendments were overdue. The MRB agreed that Georgia's performance met the criteria for a "satisfactory" rating for this indicator.

4. MRB Consultation/Comments on Issuance of Report.

Based on the results of the current IMPEP review, the review team recommended that the next full IMPEP review take place in approximately 4 years, discontinue heightened oversight and implement monitoring, and a periodic meeting be held mid-cycle. Upon deliberations, the MRB directed the next full IMPEP be in 4 years and that a periodic meeting be held 1 year from this review with a second meeting approximately 18 months after the first periodic meeting. These periodic meetings will include a focused discussion of Georgia's actions taken to address the recommendations agreed upon by the MRB. With respect to staffing, the MRB noted via discussion with Program management and the IMPEP team along with the content of the IMPEP report, staff turnover led to negative performance trends in some areas of licensing and inspection over the 2016 review period. The MRB issued two recommendations to the Georgia Agreement State Program management: (1) to develop a strategy to address staff retention and implement

corrective actions to mitigate the causes of the Program's turnover to ensure satisfactory program performance is sustained, and (2) to implement corrective actions and make necessary adjustments to ensure satisfactory program performance is sustained with regard to reciprocity inspections. Overall, the Georgia Agreement State Program was found adequate to protect public health and safety, and a compatible with the NRC's program. The final IMPEP report for Georgia can be found in the NRC's Agencywide Documents Access and Management System using the Accession Number ML16223A001.

- 5. Precedents/Lessons Learned.** None applicable to this review
- 6. Adjournment.** The meeting was adjourned at approximately 5:00 p.m. (ET)