



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR

Ref: SA/JFK

AUG 7 1980

Dr. Joe Edwards (Ph.D.)
Commissioner
Department of Human Resources
State Office Building
47 Trinity Avenue
Atlanta, Georgia 30334

Dear Dr. Edwards:

This is to confirm the discussion Mr. Kendig and Mr. Gordon held with Dr. James Alley and Mr. Schumann on July 18, 1980, concerning the results of our review and evaluation of the Georgia Department of Human Resources radiation control program. The review covered the principal administrative and technical aspects of the program. This included an examination of the program's funding and personnel resources; licensing, inspection and enforcement activities; emergency response capabilities for agreement materials; field evaluations of State inspectors; review of operations in the Brunswick Regional Office; and the status of the State's radiation control regulations.

As a result of our review of the State's program and the routine exchange of information between the Nuclear Regulatory Commission and the State, the staff believes that the State's program for regulation of agreement material is adequate to protect the public health and safety. However, to make the State program fully compatible with the Commission's program, the State needs to update its regulations for agreement materials (Category I program indicator). This was noted on the last two reviews. We urge you to assign priority to the completion of the regulation changes and that you provide us a schedule for finalizing them. We also recommend that a set frequency be established for reviewing and updating the regulations in the future.

We strongly recommend that the program director's position be filled as soon as possible by an individual with strong credentials in the technical aspects of the program as well as administrative capabilities. (Category II program indicator impacting on a Category I program indicator, status of inspection program.) We believe that filling this position would provide other staff members more time to devote to the day-to-day licensing and compliance functions. The regular growth of licensed activities as well as the potential for more complex license applications should also be considered in staffing plans.

During the course of the file reviews there was one report of an incident that we believe should be brought to your attention. The incident occurred at Athens, Georgia, on June 5, 1980, and involved two one-gallon cans marked "Radioactive." The incident itself seemed rather innocuous but one aspect deserves attention. The report states that a DNK inspector informed a DHR inspector that DHR should

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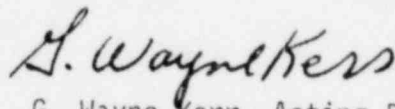
take over the investigation because DNR had no authority to confiscate or take custody of the material. The DHR inspector questioned the DNR inspector about their responsibilities for responding to emergencies and incidents not involving DHR licensees. The DNR inspector informed the DHR inspector that DNR was delegating that responsibility to DHR. There seems to be some difference in opinion or understanding as to the responsibilities of DNR and DHR staff regarding investigations (Category II Program Indicator). These responsibilities should be clearly defined before misunderstandings contribute to the seriousness of any incident being investigated.

Comments relating to other aspects of the program are enclosed. Technical details of the selected licensing and compliance file reviews were discussed with Mr. Schumann and Mr. Simanis. The agreement materials program licensing and compliance staff should be commended for their dedication and efforts in coping with the day-to-day regulatory operations under difficult circumstances.

I would appreciate your response to the above comments. I am enclosing a copy of a letter to Mr. Schumann confirming our discussion with Mr. Schumann and the staff. Also enclosed is an extra copy of these letters for placement in the State Public Document Room or equivalent.

I appreciate the courtesy and cooperation extended to Messrs. Gordon and Kendig during their meeting with your staff.

Sincerely,



G. Wayne Kerr, Acting Director
Office of State Programs

Enclosures:
As stated

cc w/enclosures: J. Alley
W. Schumann
NRC Public Document Room
State Public Document Room

GEORGIA DEPARTMENT OF HUMAN RESOURCES REVIEW COMMENTS

A. CATEGORY I - PROGRAM INDICATORS

1. Comment

The inspection backlog has increased to about 109, mostly in priority IV categories and below. This is up from 70 in 1978 and 80 in 1979.

Recommendation

If the program director's position were filled, more time could be devoted by the staff to compliance functions.

2. Comment

The staff does not have adequate transportation modes or monetary resources available to respond to emergencies.

Recommendation

To aid the staff of the Radiation Control Unit to respond to incidents or emergencies in a timely fashion we recommend that emergency transportation be available to the staff on a continuing basis and that a procedure or mechanism be established so that the staff has monetary support to cover costs encumbered during the response.

B. CATEGORY II - INDICATORS

1. Comment

The person years of work devoted to the agreement material program was noted to be about 0.9 staff years per 100 licenses which is below the NRC suggested level of 1 to 1.5 staff years per 100 licenses for a program not involving complex licensing actions. The staffing level has been a repeated concern of ours. It should be noted that the NRC assignee to the State has departed and the State has several complex regulatory actions underway and, as noted earlier, there has been an increase in the number of overdue inspections. It has been NRC's experience that the number of licensing actions increases about 5% per year and during this review period the State's experience has been at that level.

Recommendation

We strongly recommend that the program director's position be filled as soon as possible.

C. CATEGORY III - PROGRAM INDICATORS

1. Comment

From the review it was determined that the State has not identified a medical consultant that the radiation control unit can call upon to evaluate medical effects of internal and external radiation exposures.

Recommendation

The staff recommends that such consultants be identified and planned for in the preparation of the budget.