



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
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KING OF PRUSSIA, PA 19406-2713

May 9, 2022

David Matos, Manager
Radiation Protection Programs
Georgia Department of Natural Resources
4244 International Parkway, Suite 120
Atlanta, GA 30354

Dear Mr. Matos:

A periodic meeting with you and your staff was held on March 23, 2022. The purpose of this meeting was to review and discuss the status of the Georgia Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Tamara Bloomer, Deputy Director, Division of Radiological Safety and Security, U.S. NRC Region I and me.

I have completed and enclosed a general meeting summary. If you feel that summary and its conclusion do not accurately reflect the meeting discussion or have any additional remarks about the meeting in general, please contact me at (610) 337-5214 or via e-mail at Monica.Ford@nrc.gov to discuss your concerns.

Sincerely,

Monica Lynn Ford

Monica Lynn Ford
Regional State Agreements Officer
Division of Radiological Safety and Security
U.S. NRC Region I

Enclosure:
Final Periodic Meeting Summary for Georgia

cc w/encl.: Shatavia Walker, Program Manager
Radioactive Materials Program

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

PERIODIC MEETING WITH THE STATE OF GEORGIA

TYPE OF OVERSIGHT: NONE

March 23, 2022

FINAL

PERIODIC MEETING PARTICIPANTS

NRC

- Tamara Bloomer: Deputy Director, Division of Nuclear Materials Safety, NRC Region I
- Monica Ford: State Agreements Officer, NRC Region I

State of Georgia

- Karen Hays: Chief, Air Protection Branch (exit only)
- Jim Boylan: Assistant Chief, Air Protection Branch (exit only)
- David Matos: Manager, Radiation Protection Programs
- Shatavia Walker: Manager, Radioactive Materials Program

Georgia 2022 Periodic Meeting Summary

1.0 INTRODUCTION

This report presents the results of the periodic meeting held between the U.S. Nuclear Regulatory Commission (NRC) and the State of Georgia. The meeting was held on March 23, 2022. The meeting was conducted in accordance with NMSS Procedure SA-116 "Periodic Meetings between IMPEP Reviews," dated October 6, 2021.

The Georgia Agreement State Program is administered by the Radioactive Materials Program and the Environmental Radiation Team. These groups make up the Radiation Protection Program which is located in the Air Protection Branch. The Air Protection Branch is located in the Environmental Protection Division within the Georgia Department of Natural Resources. At the time of the meeting, the Georgia Agreement State Program regulated approximately 389 specific licenses authorizing possession and use of radioactive materials. The Georgia Agreement State Program charges fees to its licensees annually. The fees are not tied to NRC fees. Any unused money at the end of each fiscal year goes into the State's general fund.

The Georgia Agreement State Program last underwent an Integrated Materials Performance Evaluation Program (IMPEP) review April 20-24, 2020. A Management Review Board meeting to discuss the outcome of the IMPEP review was held on August 4, 2020. Based on the findings presented, the MRB found the Georgia Agreement State Program's performance satisfactory for all performance indicators reviewed and overall adequate to protect public health and safety and compatible with the NRC's program. No recommendations were made for improved program performance. The MRB directed that the next IMPEP review take place in approximately 4 years and that a periodic meeting take place in 2 years. This meeting summary reflects the directed periodic meeting at approximately 2 years after the IMPEP review and focuses on the radioactive materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of Georgia.

2.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC Regional Office and Agreement State radioactive materials programs during an IMPEP review. These indicators are (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

2.1 Technical Staffing and Training (2020 IMPEP: Satisfactory)

When fully staffed, the Georgia Agreement State Program is made up of one Program Manager – 2, who oversees the Radiation Protection Programs which is comprised of the Radioactive Materials Section and the Environmental Radiation Team; one Program Manager – 1, who oversees the Radioactive Materials Section; one Team Leader who oversees the Environmental Radiation Team; and 9 full-time technical staff positions of which seven staff are located in the Radioactive Materials Section and two staff are located in the Environmental Radiation Team, and one part-time technical staff position located in the Environmental Radiation Team. This equates to approximately 12.2 full-time equivalents dedicated to the Georgia Agreement State Program.

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Since the 2020 IMPEP review, six staff have left. Four of those individuals retired, one individual moved to a different government agency within the State, and one individual left for personal reasons. At the time of the periodic meeting there are three vacant positions. Two of those three vacancies have individuals who have accepted the position, and both are scheduled to start in April 2022. The third vacancy is expected to be posted soon in the hopes of filling the position sometime in the summer of 2022. As each vacancy occurs, the Georgia Agreement State Program has been able to post and subsequently fill the position within a few months.

The Georgia Agreement State Program has a license reviewer and inspector qualification training manual that is compatible with the NRC's Inspection Manual Chapter 1248. It is the expectation that all staff are qualified to perform both licensing and inspection activities. Five of the seven technical staff in the Radioactive Materials Program are working through the process of becoming qualified license reviewers and inspectors. These staff are attending the NRC's training courses when available. Qualified staff are aware of the requirement to complete 24 hours of refresher training every 2 years and are responsible for tracking their own refresher training. Management reviews refresher training as part of the technical staff's annual performance review. The Georgia Agreement State Program uses staff developed monthly training, NRC courses, and conference attendance to meet these requirements. There have been no pandemic related impacts on this indicator since the last IMPEP review.

2.2 Status of Materials Inspection Program (2020 IMPEP: Satisfactory)

The Georgia Agreement State Program's inspection frequencies for Priority 1, 2, and 3 licensees are the same as the NRC's inspection frequencies that are listed in Inspection Manual Chapter 2800. Since the 2020 IMPEP review 89 Priority 1, 2, and 3 inspections were completed. One inspection, a Priority 1 inspection, was conducted overdue due to a database error. Initial inspections of new licensees are inspected within 6 months of license issuance. This is more restrictive than the NRC's criteria of within one year of license issuance. Fifteen initial inspections have been completed since the last IMPEP review. None of the inspections were completed overdue. Inspection reports are issued from the Program Office and the goal is to issue them within 14 days of the inspection. Reciprocity Inspections were discussed during the periodic meeting. The Georgia Agreement State Program is working on updating its reciprocity inspection procedure to have a more risk-informed approach. The current process has a goal of inspecting all reciprocity candidates who were not in the State in the previous year. There have been no pandemic related impacts on this indicator since the last IMPEP review.

2.3 Technical Quality of Inspections (2020 IMPEP: Satisfactory)

Inspection guidance used by the Georgia Agreement State Program is equivalent to the NRC's Inspection Manual Chapters and Inspection Procedures. All inspection findings, regardless of whether or not there is a violation, are issued by written correspondence from the Program Office. All supervisory accompaniments in calendar years 2020 and 2021 were completed. As a result of the pandemic, in April 2020, Georgia halted routine inspections for a period of 2 months. After this period, routine inspections were conducted virtually for the next 6 months. Starting in 2021 the staff had the flexibility to perform full

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virtual, hybrid, and onsite inspections as appropriate and allow for flexibility in the ongoing pandemic. As discussed in Section 2.2, no inspections were performed overdue during this time as a result of the pandemic. Other than the shift from fully onsite inspections to range of options including fully remote and hybrid models of inspection presence, no pandemic related impacts on this indicator since the last IMPEP review.

2.4 Technical Quality of Licensing Actions (2020 IMPEP: Satisfactory)

The Georgia Agreement State Program has approximately 389 specific licensees. All licensing actions have been in-house for less than one year and no backlog exists. Since the 2020 IMPEP review 598 licensing actions have been completed. Program management stated that no licensees requested an exemption to regulatory requirements as a result of the pandemic. Program management also confirmed that the staff use the most current versions of the Pre-Licensing Guidance and Risk Significant Radioactive Materials Checklist when performing licensing actions. There have been no pandemic related impacts on this indicator since the last IMPEP review.

2.5 Technical Quality of Incident and Allegation Activities (2020 IMPEP: Satisfactory)

The Georgia Agreement State Program has received 22 reportable events since the last IMPEP review. When an event is reported, the Program Manager evaluates the event to determine its health and safety significance and then decides on the appropriate response. That response can range anywhere from responding immediately to reviewing the event during the next inspection. Events reported to the NRC since the 2020 IMPEP review were reviewed and discussed during the periodic meeting. In all but one instance events were reported to the NRC in the correct manner. One event involving lost material greater than 10 times the level specific in 10 CFR 20 Appendix was not reported through the NRC's Headquarters Operations Center. The Program had several similar events that were reported in the correct manner however this one was missed. STC-22-018 outlining recent trends seen in Integrated Materials Performance Evaluations Reviews was discussed and the appropriate reporting of these types of events was noted. Program management stated that it would ensure similar events were reported in the correct manner and would report this event to the Operations Center for completeness. An additional discussion about closing events in the Nuclear Materials Events Database (NMED) was held. It was noted that several events were still open in the database. Program management stated that they were aware of an issue involving the Program's internal incident tracking system and the expected email that was to be sent to close the event in NMED. Program management is working on resolving the internal issue but in the interim will review NMED and send a follow-up email to ensure all events already reported to the NRC are completed and closed in NMED.

Fourteen allegations have been received since the 2020 IMPEP review, one of which was referred by the NRC. Each allegation is evaluated when it is received and onsite follow-up is performed, when appropriate. Closure letters to the concerned individuals are issued in a timely manner. Due to Georgia's open records act, the Georgia Agreement State Program is unable to guarantee protection of an allegeder's identity. Individuals reporting a concern are informed of this and are given the option to file the allegation anonymously.

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There have been no pandemic related impacts on this indicator since the last IMPEP review.

3.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State programs: (1) Legislation, Regulations, and Other Program Elements (LROPE), (2) Sealed Source and Device (SS&D) Evaluation Program, (3) Low-Level Radioactive Waste Disposal (LLRW) Program, and (4) Uranium Recovery (UR) Program. The NRC's Agreement with Georgia does not relinquish regulatory authority for either SS&D or UR; therefore, only the non-common performance indicators LROPE and LLRW apply.

3.1 Legislation, Regulations, and Other Program Elements (LROPE) (2020 IMPEP: Satisfactory)

No legislative changes impacting the Georgia Agreement State Program have occurred since the last IMPEP review. At the time of the periodic meeting there were no regulation amendments overdue for adoption. There are a few outstanding comments associated with compatible regulations and two regulations with due dates for adoption later this year that have not yet been sent to the NRC for review. Program management stated that the changes have been completed and are final, however the package had not yet been submitted to the NRC for review at the time of the meeting. Management stated that the package is expected to be submitted by the end of May 2022.

The regulation review process takes approximately one year to complete. Regulations applicable to the Georgia Agreement State Program are not subject to sunset requirements. There have been no pandemic related impacts on this indicator since the last IMPEP review.

3.2 Low-Level Radioactive Waste (LLRW) Disposal Program (2020 IMPEP: Not reviewed)

In 1981, the NRC amended its Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement," to allow a State to seek an amendment for the regulation of LLRW as a separate category. Although the Georgia Agreement State Program has LLRW disposal authority, the NRC has not required States to have a program for licensing a LLRW disposal facility until such time as the State has been designated as a host State for a LLRW disposal facility. When an Agreement State has been notified or becomes aware of the need to regulate a LLRW disposal facility, they are expected to put in place a regulatory program which will meet the criteria for an adequate and compatible LLRW disposal program. There are currently no plans for a LLRW disposal facility in Georgia.

4.0 SUMMARY

An effective in-person periodic meeting was held with the Georgia Agreement State Program. No major concerns or areas for improvement were identified. No impacts to IMPEP indicators were seen as a result of the pandemic. Routine inspections were placed on hold for 2 months at the start of the pandemic. No inspections went overdue as a result of this decision. Significant staff turnover has occurred since the previous IMPEP review,

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mainly due to retirements. Each position has been posted and filled within a few months of being vacant. Based on the information discussed during the periodic meeting the next IMPEP review of the Georgia Agreement State Program should be held in fiscal year 2024 which is in alignment with the Management Review Board direction given as a result of the 2020 IMPEP review.