

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR TENNESSEE

DATE OF MEETING: AUGUST 12, 1999

ATTENDEES:

NRC

Richard L. Woodruff, RSAO, Region II
Patricia Larkins, ASPO, OSP

STATE

Michael H. Mobley, Director, Division of Radiological Health (DRH)
Edward L. Nanney, Deputy Director, DRH
Johnny C. Graves, Manager, Licensing, Registration, and Planning, DRH
John R. Sullivan, Manager, Inspection and Enforcement, DRH
Debra G. Shults, Manager, Technical Services, DRH
Mary Helen Short, Administrative Assistant Director, DRH
Anthony Hogan, Manager, Nashville Area Office, DRH
David Harbin, EPA State Liaison, Department of Environment and Conservation

DISCUSSION:

A meeting was held with the Tennessee representatives on August 12, 1999 in the DRH conference room. The topics listed in NRC letter dated June 30, 1999 to Mr. Mobley were discussed. Details for each area are discussed below.

Action on Previous Review Findings

The previous periodic meeting was held with the State on March 31, 1998 and a report was provided to the State dated April 30, 1998. The 1998 report provided the status of the IMPEP recommendations and suggestions that were made to the State following the December 6, 1996 review, and the status of Tennessee actions taken in response to the comments and suggestions have not changed since the 1998 meeting. The State was informed that the status of the 1996 comments and suggestions will be reviewed for closure by the next IMPEP tentatively scheduled for August of 2000.

Program Strengths and/or Weaknesses

In general, the Tennessee representatives related that their programs were strong with adequate support from the Department of Environment and Conservation, legislative support, stable sources of funding, adequate administrative support, legal support, good laboratory support, and well trained staff. No performance type weaknesses were identified by NRC during this meeting.

Specific areas were discussed as follows:

1. The Program has a history of providing a good training program for the staff members and the managers all have experience in their respective areas. The program utilizes the

Technical Training Center for courses to the extent possible, since only State travel expenses are involved. The program Director related that out-of-State travel for training purposes was extremely limited. However, monies expended for travel expenses to Atlanta, GA for training and workshops is not being counted against the out-of-state travel budget, and the Director related that he would like to see more training and workshops held in Atlanta.

2. The DRH continues to be impacted by an extensive reengineering type of evaluation program that is being developed at the Department of Environment and Conservation level. The emphasis has been directed towards the development of more "permitting" and "enforcement actions" at the field office level, as compared with the DRH's current system for specific licensing and escalated enforcement actions being taken out of the central Nashville office. The Program Director related his concerns about the permitting type process and the impact on the DRH's area offices, and we briefly discussed the performance implications. The program will necessitate an overhaul of the regulations with the incorporation of regulatory guides and certain references into the Division's regulations. The time schedule for implementation of this process has been extended to the end of this calendar year.
3. The DRH Program Director related that no significant backlogs were being experienced in the materials program.
4. The DRH Program Director briefly discussed the Division's ongoing discussions and interactions with the news media, NMSS, and the OSP concerning the recycling of certain metals utilized in the nuclear industry, the licensing process and technical evaluation, and the State's regulatory control over these reformed materials.

There were no weaknesses identified during the meeting.

Status of Program and/or Policy Changes

There have been no significant changes in the organizational structure of the Division of Radiological Health since the 1996 IMPEP review. The Division is headed by the Director, Michael H. Mobley, and has three major technical areas: Licensing/Registration/Planning; Technical Services; and Inspection and Enforcement with Area (field) Offices located in Memphis, Chattanooga, Knoxville and Nashville, and an Administrative Services area. All materials licensing is performed out of the Nashville office, inspections are performed out of the Area offices, and State enforcement is initiated at the area office level with review by the area office manager and, if deemed appropriate by the field office, review by the Nashville central office management. The Director related that implementation of the EPA sponsored Reengineering Project will bring a "restructuring" of the field offices, and the field staff will report administratively through their "Environmental Assistance Center" managers, but will continue to receive technical guidance and support from the DRH office. Personnel/Environmental monitoring, low-level waste management, standards, and emergency preparedness are organized under Technical Services. The Environmental laboratory is organized under the State Health Department (another Department) and provides support to the Division.

No major changes in the staffing plan are planned at this point. The Administrative Assistant

Director provided an updated organization chart, an updated listing of staff, including seven new technical staff and nine technical staff losses and staff promotions since that have taken place since the 1998 meeting. The program continues to maintain experienced technical staff and managers in all areas.

No significant changes were noted or discussed concerning legislative changes or the redistribution of responsibilities with respect to the agreement materials program.

During the 1998 periodic meeting, the State reported that the current fee system supported about 76 percent of the DRH budget, and the State reported no significant changes to this information during this meeting.

The DRH currently has about 558 specific licenses, of which 58 licenses are considered to be major licenses. The Licensing and Registration Manager provided an updated listing of the major licensees.

Impact of NRC Program Changes

The NRC representatives discussed NRC program changes that could impact the State, such as the September 2000 deadline for adopting regulations needed for compatibility, the time frame for revising 10 CFR Part 35, decommissioning, waste disposal, and storage of waste. None of these issues are expected to be a major issue for the Tennessee program.

Internal program audits and self-assessments.

The managers reported that self-assessments were being accomplished through the use of the IMPEP training information and that the Memphis Area Supervisor had shared their experiences on IMPEP teams with the other staff and in planning for the previous IMPEP review. Peer reviews are conducted on all licenses issued, and all inspection reports receive at least one level of supervisory review. Enforcement letters receive the same type of reviews and are issued out of the field office. Feedback is also being provided to the inspectors through the Area Office managers, the Inspection and Enforcement supervisor, and during training and inspector accompaniments.

Status of Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives. The Deputy Director related that their agency had very few allegations, that allegations were processed on a case-by-case basis, and that follow-ups were conducted as needed. A review of the allegations referred to the State by the NRC Region II office indicated that there were no outstanding NRC issues related to the referrals, and that the State had been very responsive to the Regional requests when replies were needed to close out the allegations. The Deputy Director also provided a copy of Tennessee's "Complaint/Allegation/Incident Event Investigation" procedure, and certain training information provided during a May 1999 staff meeting.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system. Prior to this annual meeting, the ASPO prepared a report of events that had been placed in the NMED system, and the ASPO discussed the mechanism for reporting events, what events to report, the timeliness of reporting, and the revised (Draft) Event Reporting Handbook that is being developed and will be provided to the States. The State has been very responsive in reporting events in accordance with the OSP Handbook, and no issues were identified during the meeting.

Compatibility of State Regulations

The new compatibility policy was discussed in general with the State representatives, including the OSP's procedures for reviewing proposed State regulations. A copy of the Regulation Assessment Tracking System (RATS) data sheet for the State of Tennessee was provided, and following the meeting the RSAO had a general discussion with the staff person responsible for drafting and tracking regulations needed for adoption. A copy of the RATS data sheet was electronically mailed to the staff person on August 19, 1999. The DRH plans for updating their regulations has been delayed due to the need for an overall revision of the "State Regulations For Protection Against Radiation." The revision is needed for adequacy and compatibility and to accommodate changes due to the reengineering project currently being implemented by the Department of Environment and Conservation. The RSAO confirmed that the DRH is receiving NRC regulation changes as published and distributed, the availability of the regulations on the NRC bulletin board was discussed, the OSP procedure for providing draft regulations to OSP for review, and the compatibility designations. The importance of revising and adopting the regulations prior to the next IMPEP scheduled for August 2000 was noted.

Schedule for the Next IMPEP Review

The State was informed that the next Tennessee review is tentatively scheduled for August of 2000. The Program Director expressed his opinion that the participation had helped their program in preparation for IMPEP reviews, that their program had benefited from the exchange of information received from other IMPEP team members and interactions with other programs during the reviews, and that the IMPEP criteria was being followed.

CONCLUSION:

The Tennessee program has good support from the Department of Environment and Conservation, good managers, and trained, experienced staff. By all indications (performance), the Tennessee program has the resources to be adequate to protect public health and safety, and compatible under the IMPEP criteria.

ACTION ITEMS: None