

AGREEMENT STATE ANNUAL MEETING SUMMARY FOR NORTH CAROLINA

DATE OF MEETING: JUNE 30, 1998

ATTENDEES:

NRC

Richard L. Woodruff, RSAO, Region II

STATE

Richard M. Fry, CHP, Director, Division of Radiation Protection
Ed Burt, Ph.D., Manager, Radiation Protection
Aaron Padgett, Chief, Radioactive Materials Section
Grant Mills, HP, Radioactive Materials Section
Marion Eaddy, HP, Radioactive Materials Section
Gerald Speight, HP, Radioactive Materials Section
Bill Holman, Assistant Secretary, Environmental Protection Department of
Environment and Natural Resources

DISCUSSION:

A meeting was held with the North Carolina representatives on June 30, 1998, in Raleigh, North Carolina. The topics listed in NRC letter dated May 1, 1998, to Mr. Fry were discussed. Details for each area are discussed below.

Action on Previous Review Findings

The previous IMPEP review was conducted during the period of December 11-15, 1995. During this review, recommendations and suggestions were made to the State concerning the following indicators:

1. The review team recommends that the State fill existing vacancy as soon as possible. (Section 3.2)

Current Status:

The Section Chief position was filled on March 3, 1996.

Recommend that this recommendation be closed.

2. The review team recommends that the State consider peer and supervisory review of licensing products to include review of all background information and correspondence. (Section 3.3)

Enclosure

Current Status:

A checklist was developed for this supervisory and peer review of all licensing documents. The NC staff related that this process is working well. The Section Chief reviews and signs all licenses.

Recommend that this issue be closed.

3. The review team recommends: (a) that all inspection reports include a summary of the exit meeting discussion, as addressed by internal guidance, including the licensee's comments regarding items of non-compliance; and (b) that inspectors make every effort to hold exit meetings at the highest possible management level. (Section 3.4)

Current Status:

The Section revised the field forms used for documentation of exit meetings, and the staff reported that they have been holding exit meetings with the highest level of licensee management available during the inspections.

Recommend that this issue be closed.

4. The review team recommends that the State consider adopting a policy of annual supervisory accompaniments of all materials inspectors. (Section 3.4)

Current Status:

The State reported that all annual accompaniments were performed for fiscal year 1997 (July 1- June 30) and fiscal year 1998.

Recommend that this issue be closed.

5. The review team recommends that the State evaluate the process for promulgating compatibility regulations to better ensure that the State meets the three-year time frame. (Section 4.1)

Current Status:

The State reported that 6 rules required for compatibility were adopted in 1997 and these rules will become effective in August of 1998. These rules were identified as those amended by 58 FR 7715, 58 FR 39628, 59 FR 36026, 60 FR 7900, 61 FR 65120, and 62 FR 4120. The State also related that the 62 FR 4120 provisions were currently also being regulated by license condition.

Additional rules are in the approval process and when approved, would become effective in 1999. The 1998 package will include the NRC amendments identified in the following Federal Register Notices: 59 FR 61767; 60 FR 48623; 60 FR 15649; 60 FR 25983; 60 FR 28323; 60 FR 36038; 61 FR 24669; 62 FR 28948; 62 FR 39058; and 62 FR 63634. The State also that the provisions of 62 FR 1662 are being handled as a license condition.

The State related that the proposed revisions had been provided to the Office of State Programs for review and comment.

Recommend that this issue remain open.

6. The review team recommends that the State consider developing written guidance for preserving the integrity of proprietary information furnished by the manufacturer when issuing SS&D registry sheets. (Section 4.2)

Current Status:

The State reported that a written policy had been issued.

Recommend that this issue be closed.

7. With respect to the sealed source and device evaluation program, the review team recommends that (a) the State clarify the Troxler source ratings and evaluate Troxler's QA plan to ensure that it includes health physics evaluation; and (b) that the necessary attachments to the American Duesenberg certificate be distributed. (Section 4.2)

Current Status:

The State reported that Troxler source ratings are being reviewed for all gauges as SS&D certificates are reevaluated, and that the 3430, 3430-M, 3440, 3440-M, and 3450 gauges have been completed. The Troxler QA manual is being evaluated as part of the Troxler license renewal. The American Duesenberg certificate was distributed on April 11, 1996.

Recommend that this item be left open.

8. The review team recommends that the State consider keeping records of LLRW staff members' technical training and participation in workshops, conferences, etc., in the individual's training files and also maintain a collective staff training record to help formalize such training as an ongoing requirement for the position and to better allow management to assess the training level of the staff. (Section 4.3.3)

Current Status:

Individual training files have been created for all LLRW staff members, and personnel from other State Agencies and contractors working on the license review. These records will be maintained and updated as needed.

Recommend that this item be closed.

9. The review team recommends that consideration be given to changing the LLRW section filing procedures to ensure that surveillance reports become part of the licensing database subject to internal QA inspections. (Section 4.3.5)

Current Status:

The State reported that surveillance inspection reports have been included in the QA file, and will include a tracking system if the LLRW project is restarted.

Recommend that this issue be closed.

10. The review team recommends consideration of an internal audit on the SAR review database during input to the new database to assure that all LLRW section review leaders are entering data properly. (Section 4.3.5)

Current Status:

The State reported that the LLRW project QA files have been reviewed and currently all files are arranged in chronological order by years. This process did not necessitate the need for major revisions to the database files. These files have been transferred to Access, but no QA review of this process was conducted.

Recommend that this issue be closed.

Program Strengths and/or Weaknesses

In general, the North Carolina representatives related that their program had adequate administrative support, legislative support, stable sources of funding, good legal support, good laboratory support, and fully trained staff. No performance type weaknesses were identified by NRC during this meeting.

Specific areas were discussed as follows:

1. The Program Director related that North Carolina had a comprehensive radiation control program that included not only agreement materials, but also NORM and NARM, electronic products, environmental surveillance, emergency preparedness, and a mobile laboratory, all under one division.
The Program has a long standing cooperative relationship with the Division of Laboratory Services, Department of Health and Human Service for analytical,

radiological services.

2. The Director also related that the program was adequately staffed (two vacancies in the LLRW Section), had personnel trained in their respective positions with back up capabilities, and the staff were dedicated and utilized team work on all projects.
3. The Section Chief related that the program had good radiation survey equipment and plans were to add an updated portable multichannel analyzer during this next fiscal year.
4. The Section Chief related that the program had upgraded their computers and the system is utilized for tracking and communication purposes, e-mail, and preparation of inspection reports and enforcement correspondence. The year 2000 compliant issue was also discussed.
5. The Section Chief related that the materials program had no inspection or licensing backlogs at this time.
5. All of the current materials staff were reported to be trained and qualified to perform independent inspections and licensing actions.
6. The staffing has been relative stable since that last review with very few staff turnovers.

All of the IMPEP Indicators were discussed and there were no performance issues identified during the meeting,

Status of Program and/or Policy Changes

At the time of the meeting, there had been no significant changes in the organizational structure of the Radiation Protection Division since the 1995 IMPEP review (see below). The Division is headed by the Director, Richard M. Fry, and has five major technical Sections: Radioactive Materials Section; Low-Level Rad Waste Section; Nuclear Facility & Environmental Radiation Surveillance Section; Electronic Product Registration and Mammography Section; and the Electronic Product Inspection and Enforcement Section. All of the technical sections report to the Division Director including the Radiation Protection Manager who handles the administrative matters for the Division, and the Radiological Emergency Coordinator. The Division is organized under the Assistant Secretary for Environmental Protection, which is organized under the Department of Environment and Natural Resources.

On June 1, 1998, the General Assembly of North Carolina adopted Legislation to "Eliminate State Funding Related to Siting a Low-Level Radioactive Waste Facility in North Carolina." In general, the act would cause all remaining appropriated funds to revert back to the general fund, and prevent using funds or staff positions for any activities related to the siting of a LLRW facility except for the archiving of data and other information previously collected. At the time of the meeting, the Division had moved the LLRW Section Chief to a Radiation Protection Manager position (formerly the Deputy Director position) and the LLRW Section had four filled positions and two vacant positions.

Following the meeting, NRC was notified on July 20, 1998 that the NC House of Representatives had legislation under consideration that would cut ten positions from the LLRW program which includes four of the Division positions. The Division has taken the position that if these staffing positions are cut, then the Division would no longer be capable of an adequate review of any license application. The Division also related that the NC Senate bill had not cut any positions; therefore, the issue would go to a conference committee for resolution.

All materials licensing and inspections are performed out of the Raleigh office.

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

The Radioactive Materials Section currently has 586 specific licenses, of which 40 licenses are considered to be major licenses.

Impact of NRC Program Changes

The NRC representatives discussed NRC program changes that could impact the State, such as the 10 CFR Part 35 revision, and the current status of NRC's policies involving decommissioning of formerly licensed sites and NRC's training program.

In response to the issues, the State representatives related that they did not expect the decommissioning of the former NRC sites to have a significant impact on the program, and that the State would adopt regulations as needed after 10 CFR Part 35 has been revised.

Internal program audits and self-assessments.

The managers reported that self-assessments were being accomplished through the use of the IMPEP indicator guidance criteria. The Materials staff conducted a review in 1998 of the indicators as applied to the North Carolina program, made recommendations for improvement as needed, and assigned tasks for specified individuals to accomplish, along with due dates for completion of the actions. This self audit of the North Carolina program appeared to be comprehensive, and the managers indicated that the project was helpful to them as well as a better understanding of the program by the staff.

Status of Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives. The Section Chief related that North Carolina had experienced an increased number of 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 was only one outstanding referral to the State that needed a reply from the radiation program. This reply had been received in the Region II office by the date of this report.

In general the State has been very responsive to the Regional requests when replies were needed to close out the allegations.

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 RSAO prepared a report of events that had been placed in the NMED system, and the RSAO discussed the mechanism for reporting events, what events to report, the timeliness of reporting, and the revised Event Reporting Handbook that was developed. The Materials Section Supervisor related that the new handbook had been received and that one individual had been assigned to enter the data into the system and track the events. No issues were identified concerning the reporting of events, except for the issue of the event information being released by NRC onto the Internet system based upon preliminary information and usually information that has not been fully evaluated by the State.

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. Regulation amendments needed for adequacy and compatibility were discussed. North Carolina's regulations were previously discussed under the status of the IMPEP recommendations from the 1995 review.

The RSAO provided the State with an updated chronology during the meeting that listed the Federal Register numbers needed for adoption. The RSAO confirmed that the program is receiving NRC regulation changes as published and distributed, and the availability of the regulations on the NRC bulletin board was discussed.

Schedule for the Next IMPEP Review

The State was informed that the next North Carolina review is currently scheduled for December 1999 or later in the fiscal year, and that the State should consider the continued use of the IMPEP indicator criteria as a mechanism for self evaluation prior to the IMPEP.

CONCLUSION:

The North Carolina program has good managers, equipment, and trained, experienced staff. Based upon this meeting and discussions with the program staff, the program should have the resources to remain adequate to protect public health and safety, and compatible under the IMPEP criteria.

ACTION ITEMS:

None