







INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM  
FOLLOW-UP REVIEW OF THE TENNESSEE AGREEMENT STATE PROGRAM

October 22-25, 2001

# FINAL REPORT

U. S. Nuclear Regulatory Commission

## 1.0 INTRODUCTION

This report presents the results of the follow-up review of the Tennessee Department of Environment and Conservation (the Department), Division of Radiological Health (the Division), conducted October 22-25, 2001. This follow-up review was directed by the Management Review Board (MRB) based on the results of the August 21-25, 2000 Integrated Materials Performance Evaluation Program (IMPEP) review. The MRB directed that a follow-up review of the common performance indicators, Status of Materials Inspection Program, Technical Quality of Inspections, and Response to Incidents and Allegations, and the non-common performance indicator, Legislation and Program Elements Required for Compatibility, be conducted in one year based on the unsatisfactory finding for three indicators and satisfactory with recommendations for improvement finding for the fourth indicator. The follow-up review also included evaluation of actions taken by the State to address the eight recommendations made during the August 21-25, 2000 IMPEP review.

The follow-up review was conducted by a review team consisting of technical staff members from the Nuclear Regulatory Commission (NRC) and the State of California. Team members are identified in Appendix A. The follow-up review was conducted in accordance with the "Policy Statement on Adequacy and Compatibility of Agreement State Programs," published in the Federal Register on September 3, 1997 (62 FR 46517), and the November 5, 1999, NRC [Management Directive 5.6](#), "Integrated Materials Performance Evaluation Program (IMPEP)."

A draft of this report was issued to Tennessee for factual comment on December 3, 2001. Tennessee sent factual comments by letter dated January 4, 2002 from Mr. Lawrence E. Nanney, Director, Division of Radiological Health, Tennessee Department of Environment and Conservation. The Management Review Board (MRB) met on January 22, 2002 to consider the proposed final report.

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Division management indicated that they had sent NRC's Severity Level system to the Tennessee Office of General Counsel (TN-OGC) for consideration in the development of a system for use by the Division.

A poorly performing licensee was not scheduled to be inspected earlier than at the routine five year interval.

and implement additional guidance for ensuring consistent, appropriate, and prompt regulatory actions including incorporating root cause identification, especially of repeat violations.”

The Division has an adequate number and variety of appropriately calibrated radi /Artisurvey instruments distributed to each of the regional area offices to support the current inspec/Arti program.i Available radi /Artisurvey instrument /Artiinclude G-M meters, scintillatArtidetectors, Artichambers and micro-R meters.i Radi /Artisurvey instruments are calibrated at least annually by Division personnel.

Based on the evalu /Artiperformed during the follow-up review, the review team recommends that the previous Recommendations 2 and 5 be closed and that the revised Recommendation 3 remain open.

The review team concludes that the technical quality of the inspec/Artiprogram has shown improvement since the 2000 IMPEP review based on the limited items identified during inspec/Arti accompaniments and review of inspec/Artidocument /Art. Although the 2000 IMPEP report found the performance with respec/ to this indicator to be uns /Asfactory, the review team is proposing a change in the finding from the 2000 report.i Based on the IMPEP evalu /Articriteria, the review team recommends that Tennessee’s performance with respec/ to the indicator, Technical Quality of Inspec/Arts, be changed to s /Asfactory with recommendations .8 7improvement.

2.3 Response to Incidents and Allegations

isvesti During the follow-up review, the review team identified a total of 165 incidents that were reported to the Division from 2008 to 2015. Of these incidents, 105 were reported to the Division from 2008 to 2010, and 60 were reported from 2011 to 2015. The review team reviewed all 165 incidents and found that 105 incidents were resolved and 60 incidents were pending. The review team found that 105 incidents were resolved and 60 incidents were pending. The review team found that 105 incidents were resolved and 60 incidents were pending.

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Recommendation 7

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Regulations needed in the future were identified as follows:

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Tennessee's performance with respect to the indicator, Legislation and Program Elements Required for Compatibility, be changed to satisfactory with recommendations for improvement.

#### 4.0 SUMMARY

The follow-up review team evaluated Tennessee's performance in responding to three unsatisfactory and one satisfactory with recommendations for improvement findings and resolving the specific recommendations made during the 2000 IMPEP review for the three common and one non-common performance indicators, Status of Materials Inspection Program, Technical Quality of Inspections, Response to Incidents and Allegations, and Legislation and Program Elements Required For Compatibility. The follow-up review team concludes that the inspection program has made progress, but the review team noted that the timeliness of inspections, issuance of the reports, and some technical aspects of the inspection program are still in need of improvement.

The development of a plan and use of an effective regulation tracking system to i.8 0 0 rmelinesy -0.0004 Tc 0.0023 Tc20.0014 Tw9-12.6 9.34Td22 Td (madeormiotor meetthe, specis of Mate2000Divistras perfar

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including incorporating root cause identification, especially of repeat violations. (Section 3.2 of 2000 report; Section 2.2 of follow-up report)

New recommendations from the follow-up review:

Follow-up Recommendation 1

The review team recommends that the Division establish a management plan for the development, tracking, and adoption of regulations in a timely manner, and to adopt the current regulations needed for adequacy and compatibility in accordance with the STP Procedure SA-201, "Review of State Regulations or Other Generic Legally Binding Requirements." (Section 3.1.2)



APPENDIX A

IMPEP REVIEW TEAM MEMBERS

<b>Name</b>	<b>Area of Responsibility</b>
Dennis Sollenberger, STP	
Barbara Hamrick, CA	
Richard Woodruff, Region II	
John Pelchat, Region II	

APPENDIX B

TENNESSEE ORGANIZATIONAL CHART  
FOR THE DIVISION OF RADIOLOGICAL HEALTH  
(ML013310611)





MINUTES: TENNESSEE TELECONFERENCE OF FEBRUARY 1, 2001

These minutes are presented in the same general order as the items were discussed in the meeting. The participants were as follows:

Dennis Sollenberger, STP  
Kathleen Schneider, STP  
Richard Y-Td f, RII  
L. Edward Nanney, TN  
Debra Shults, TN  
John Politte, TN

Frederick Combs, STP  
Lance Rakovan, STP  
Barbara Hamrick, CA  
Johnny Graves, TN  
Roger Fenner, TN  
Ruben Crosslin, TN

1. **Letter to J. Leonard and Requested Information Program Improvement Plan to include Management Commitments.** Mr. Sollenberger discussed the proper management level for d- Tc /4 TNece Rwiththe pState



**SS&D Reviewer Qualification.** The upcoming SS&D Workshop was discussed,





Tennessee Follow-Up Final Report

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received and addressed. Tennessee expects TN-OGC to follow up in approximately 5 - 6 weeks.

**SS&D Reviewer Qualification.** Mr. Sollenberger stated that NRC would review the SS&D qualifications and documentation g3a.rsD Revies duringg3a.rto fow-ow sD Reveks.

The minutes are presented in the same general order as the items were discussed in the meeting.  
The participants were as follows:ort





DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DEPARTMENT

Nashville, TN 37243-1530

401 Church Street

L & C Tower, 21<sup>st</sup> Floor

Carl Paparelli



*tion reports and associated information are filed in a manner that the information  
can be easily retrieved, and.*

*1. (3) inspe*



Carl Paperello  
January 2, 2001  
Page 4

Response: This recommendation was implemented by the revision of the Discipline Code  
for students referenced in above.

ation

Recommendation

Carl Paperiello  
January 2, 2001

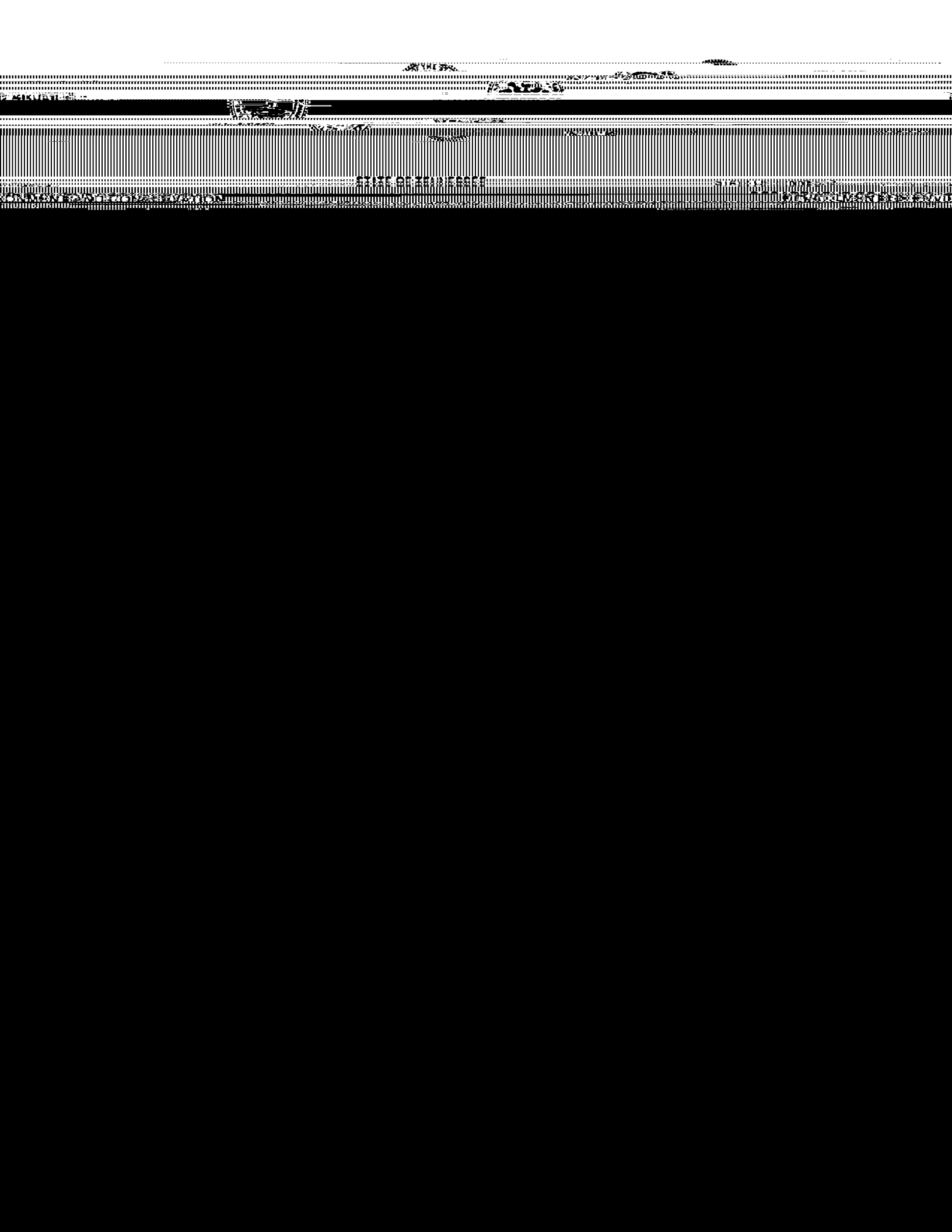
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UNITED STATES

SECURITIES AND EXCHANGE COMMISSION





Mr. Dennis Sollenberger

March 26, 2001

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Cause and Incident Investi

**Program Improvement Plan:**

**Overall Management Commitments:**

What is being done differently to prevent a recurrence?



What results have been changed in performance? --

GENERAL INFORMATION	COMPLETION		TOTAL
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STATE OF TENNESSEE

DEPARTMENT OF REVENUE



APPENDIX D

PERIODIC MEETING SUMMARY  
INCLUDING STATUS OF OTHER RECOMMENDATIONS FROM THE PREVIOUS REVIEW

A periodic meeting was held with Division management by Dennis Sollenberger, Team Leader, and Richard Woodruff, Regional State Agreements Officer, during the follow-up review pursuant to STP Procedure [SA-116](#), "Periodic Meeting with Agreement States Between IMPEP Reviews." The topics normally documented during the periodic meeting that were reviewed and documented as part of the follow-up review will not be discussed in this Appendix. The following topics were discussed.

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Program Strengths and/or Weaknesses

The Division management related that the strength of the program was in the senior, experienced managers, and that the staff had good attitudes concerning inspection and enforcement issues.

The Division reported good support from the Department and legislature. This support is in the form of stable sources of funding, and adequate administrative, legal, and laboratory services.

The Division was able to increase the materials license fees by 50% which are earmarked for the Division. The Division funding is now approximately 92% fee based.

Staff retention and salaries are still issues. Since the August 20, 2000 review, seven staff have left the program and 10 staff have been hired. Although this appears to be a positive staff gain for the program, two staff who left the program were senior inspectors (one was a regional manager). The Department received a step increase for all employees and an additional step increase for the licensing staff. They are also trying to get an additional step increase for all staff. A step increase is between 4-5%.

Out of State travel has been either restricted or prohibited. The Division Director was unable to

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ATTACHMENT

January 4, 2002 Letter from Lawrence E. Nanney  
Tennessee's Response to Follow-Up Draft IMPEP Report

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