

December 11, 2003

Ms. Beverly O. Hall, Chief
Radiation Protection Section
Department of Environment and Natural Resources
3825 Barrett Drive
Raleigh, NC 27609-7221

SUBJECT: PERIODIC MEETING

Dear Ms. Hall:

A periodic meeting with the North Carolina Radiation Protection Section was held on November 6, 2003. The purpose of this meeting was to review and discuss the status of North Carolina's Agreement State Program. Specific topics and issues of importance discussed at the meeting included program strengths, staffing and training, performance of licensing and inspection activities, incidents and allegations and the updating of regulations for compatibility.

I have completed and enclosed a general meeting summary. There were no specific actions identified during the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at 404-562-4704 or e-mail to rlw@nrc.gov to discuss your concerns.

Sincerely,

/RA by Duncan White Acting For/

Richard L. Woodruff
Agreement State Officer
Region I - Atlanta Office

Enclosure: North Carolina Meeting Report

cc w/encl:
R. Trojanowski, RII
G. Pangburn, RI
J. Piccone, STP
L. Rakovan, STP
J. Myers, STP

PUBLIC DOCUMENT (circle one): YES X NO

OFFICE	RI:DNMS	RI:DNMS			
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DATE	12/9/03	12/ 8 /03			
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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR NORTH CAROLINA

DATE OF MEETING: November 6, 2003

ATTENDEES:

NRC

Richard L. Woodruff, SAO, Region I - Atlanta
James Myers, ASPO, STP

STATE

Michael A. Kelly, Acting Director, Division of Environmental Health (DEH)
Beverly O. Hall, Chief, Radiation Protection Section (RPS), DEH
Lee Cox, Manager, Radioactive Materials Branch, (RMB), RPS
Gerald Speight, Health Physicist, RMB
Robin Haden, Special Projects and Mammography Supervisor, RPS

DISCUSSION:

A meeting was held with the North Carolina representatives on November 6, 2003 in Raleigh, North Carolina. The topics listed in NRC letter dated July 30, 2003 (ML 032110252), to Ms. Hall were discussed. Details for each area are discussed below.

Action on Previous Review Findings

The previous IMPEP review was conducted during the period of September 18-20, 2000. The Management Review Board (MRB) met on December 8, 2000 and determined that the State was satisfactory in all indicators, adequate to protect public health and safety, and compatible with NRC's program. A periodic meeting was held with the State on March 14, 2002, during which the State's actions in response to the IMPEP team recommendations were reviewed and closed.

Status of Program and/or Policy Changes

The program has been reorganized into the Radiation Protection Section under the Division of Environmental Health, North Carolina Department of Environment and Natural Resources. Beverly O. Hall is the Section Chief, and Lee Cox is the Radioactive Materials Branch Manager. The Section has five major technical Branches: Radioactive Materials Branch; Registration and Enforcement Branch; X-Ray & Tanning Inspection Branch; Environmental Radiation Branch; and Mammography and Special Projects Branch;. All of the branches report to the Section Chief. All of the Radiation Protection staff are in the same Section. The Section has a total of 41 full time staff members (eight in the Materials Branch) and two part-time staff.

All materials licensing and inspections are performed out of the Raleigh office. The Radioactive Materials Branch currently has 639 specific licenses of which 266 are core licenses under NC inspection criteria (32 inspection Priority 1's, 140 inspection Priority 2's, and 94 inspection Priority 3's). The program also has approximately 900 general licenses.

There have been no legislative changes to the program since the last periodic meeting.

Program Strengths and/or Weaknesses

In general, the North Carolina representatives related that their program has adequate administrative support, legislative support, stable sources of funding, adequate instrumentation, and fully trained staff. No performance issues under the IMPEP criteria were identified but the program representatives acknowledged that additional support was needed for Information Technology, high profile legal cases in the materials program, and for laboratory support.

Specific areas were discussed as follows:

1. The Section Chief related that North Carolina has a comprehensive radiation control program that includes not only agreement materials, but also NORM and NARM, electronic products, environmental surveillance, emergency preparedness, and a mobile laboratory.
2. The Section Chief related that the program has a well trained and dedicated staff that utilizes team work on all projects. However, the staff reportedly is being stretched to the limit with the addition of security issues, homeland security expectations, and the need to interface with more agencies, involving both personnel and monetary resources. One health physicist is involved full time in the training of first responders. This realignment has impacted the program's policy of hand delivery of initial licenses which was cited by the MRB as a good practice following the previous IMPEP.
3. The Materials Branch reported that the program has good radiation survey equipment and commercial calibration services are utilized. The manager reported that inspection kits were being developed for each inspector that would include Ludlum 14C instruments, pancake probes, a micro-R meter, a digital camera, and a laptop computer. The Branch also has equipment for analyzing gamma spectrums in field environments.
4. Managers related that the materials program has no inspection or licensing backlogs at this time.
5. The program formerly had inspection priorities that were more frequent than NRC priorities; however, the program is adopting the NRC inspection priorities, and the inspections were reported to be more performance oriented, with a streamlined enforcement policy.
6. The program has a good web page that includes guidance on licensing, security, fines and administrative penalties, and organizational information.
7. The Section has implemented a Basic Recognition and Awareness Training (BRAT) program for training first responders and others on how commonly used radioactive materials are transported around the State, and reactions to radiological events.
8. The Branch has a general licensing (GL) program to track all GL distribution in the State.

9. The State currently funds the program partially (80%) by annual fees with the rest coming from the general fund. The 2001 General Assembly directed the Division of Radiation Protection to develop a Self Sufficiency Plan to become self supporting by FY 2004. The Division has developed a plan which would make the program self-supporting by July 1, 2004. The plan would increase fees in general, and the fees would include the cost of registration, licensing, environmental surveillance, and some emergency response activities which are not covered under the current fee structure. The plan will require legislative approval and new legislation, and has been delayed until the 2004 legislative session.
10. The Section Chief related that the program has a LAN manager and their system is utilized for tracking incidents, allegations, reciprocities, licensing information, and inspection data. Some electronic files were lost in recent months and the program acknowledged the need for additional Information Technology resources (position) within the Section.
11. The Managers also acknowledged that the Environmental Laboratory was located in a different Department which is a potential problem if needed to analyze samples, and that no funding had been worked out for contract services.

Feedback on NRC's Program and Status of NRC Program Changes

The NRC representatives discussed NRC program changes that could impact the State, such as the National Materials Program, control of radioactive material (accountability, orphan sources, physical protection), doses to the public, clearance, evolving material processes (risk assessment, resources, management reviews, priorities, safety goals), and the need for more input from the Agreement States on IMPEP procedures and criteria.

Internal Program Audits and Self-assessments.

The managers reported that self-assessments were being accomplished through the use of tracking systems for incidents, reciprocities, licensing actions, and inspection activities. The Branch manager has participated on several IMPEPs, and related that a self audit would be conducted in December in preparation for the next IMPEP.

Status of Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives. The Branch Manager related that allegations were processed on a case-by-case basis, follow-ups were conducted as needed, a separate file is maintained on each allegation, the allegation is tracked, and the issues are closed out with documentation and notification to the allegor as appropriate. A review of the allegations referred to the State by the NRC Region II office indicated that there had been four referrals to the State since the last periodic meeting, and all had been closed.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system. A current NMED listing of North Carolina events posted since the previous periodic meeting was generated for discussion, with emphasis on complete data and closure of events in preparation for the next IMPEP. The State has been very responsive and cooperative in providing event information and as requested from NRC, and has taken the initiative in reporting information to other States and jurisdictions when appropriate.

Compatibility of State Regulations

The compatibility policy was discussed in general with the State representatives, including STP's procedures for reviewing proposed State regulations. Regulation amendments needed for adequacy and compatibility were discussed as taken from the State Regulation Status data sheet. The Section Chief related that the rulemaking process had been shortened by several months, and that all of the rules currently needed for compatibility had been drafted, and the package will be sent to the Radiation Protection Commission for adoption in February of 2004. The SAO confirmed that the program is receiving NRC regulation changes as published and distributed.

Schedule for the Next IMPEP Review

The State was informed that the next North Carolina review is currently scheduled for September, 2004.

CONCLUSION:

The North Carolina program has effective management, equipment, and trained, experienced staff. Based upon this meeting and discussions with the program staff, the program appears to be adequate to protect public health and safety, and compatible under the IMPEP criteria. All of the IMPEP Indicators were discussed and there were no performance issues identified during the meeting,

ACTION ITEMS:

None