

DATED: FEB 2, 1994; SIGNED BY RICHARD BANGART

Mr. Harold F. Reheis, Director  
Environmental Protection Division  
Department of Natural Resources  
Floyd Towers, 1152-East  
205 Butler Street  
Atlanta, GA 30334

Dear Mr. Reheis:

This is to confirm the discussion Mr. Richard L. Woodruff, NRC Region II State Agreements Officer, held on November 5, 1993 with you and Mr. Thomas E. Hill, Manager, Radioactive Materials Program following our review and evaluation of the State's radiation control program.

As a result of our review of the State's program and the routine exchange of information between the Nuclear Regulatory Commission and the State of Georgia the staff determined that the Georgia program for regulation of agreement materials, at this time, is adequate to protect the public health and safety. The State's regulations are compatible with NRC's regulation in all respects with the exception of the "emergency planning rule," 10 CFR Parts 30, 40, and 70 amendments which were due by April 7, 1993 and the "safety requirements for radiographic equipment," 10 CFR Part 34 amendment (55 FR 843) which was due by January 10, 1994. Therefore, a finding of compatibility is being withheld.

Status and Compatibility of Regulations is a Category I Indicator. For those regulations deemed a matter of compatibility by NRC, State regulations should be amended as soon as practicable, but no later than three years after the effective date of the NRC regulation.

As a matter separate from this program review, five rules will be needed for adoption by the State. These regulations are:

1. "Notification of Incidents," 10 CFR Parts 20, 30, 31, 34, 39, 40, and 70 amendments (56 FR 40757) which is needed by October 15, 1994;
2. "Quality Management Program and Misadministrations," 10 CFR Part 35 amendment (56 FR 34104) which is needed by January 27, 1995;
3. "Licenses and Radiation Safety Requirements for Irradiators," 10 CFR Part 36 (58 FR 7715) which will be needed by July 1, 1996;
4. "Licensing Requirements for Land Disposal of Radioactive Wastes," 10 CFR Part 61 (58 FR 33886) which is needed by July 22, 1996; and
5. "Decommissioning Recordkeeping and License Termination: Documentation Additions," 10 CFR Parts 30, 40, 70, and 72 (58 FR 39628) which is needed by October 25, 1996.

We understand from the review that the State is in the process of amending its regulations for radiation control in their entirety, and a Public Hearing was held on November 12, 1993, and the revisions are projected to become effective in March of 1994. We commend the State for its emergency adoption of the amendments equivalent to the revised 10 CFR Part 20 which became effective on December 8, 1993 and were implemented on January 1, 1994.

Uniformity among regulatory agencies on Division 1 compatibility rules is an important part of the Agreement State Program. We urge the State to make every effort to expedite the final adoption of the overdue rules and the others identified in Enclosure 2. Please inform me of your schedule, including interim milestones, for completing all actions necessary to implement the revisions to your regulations.

An explanation of our policies and practices for reviewing Agreement State programs is attached as Enclosure 1. Enclosure 2 contains our summary regarding the technical aspects of our review of the program that were discussed with Mr. Hill during the exit meeting. We request specific responses from the State with regard to this letter and the Enclosure 2 comments within 30 days of this letter.

We appreciate your support of the Radioactive Materials Program and your regulatory efforts to protect public health and safety. We also appreciate your cooperation with this office and the courtesy and cooperation extended by your staff to Mr. Woodruff during the review.

A copy of this letter and the enclosures are provided for placement in the State Public Document Room or otherwise to be made available for public examination.

Sincerely,

Richard L. Bangart, Director  
Office of State Programs

Enclosures:  
As stated

cc w/encls:  
James L. Setser, Chief  
Program Coordination Branch  
Thomas E. Hill, Manager  
Radioactive Materials Program  
NRC Public Document Room  
State Public Document Room

We understand from the review that the State is in the process of amending its regulations for radiation control in their entirety, and a Public Hearing was held on November 12, 1993, and the revisions are projected to become effective in March of 1994. We commend the State for its emergency adoption of the amendments equivalent to the revised 10 CFR Part 20 which became effective on December 8, 1993 and were implemented on January 1, 1994.

Uniformity among regulatory agencies on Division 1 compatibility rules is an important part of the Agreement State Program. We urge the State to make every effort to expedite the final adoption of the overdue rules and the others identified in Enclosure 2. Please inform me of your schedule, including interim milestones, for completing all actions necessary to implement the revisions to your regulations.

An explanation of our policies and practices for reviewing Agreement State programs is attached as Enclosure 1. Enclosure 2 contains our summary regarding the technical aspects of our review of the program and that were discussed with Mr. Hill during our exit meeting with him and his technical staff. We request specific responses from the State with regard to this letter and the Enclosure 2 comments within 30 days of this letter.

We appreciate your support of the Radioactive Materials Program and your regulatory efforts to protect public health and safety. We also appreciate your cooperation with this office and the courtesy and cooperation extended by your staff to Mr. Woodruff during the review.

A copy of this letter and the enclosures are provided for placement in the State Public Document Room or otherwise be made available for public examination.

Sincerely,

Richard L. Bangart, Director  
Office of State Programs

Enclosures:  
As stated

Distribution: See next page.

\*See previous concurrence.

\*\*See concurrence on 1/6/94 Memo to Commrs.

OFC	RII:RSAO	RII:DRSS	RA:RII	OSP:SA	OSP:SA:AAD		
NME	RWoodruff	JStohr	SEbnetter	CMaupin	JSurmeier		
DTE	11/30/93*	11/30/93*	11/30/93*	12/20/93*	12/20/93*		
OFC	OSP:DD	NMSS:D	OGC	OSP:D	DEDS	EDO	
NME	SSchwartz	RBernero	STreby	RLBangart	HLThompson	JMTaylor	
DTE	12/20/93*	12/28/93*	12/22/93*	12/30/93*	01/6/94**	01/6/94**	

G:\chm\93LETTER.ga

Harold F. Reheis

3

cc w/encls:

James L. Setser, Chief  
Program Coordination Branch  
Thomas E. Hill, Manager  
Radioactive Materials Program  
NRC Public Document Room  
State Public Document Room

bcc w/encls:

The Chairman  
Commissioner Rogers  
Commissioner Remick  
Commissioner de Planque

Distribution:

SA RF  
Dir RF  
EDO RF  
JMTaylor, EDO  
HLThompson, DEEDS  
RBernerero, NMSS  
STreby  
RBangart  
PLohaus  
Georgia File

SSchwartz  
CMaupin  
JStohr, RII  
DRathbun, OCA  
RWoodruff, RII  
RTrojanowski, RII  
DCD (SP01)  
SDroggitis  
TCombs

Application of "Guidelines for NRC Review  
of Agreement State Radiation Control Programs"

The "Guidelines for NRC Review of Agreement State Radiation Control Programs," were published in the Federal Register on May 28, 1992, as an NRC Policy Statement. The Guidelines provide 30 indicators for evaluating Agreement State program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the indicators into two categories. Category I indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I indicator areas, then the need for improvements may be critical.

Category II indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e., those that fall under Category I indicators. Category II indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety and is compatible with the NRC's program. If one or more significant Category I comments are provided, the State will be notified that the program deficiencies may seriously affect the State's ability to protect the public health and safety and that the need of improvement in particular program areas is critical. If, following receipt and evaluation, the State's response appears satisfactory in addressing the significant Category I comments, the staff may offer findings of adequacy and compatibility as appropriate or defer such offering until the State's actions are examined and their effectiveness confirmed in a subsequent review. If additional information is needed to evaluate the State's actions, the staff may request the information through follow-up correspondence or perform a follow-up or special, limited review. NRC staff may hold a special meeting with appropriate State representatives. No significant items will be left unresolved over a prolonged period. The Commission will be informed of the results of the reviews of the individual Agreement State programs and copies of the review correspondence to the States will be placed in the NRC Public Document Room. If the State program does not improve or if additional significant Category I deficiencies have developed, a staff finding that the program is not adequate will be considered and the NRC may institute proceedings to suspend or revoke all or part of the Agreement in accordance with Section 274j of the Act, as amended.

ENCLOSURE 1

SUMMARY OF ASSESSMENTS AND COMMENTS  
GEORGIA RADIATION CONTROL PROGRAM  
FOR THE PERIOD  
OCTOBER 18, 1991 TO NOVEMBER 5, 1993

SCOPE OF REVIEW

This program review was conducted in accordance with the Commission's Policy Statement for reviewing Agreement State Programs published in the Federal Register on May 28, 1992, and the internal procedures established by the Agreement State Program, Office of State Programs. The review included discussions with program management and staff, accompaniment of a State inspector, technical evaluation of selected license files and compliance files and the evaluation of the State's response to an NRC questionnaire that was sent to the State in preparation for the review.

The 19th regulatory program review meeting with Georgia representatives was held during the periods of October 18-22, and November 2-5, 1993 in Atlanta, Georgia. The State was represented by Thomas E. Hill, Manager, Radioactive Materials Program and his staff. Selected license and compliance files were reviewed by Richard L. Woodruff, Regional State Agreements Officer. A field accompaniment of one inspector was made by R. Woodruff on October 7, 1993. A summary meeting regarding the results of the review was held with Mr. Hill and his staff on November 4, 1993.

CONCLUSION

The Georgia program for regulation of agreement materials, at this time, is adequate to protect the public health and safety. The State's regulations are compatible with NRC's regulation in all respects with the exception of the "emergency planning rule," 10 CFR Parts 30, 40, and 70 amendments which were due by April 7, 1993 and the "safety requirements for radiographic equipment," 10 CFR Part 34 amendment (55 FR 843) which was due by January 10, 1994. Therefore, a finding of compatibility is being withheld.

STATUS OF PROGRAM RELATED TO PREVIOUS NRC FINDINGS

The results of the previous review were reported to the State in a letter to Mr. Harold F. Reheis, Director, Division of Environmental Protection, Department of Natural Resources dated January 9, 1992. All comments and recommendations made at that time were satisfactorily resolved and closed out during our visit held in October of 1992, except for the following comment and recommendation.

1. Inspector's Performance and Capability is a Category I indicator. The following comment with our recommendation is made.

Comment

The program manager or supervisor should conduct annual field evaluations of each inspector to assess performance and assure consistent application of appropriate policies and guides. The

impact of the RSI case prevented the program manager from carrying out the field evaluations in 1989. Following our 1989 review, we recommended that the State reinstate annual field evaluations. However, the annual field evaluations were not accomplished due to programmatic priorities related to the Program being reorganized under the Department of Natural Resources. The Program Manager related that annual field evaluations would resume, and rescheduling would begin immediately. All of the technical staff persons were accompanied by the reviewer to a licensed facility during this review, and this comment was not considered to be of major significance.

#### Recommendation

We again recommend that the annual field evaluations of inspectors be rescheduled and performed.

#### State response

Annual field evaluations of inspectors will be scheduled and performed by the Program Manager.

#### Current status

All radiation inspectors including the South Georgia Office inspector have been accompanied since the last visit in October of 1992. This item was satisfactorily closed.

### CURRENT REVIEW COMMENTS AND RECOMMENDATIONS

All 30 indicators were reviewed and the State satisfies 27 of these indicators. Specific comments on the remaining three indicators are as follows:

#### 1. Status and Compatibility of Regulations (Category I)

##### Comment

The State has two regulations overdue for the purposes of compatibility with the NRC regulations, "Emergency Planning" (54 FR 14051) that was due by April 7, 1993 and "Safety Requirements for Radiographic Equipment," 10 CFR Part 34 amendment (55 FR 843) which was due by January 10, 1994.

The following regulations have been drafted by the State:

- "Emergency Planning", 10 CFR Parts 30, 40, and 70 amendments (54 FR 14051) and that was needed by April 7, 1993.
- "Notification of Incidents", 10 CFR Parts 20, 30, 31, 34, 39, 40, and 70 amendments (56 FR 40757) that became effective on October 15, 1991 and will be needed by October 15, 1994.

- "Quality Management Program and Misadministrations", 10 CFR Part 35 amendment (56 FR 34104) that became effective on January 27, 1992 and will be needed by January 27, 1995.

In addition, as a matter separate from this review, we would like to bring to the State's attention other regulations needed for compatibility. These rules are:

- "Licenses and Radiation Safety Requirements for Irradiators," 10 CFR Part 36 (58 FR 7715) which is needed by July 1, 1996.
- "Licensing Requirements for Land Disposal of Radioactive Wastes," 10 CFR Part 61 (58 FR 33886) which is needed by July 22, 1996.
- "Decommissioning Recordkeeping and License Termination: Documentation Additions," 10 CFR Parts 30, 40, 70, and 72 (58 FR 39628) which is needed by October 25, 1996.

The radioactive materials regulations, Chapter 391-3-17 have been completely revised and a public hearing on their adoption was held on November 12, 1993. The proposed regulations will be sent to the Legislative Research Council for review. Thirty-days after the review, the rules can be presented to the Board of Natural Resources for adoption. Once approved by the Board, the rules become effective 20 days after being filed with the Secretary of State's Office. The regulations are currently scheduled to be approved by the Board during their February 1994 meeting, and would become effective in March of 1994.

The draft regulations above have been reviewed for compatibility and when adopted, they will be compatible with the NRC regulations through the "Quality Management Program and Misadministrations" regulations (56 FR 34104) that became effective on January 27, 1992.

The State used emergency measures to adopt the amendments equivalent to the revised 10 CFR Part 20 which became effective on December 8, 1993 and were implemented on January 1, 1994.

#### Recommendation

We recommend that the State provide within 30-days of the date of this letter their schedule, including interim milestones, for completing all actions necessary to promulgate the overdue regulation and other regulations needed for the purposes of compatibility.

2. Status of Inspection Program (Category I Indicator)Comment

All of the licenses are set up in the computer program to be inspected at or more frequent than similar NRC licenses. However, on July 2, 1993, the NRC issued an Interim Change to the inspection frequency for high and medium dose rate afterloaders, license codes 02230 and 02231. This information was not provided to the State prior to the review. The State has approximately 10 licenses that will be affected by this change in inspection frequency. During the review, the Program Manager agreed to revise the inspection frequency. This comment has no impact on the adequacy determination.

Recommendation

We recommend that the State review the list of brachytherapy afterloader licensees and develop a plan for their inspection at the revised inspection frequency.

3. Administrative Procedures is a Category II IndicatorComment

The Radiation Control Program (RCP) should have written internal procedures to assure that the staff performs its duties as required and to provide a high degree of uniformity and continuity in regulatory practices. The RCP has established many internal procedures over the years and the staff is currently reviewing the administrative procedures developed by the Conference of Radiation Control Program Directors (E-15 Committee), and the Program Manager has committed to revising the internal procedures over the next two years. Discussions with the staff indicates that the staff have been trained in the administrative and technical procedures to the extent covered by the current procedures.

Recommendation

We recommend that the State's plans to revise the internal administrative procedures be implemented and completed as scheduled.

## SUMMARY DISCUSSION WITH STATE REPRESENTATIVES

A summary meeting to present the results of the regulatory program review meeting was held on Friday, November 5, 1993 with Mr. Harold F. Reheis and Mr. Thomas E. Hill. In general, the reviewer discussed the scope of the review, the excellent support the Program receives from the Department, and expressed the staff view that the program was adequate to protect public health and safety. The State was informed that a finding of compatibility would be withheld until the regulation equivalent to "Emergency Planning," 10 CFR Parts 30, 40, and 70 amendments which were due by April 7, 1993 be adopted. The reviewer also discussed the importance of the implementation of the State's equivalent regulations to the 10 CFR Part 20.

In response, Mr. Reheis related that he would present the 10 CFR Part 20, "Standards for Protection Against Radiation" regulations to the Board of Natural Resources for emergency adoption during their December meeting.

Mr. Reheis was informed that the details of the review were discussed with the Radioactive Materials Program staff, and a letter from Mr. Bangart, Director, Office of State Programs, would be sent to him with the results of the review.