



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
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KING OF PRUSSIA, PA 19406-1415

November 6, 2009

Cynthia Sanders
Manager
Radioactive Materials Program
Environmental Protection Division
Georgia Department of Natural Resources
4220 International Parkway, Suite 100
Atlanta, GA 30354

Dear Ms. Sanders:

A periodic meeting with your Office was held on October 28, 2009. The purpose of the meeting was to review and discuss the status of the Georgia Department of Natural Resource's Agreement State program. The NRC was represented by Monica Orendi and me.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of 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 (610) 337-5214, or email to James.Kottan@nrc.gov to discuss your comments.

Sincerely,

/RA/

James Kottan
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR GEORGIA DEPARTMENT OF
NATURAL RESOURCES (DNR)

DATE OF MEETING: October 28, 2009

NRC Attendees	Georgia DNR
James Kottan, Region I RSAO	James Sommerville, Chief, Program Coordination Branch
Monica Orendi, FSME	Ted Jackson, Program Manager, Environmental Emergency and Radiation Program
	Cynthia Sanders, Manager, Radioactive Materials Program

DISCUSSION:

During the 2008 Integrated Materials Performance Evaluation Program (IMPEP) review of the Georgia Agreement State Program, the review team found the State's performance satisfactory for three performance indicators and satisfactory, but needs improvement, for four performance indicators. Two recommendations were made by the IMPEP review team, and two recommendations were carried over from the previous IMPEP. On December 4, 2008, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Georgia Agreement State Program. The MRB found the Georgia program adequate to protect public health and safety, but needs improvement, and compatible with the NRC program. The MRB directed NRC staff to initiate a period of monitoring, and requested that calls between the Georgia DNR and NRC staffs be conducted quarterly, and directed that a Periodic Meeting take place approximately one year from the 2008 IMPEP review.

This summary describes that periodic meeting.

The status of the State's actions to address the open recommendations follows:

1. The review team recommended that Georgia develop, document, and implement a formal qualification program for licensing and inspection activities that includes written documentation and supervisor endorsement of competency in each program area.

Status: The Program has developed and implemented a policy and procedure for formal qualification of staff that includes written documentation and supervisor endorsement of competency in each program area.

This recommendation remains open and should be evaluated at the next IMPEP review.

2. The review team recommended that Georgia update their inspection procedures and enforcement guidance to include the requirements for timely follow up of Increased Controls violations.

Status: The Program has revised their inspection procedure to address this recommendation and has trained the staff on the revised procedure.

This recommendation remains open and should be evaluated at the next IMPEP review.

Enclosure

3. The review team recommended that Georgia develop and implement a process for conducting annual accompaniments of all radiation compliance inspectors by a supervisor. (Carryover recommendation from the 2004 IMPEP.)

Status: The Program Supervisor is conducting annual accompaniments of inspectors. The accompaniments are documented in an Accompaniments Tracking Log.

This recommendation remains open and should be evaluated at the next IMPEP review.

4. The review team recommended that Georgia qualify one additional reviewer in Sealed Source and Device (SSD) evaluations to provide backup for the principal reviewer. (Carryover recommendation from the 2004 IMPEP.)

Status: Mr. Sommerville stated that a Division meeting is planned to discuss filling this position. A job solicitation has been posted for this vacancy. The Program anticipates that this position can be filled because the position is fee funded rather than general revenue funded.

This recommendation remains open and should be evaluated at the next IMPEP review.

OTHER TOPICS COVERED DURING THE MEETING INCLUDED:

Program Strengths

An enthusiastic staff that accepts responsibility and takes ownership of their Program areas is the strength of the Program. The Program has recovered from a significant turnover of staff, and now has a good mix of staff with respect to experienced staff and new hires. There is support for staff training throughout the Program management chain. The regulations are up to date. The Program has been responsive to the recommendations from the latest IMPEP review. DNR management has a clear vision for the Program.

Feedback on the NRC's Program

The Program commented that both the overall relationship and communications with the NRC are good. The Program welcomed the NRC funding of training. However, the Program commented that they would like more training slots to be made available to the Agreement States, especially in the medical and radiography training courses. Additionally, they would like the NRC to fund the five-week Oak Ridge Health Physics Course. Georgia has not had any major issues with the National Source Tracking System.

Agreement State Program Staffing and Training

The Program staff consists of nine individuals including the supervisor. There is one staff vacancy, the additional SSD reviewer. Additionally, the Program staff includes a secretary and a technical assistant. Since the previous IMPEP there have been no changes in Program staffing.

Support for staff training exists in the Program. Georgia welcomed the NRC's revised policy on funding training for Agreement States. Program staff have attended NRC and other training courses, including the NRC's Security Systems and Principles Course. The Program Manager noted that other activities that are not specifically training, such as attendance at meetings, also provide valuable opportunities for knowledge sharing. In response to recommendations made during the last IMPEP review, the Program has developed core training course requirements for program staff.

Organization

The Georgia Agreement State Program is administered by the Radioactive Materials Program of the Emergency Response and Radiation Section of the Program Coordination Branch. The Branch is a part of the Environmental Protection Division of the Georgia Department of Natural Resources. Since the most recent IMPEP review, the Director of the Environmental Protection Division resigned and the new replacement is F. Allen Barnes.

Program Budget/Funding

Mr. Sommerville stated that the program is adequately funded for now. The Program is funded by fees. The funds are placed into a restricted account that is reserved for the Program. Although the program is adequately funded, Mr. Sommerville noted that Georgia has not had a fee increase since 1992. Funding is adequate for training, but because of overall State budget constraints, training requests are required to go through a management approval process.

Inspection Program

The Program's inspection frequencies are at least as frequent as NRC's. One Priority 1 inspection and one Priority 2 inspection were overdue by more than six months. The Program has completed the first round of IC inspections and continues to conduct IC inspections as part of the routine health and safety inspections. There have not been any new IC licensees since the last IMPEP review. About 30 other inspections were past due. Ms. Sanders stated that the inspection backlog was manageable and not a burden on the Program. The Program monitors and tracks inspection scheduling. Management is aware of the importance of inspection program schedules.

The Program had no licensing actions that were overdue. Ms. Sanders stated that the number of licenses has remained approximately constant over the last several years at about 525 licenses. Ms. Sanders also stated that the Program is aware of the requirement for "pre-licensing" visits, and pre-licensing visits are conducted on a case-by-case basis. The Program averages about 400 licensing actions per year.

Regulations and Legislative Changes

There have not been any legislative changes or proposals that have affected the Program. Georgia is up-to-date with respect to implementation of the regulations. There are no overdue regulations.

Event Reporting

The Program communicates reportable incidents to the NRC Operations Center and Region I when appropriate in a prompt manner. Since the last IMPEP review in September 2008, seven events were reported to the NRC.

Response to Incidents and Allegations

The Program continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their effect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Program is aware of the need to maintain an effective response to incidents and allegations.

Current State Initiatives

The Program's priority initiative is implementing the programs that have been put into place in response to the recommendations made during the last IMPEP review. Other Program initiatives involve decommissioning of a NORM facility and a cyclotron, and also the licensing of treatment systems for removal of uranium from drinking water. The Program is also involved in tritium gun sight and irradiator modification licensing issues.

Commonwealth's Mechanisms to Evaluate Performance

Ms. Sanders and Mr. Sommerville stated that the Branch conducts self assessments by tracking program statistics, supervisor accompaniments of inspectors, and providing monthly Program reports to the Division Director. Additionally, Program budget audits are conducted by the Office of Planning and Budget.

Action Items Resulting From the Meeting

- FSME will make arrangements to assist in training the new Georgia staff individual, once hired, in conducting SSD reviews by arranging for observation of FSME SSD reviews.
- DNR will provide their regulations to NRC to resolve and clarify the status of RATS IDs 1991-4, 1998-5, and 1999-3.

CONCLUSIONS:

Georgia's program continues to improve. Georgia has been responsive to the recommendations that were made during the 2008 IMPEP review. All of the recommendations made during the IMPEP review have been addressed. The program is adequately staffed. The effort to reduce the inspection backlog continues.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2012 (tentatively September 2012).