



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

May 27, 2011

Cynthia Long, Manager
Radioactive Materials Program
GA Department of Natural Resources
4220 International Parkway, Suite 100
Atlanta, GA 30354

Dear Ms. Long:

A periodic meeting was held with you on April 26, 2011. The purpose of the meeting was to review and discuss the status of the State of Georgia's Department of Natural Resources' Radioactive Materials Program. The NRC was represented by Raymond Lorson, Donna Janda, and me. Topics and issues of importance discussed at the meeting included a detailed discussion of recommendations from the 2008 IMPEP review.

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 Monica.Orendi@nrc.gov to discuss your comments.

Sincerely,

/RA/

Monica Orendi
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: April 26, 2011

NRC Attendees	Georgia DNR
Raymond Lorson, Director, Division of Nuclear Materials Safety, Region I	Jac Capp, Branch Chief, Air Protection Branch
Donna Janda, Region I RSAO	Chuck Mueller, Senior Policy Advisor
Monica Orendi, Region I RSAO	Cynthia Sanders Long, Manager, Radioactive Materials Program

DISCUSSION:

During the 2008 Integrated Materials Performance Evaluation Program (IMPEP) review of the Georgia Agreement State Program (the Program), the review team found the State's performance satisfactory for three performance indicators: Technical Quality of Incidents and Allegations, Compatibility Requirements, and Sealed Source and Device Evaluation Program; and satisfactory, but needs improvement, for four performance indicators: Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Inspections, and Technical Quality of Licensing Actions. Two recommendations were made by the IMPEP review team, and two recommendations were carried over from the 2004 IMPEP review. 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 Program adequate to protect public health and safety, but needs improvement, and compatible with NRC's program. The MRB directed NRC staff to initiate a period of monitoring, 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. On October 28, 2009, a periodic meeting was held to discuss the status of the Program and the recommendations made during the 2008 IMPEP review. On January 7, 2010, the MRB met to discuss the results of the periodic meeting. The MRB concluded that the next IMPEP review of the Program should take place as currently scheduled in Fiscal Year 2012.

The following is a status summary of the four recommendations that were identified in the 2008 Georgia final IMPEP report:

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. Efforts are ongoing with respect to licensing qualification for staff. Staff licensing actions are undergoing review by Ms. Long, and peer reviews of licensing actions have also been implemented. Efforts on the inspection qualification program are also continuing. Ms. Long is conducting training accompaniments with staff as part of the inspection qualification program. Georgia staff are attending NRC sponsored training courses, and Georgia is attempting to

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place as many staff as possible into the training courses in order to respond to the recommendation in this area. Georgia continues to move forward with staff qualifications and training.

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: Ms. Long stated that the inspection procedures have been updated to include the guidance in FSME's RCPD-07-006 letter and that staff has been trained on the revised procedure.

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. Ms. Long stated that all of her staff had been accompanied during calendar year 2010.

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: Ms. Long stated that this position remains unfilled at the present time. Due to budget constraints within the State, the Program has been unable to fill this vacant position. Ms. Long is currently performing the second review for SS&D sheets. In the interim, Ms. Long stated that the Program is considering qualifying a second staff member to be able to perform the second review for SS&D sheets or asking other Agreement States with SS&D programs for help with performing the second review on SS&D sheets while the vacancy remains.

OTHER TOPICS COVERED DURING THE MEETING INCLUDED:

Program Strengths

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. The team work and sharing of responsibilities amongst the staff are considered Program strengths. There is support for staff training throughout the Program management organization. The Program has been responsive to the recommendations from the latest IMPEP review.

Program Weaknesses

Budget constraints are the major Program weakness. Due to a tighter State budget, the Program is unable to send staff to the five week health physics course. Also with regards to NRC initiatives that the Agreement States are asked to comply with, lack of resources could impact how long it takes for the Program to implement these initiatives.

Feedback on the NRC's Program

The Program commented that both the overall relationship and communications with the NRC are good. The Program expressed appreciation for the NRC funding of training and added that they would like to see the NRC fund the five-week Oak Ridge Health Physics Course.

Agreement State Program Staffing and Training

The Program staff currently consists of nine individuals, which includes the Program manager. There are three staff vacancies, two technical positions and one administrative position. Ms. Long stated that Program staff is working together as a team to maintain the Program and pick up the workload of the departed staff.

Support for staff training exists in the Program. Georgia welcomed the NRC's revised policy on funding training for Agreement States. Program staff has 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 which is located in the Air Protection Branch (the Branch). The Branch is a part of the Environmental Protection Division of the DNR. 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

The program is adequately funded and is one hundred percent funded by fees. The funds are placed into a restricted account that is reserved for the Program. Program management stated that licensee fees are not based on a percentage of NRC's fees. Georgia has not had a fee increase since 1992.

Inspection and Licensing Programs

The Program's inspection frequencies are at least as frequent as NRC's. At the time of the periodic meeting three Priority 1 inspections, four Priority 2 inspections, and eight Priority 3 inspections were overdue by more than twenty five percent of the assigned inspection interval. About 11 other inspections were past due at the time of the meeting. The Program monitors and tracks inspection scheduling. Management is aware of the backlog and the importance of inspection program schedules. Ms. Long attributed this backlog is due in large part to the technical position vacancy. Additional options to help complete the overdue inspections in the absence of the technical position vacancy; such as reprioritizing the inspections based on priority code; were discussed with Program Management.

The Program currently has approximately 520 licensees. Georgia licensees are subject to a five year license renewal term. As of the periodic meeting the Program has 17 licensing actions that have been in house for more than one year. The Program receives 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 has three overdue regulations due for adoption.

The following regulations are currently overdue:

- “Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements,” 10 CFR Parts 30, 31, 32, and 150 amendment (72 FR 58473), that was due for implementation on December 17, 2010. (RATS ID 2007-2)
- “Requirements for Expanded Definition of Byproduct Material,” 10 CFR Parts 20, 30, 31, 32, 33, 35, 61, and 150 amendment (72 FR 55864), that was due for implementation on November 30, 2010. (RATS ID 2007-3)
- “Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent,” 10 CFR Parts 19 and 20 amendment (72 FR 68043), that was due for implementation on February 15, 2011. (RATS ID 2008-1)

Georgia plans to have final regulations adopted and in place before the next IMPEP review which is tentatively scheduled for FY 2012.

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, twelve events were reported to the NRC. It was noted during this Periodic meeting that a few of the events had either not been closed out by the State or the reports were either not completed by the State or had additional information requests from Idaho National Laboratory. The Program agreed to follow-up on these issues as appropriate.

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.

Sealed Source and Device (SS&D) Evaluation Program

Since the 2008 IMPEP review the Program has received 12 SS&D actions. Five of the 12 SS&D actions have been completed as of the date of this periodic meeting and one SS&D action was rescinded. It was noted that a few of the 12 SS&D actions were received in the

second half of calendar year 2009 and still had not been completed by the Program. Ms. Long stated that the Program would work on completing these actions and also work on eliminating the current backlog.

Large, Complicated, or Unusual authorizations for use of Radioactive Material

The Program received an interesting request from one of their major medical licensees, who is looking become a broadscope medical licensee by including their sister hospitals as satellite locations. The Program is in the early stages of evaluating this request and is planning to meet with the applicant licensee in the coming future to discuss the logistics of this request.

Commonwealth's Mechanisms to Evaluate Performance

Ms. Long stated that the Branch conducts self assessments by tracking program statistics and completing supervisor accompaniments of inspectors.

CONCLUSIONS:

Georgia has been responsive to the recommendations that were made during the 2008 IMPEP review. Staffing vacancies continue to impact the Program. The effort to reduce the inspection backlog continues.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2013 (tentatively October 2012).