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

November 25, 2003

Lawrence E. Nanney
Director
Division of Radiological Health
L & C Annex, Third Floor
401 Church Street
Nashville, TN 37243-1532

SUBJECT: TENNESSEE INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM REVIEW, FEBRUARY 23 - 27, 2004

Dear Mr. Nanney:

As you are aware, the Nuclear Regulatory Commission (NRC) is using the Integrated Materials Performance Evaluation Program (IMPEP) for the evaluation of Agreement State Programs. Per our discussion, I will be the team leader for the IMPEP review of the Tennessee program scheduled for the week of February 23, 2004. The team will include Richard Woodruff, Region I, Robert Gattone, Region III, Ujagar Bhachu, Office of Nuclear Materials Safety and Safeguards, and Shawn Seeley, State of Maine

Enclosed is the document, "IMPEP Questionnaire." The questionnaire is being furnished to you electronically as well as in printed form. I ask that you send the completed questionnaire by Internet to me at adw@nrc.gov by February 13, 2004. I am sending the questionnaire in advance of the IMPEP review in order to provide time for you to allocate the staff resources necessary to complete the document by the due date. Part A of the questionnaire contains questions on the common performance indicators. Part B contains questions on the non-common performance indicators for Agreement States. Also included with the questionnaire is the document “Materials Requested to Be Available for the Onsite Portion of an IMPEP Review.” We encourage States to have the items listed prepared prior to the IMPEP team’s arrival.

I request that you set up an appointment with the appropriate State Senior Management Official to discuss the results of the IMPEP review of the Tennessee program on the morning of February 27, 2004.

If you have questions, please call me at 610-337-5042.

Thank you for your cooperation.

Sincerely,

Original signed by Duncan White

Duncan White, CHP
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

cc:
Betsy L. Child, Commissioner
Tennessee Department of Environment and Conservation
L & C Tower, 21st Floor
401 Church Street
Nashville, TN 37243

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Expires 6/30/2004

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

QUESTIONNAIRE

Name of State/Regional Program: Tennessee
Reporting Periods: August 26, 2000 to February 27, 2004 (Staffing and Training, Licensing, and SS&D); October 26, 2001 to February 27, 2004 (Inspections, Incidents and Allegations, and Regulations)

A. COMMON PERFORMANCE INDICATORS

I. Status of Materials Inspection Program

1. Please prepare a table identifying the licenses with inspections that are overdue by more than 25% of the scheduled frequency set out in NRC Inspection Manual Chapter 2800. The list should include initial inspections that are overdue.

Licensee Name	Insp. Frequency (Years)	Due Date	Months O/D

2. Do you currently have an action plan for completing overdue inspections? If so, please describe the plan or provide a written copy with your response to this questionnaire.

3. Please identify individual licensees or groups of licensees the State/Region is inspecting more or less frequently than called for in NRC Inspection Manual Chapter 2800 and state the reason for the change.

[1] Estimated burden per response to comply with this voluntary collection request: 53 hours. Forward comments regarding burden estimate to the Records Management Branch (T-6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0183), Office of Management and Budget, Washington, DC 20503. If an information collection does not display a currently valid OMB control number, NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

4. Please complete the following table for licensees granted reciprocity during the reporting period.

Priority	Number of Licensees Granted Reciprocity Permits Each Year	Number of Licensees Inspected Each Year
Service Licensees performing teletherapy and irradiator source installations or changes	YR YR YR YR	YR YR YR YR
1	YR YR YR YR	YR YR YR YR
2	YR YR YR YR	YR YR YR YR
3	YR YR YR YR	YR YR YR YR
4		
All Other		

5. For NRC Regions, did you establish numerical goals for the number of inspections to be performed during this review period? If so, please describe your goals, the number of inspections actually performed, and the reasons for any differences between the goals and the actual number of inspections performed.

II. Technical Quality of Inspections

6. What, if any, changes were made to your written inspection procedures during the reporting period?

7. Prepare a table showing the number and types of supervisory accompaniments made during the review period. Include:

Inspector Supervisor License Cat. Date

8. Describe internal procedures for conducting supervisory accompaniments of inspectors in the field.
9. Describe or provide an update on your instrumentation and methods of calibration. Are all instruments properly calibrated at the present time? Were there sufficient calibrated instruments available through the review period?

III. Technical Staffing and Training

10. Please provide a staffing plan, or complete a listing using the suggested format below, of the professional (technical) person-years of effort applied to the agreement or radioactive material program by individual. Include the name, position, and, for Agreement States, the fraction of time spent in the following areas: administration, materials licensing & compliance, emergency response, LLW, U-mills, other. If these regulatory responsibilities are divided between offices, the table should be consolidated to include all personnel contributing to the radioactive materials program. Include all vacancies and identify all senior personnel assigned to monitor work of junior personnel. If consultants were used to carry out the program's radioactive materials responsibilities, include their efforts. The table heading should be:

Name	Position	Area of Effort	FTE%

11. Please provide a listing of all new professional personnel hired since the last review, indicate the degree(s) they received, if applicable, and additional training and years of experience in health physics, or other disciplines, if appropriate.

12. Please list all professional staff who have not yet met the qualification requirements of license reviewer/materials inspection staff (for NRC, Inspection Manual Chapters 1246; for Agreement States, please describe your qualifications requirements for materials license reviewers and inspectors). For each, list the courses or equivalent training/experience they need to attend and a tentative schedule for completion of these requirements.

13. Please identify the technical staff who left the RCP/Regional DNMS program during this period.

14. List the vacant positions in each program, the length of time each position has been vacant, and a brief summary of efforts to fill the vacancy.

IV. Technical Quality of Licensing Actions

15. Please identify any major, unusual, or complex licenses which were issued, received a major amendment, were terminated, decommissioned, submitted a bankruptcy notification or renewed in this period. Also identify any new or amended licenses that now require emergency plans.

16. Discuss any variances in licensing policies and procedures or exemptions from the regulations granted during the review period.

17. What, if any, changes were made in your written licensing procedures (new procedures, updates, policy memoranda, etc.) during the reporting period?

18. For NRC Regions, identify by licensee name, license number and type, any renewal applications that have been pending for one year or more. Please indicate why these reviews have been delayed.

V. Responses to Incidents and Allegations

19. For Agreement States, please provide a list of the reportable incidents (i.e., medical misadministration, overexposures, lost and abandoned sources, incidents requiring 24 hour or less notification, etc. See Handbook on Nuclear Material Event Reporting in Agreement States for additional guidance.) that occurred during the review period. Information included in previous submittals to NRC need not be repeated (i.e., those submitted under OMB clearance number 3150-0178, Nuclear Material Events Database). The list should be in the following format:

Licensee Name	License #	Date of Incident/Report	Type of Incident

20. During this review period, did any incidents occur that involved equipment or source failure or approved operating procedures that were deficient? If so, how and when were other State/NRC licensees who might be affected notified? For States, was timely notification made to NRC? For Regions, was an appropriate and timely PN generated?

21. For Agreement States, for incidents involving failure of equipment or sources, was information on the incident provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency? Please provide details for each case.

22. Identify any changes to your procedures for handling allegations that occurred during the period of this review.

VI. General

23. Please prepare a summary of the status of the State's or Region's actions taken in response to the comments and recommendations following the last review. Describe the results of any program audits completed during the review period.

24. For NRC Regions, briefly describe any recent efforts, or future plans, on your part to: (1) improve the safety performance of licensees operating below acceptable levels for ensuring public health and protection, (2) increase the public confidence in your program, (3) increase your effectiveness, and efficiency, or (4) reduce any unnecessary regulatory burden for your stakeholders.

25. Provide a brief description of your program's strengths and weaknesses. These strengths and weaknesses should be supported by examples of successes, problems or difficulties which occurred during this review period.

B. NON-COMMON PERFORMANCE INDICATORS

I. Legislation and Program Elements Required for Compatibility

26. Please list all currently effective legislation that affects the radiation control program (RCP).

27. Are your regulations subject to a "Sunset" or equivalent law? If so, explain and include the next expiration date for your regulations.

28. Please complete the enclosed table based on NRC chronology of amendments. Identify those that have not been adopted by the State as detailed in the current RATS form, explain why they were not adopted, and discuss any actions being taken to adopt them. Identify the regulations that the State has adopted through legally binding requirements other than regulations.

29. If you have not adopted all amendments within three years from the date of NRC rule promulgation, briefly describe your State's procedures for amending regulations in order to maintain compatibility with the NRC, showing the normal length of time anticipated to complete each step.

II. Sealed Source and Device Program

30. Prepare a table listing new and revised SS&D registrations of sealed sources and devices issued during the review period. The table heading should be:

SS&D Registry Number	Manufacturer, Distributor or Custom User	Product Type or Use	Date Issued	Type of Action

31. What guides, standards and procedures are used to evaluate registry applications?

32. Please include information on the following questions in Section A, as they apply to the Sealed Source and Device Program:

Technical Staffing and Training - A.III.10-14
Technical Quality of Licensing Actions - A.IV.15-18
Responses to Incidents and Allegations - A.V.19-22

III. Low-Level Waste Program

33. Please include information on the following questions in Section A, as they apply to the Low-level Waste Program:

Status of Materials Inspection Program - A.I.1-3, A.I.5
Technical Quality of Inspections - A.II.6-9
Technical Staffing and Training - A.III.10-14
Technical Quality of Licensing Actions - A.IV.15-18
Responses to Incidents and Allegations - A.V.19-22

IV. Uranium Mill Program

34. Please include information on the following questions in Section A, as they apply to the Uranium Mill Program:

Status of Materials Inspection Program - A.I.1-3, A.I.5
Technical Quality of Inspections - A.II.6-9
Technical Staffing and Training - A.III.10-14
Technical Quality of Licensing Actions - A.IV.15-18
Responses to Incidents and Allegations - A.V.19-22

TABLE FOR QUESTION 28.

10 CFR RULE	DATE DUE	DATE ADOPTED OR EFFECTIVE	OR	
			CURRENT STATUS	EXPECTED ADOPTION
Any amendment due prior to 1993. Identify each regulation (refer to the Chronology of Amendments)				
Emergency Planning; Parts 30, 40, 70	4/7/93			
Standards for Protection Against Radiation; Part 20	1/1/94			
Safety Requirements for Radiographic Equipment; Part 34	1/10/94			
Notification of Incidents; Parts 20, 30, 31, 34, 39, 40, 70	10/15/94			
Quality Management Program and Misadministrations; Part 35	1/27/95			
Licensing and Radiation Safety Requirements for Irradiators; Part 36	7/1/96			
Definition of Land Disposal and Waste Site QA Program; Part 61	7/22/96			
Decommissioning Recordkeeping: Documentation Additions; Parts 30, 40, 70	10/25/96			
Uranium Mill Tailings: Conforming to EPA Standards; Part 40	7/1/97			
Timeliness in Decommissioning Parts 30, 40, 70	8/15/97			
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use; Parts 30, 32, 35	1/1/98			
Frequency of Medical Examinations for Use of Respiratory Protection Equipment	3/13/98			

10 CFR RULE	DATE DUE	DATE ADOPTED OR EFFECTIVE	OR	
			CURRENT STATUS	EXPECTED ADOPTION
Low-Level Waste Shipment Manifest Information and Reporting	3/1/98			
Performance Requirements for Radiography Equipment	6/30/98			
Radiation Protection Requirements: Amended Definitions and Criteria	8/14/98			
Medical Administration of Radiation and Radioactive Materials.	10/20/98			
Clarification of Decommissioning Funding Requirements	11/24/98			
10 CFR Part 71: Compatibility with the International Atomic Energy Agency	4/1/99			
Termination or Transfer of Licensed Activities: Recordkeeping Requirements.	6/16/99			
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act	1/9/2000			
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State	2/27/2000			
Criteria for the Release of Individuals Administered Radioactive Material	5/29/2000			
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations; Final Rule	6/27/2000			
Radiological Criteria for License Termination	8/20/2000			
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea	1/2/2001			
Deliberate Misconduct by Unlicensed Persons	2/12/2001			

10 CFR RULE	DATE DUE	DATE ADOPTED OR EFFECTIVE	OR	
			CURRENT STATUS	EXPECTED ADOPTION
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations; Clarifying Amendments and Corrections	7/9/2001			
Minor Corrections, Clarifying Changes, and a Minor Policy Change	10/26/2001			
Transfer for Disposal and Manifest; Minor Technical Conforming Amendments	11/20/2001			
Radiological Criteria for License Termination of Uranium Recovery Facilities	6/11/2002			
Respiratory Protection and Controls to Restrict Internal Exposures	2/2/2003			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications	5/17/03			
New Dosimetry Technology	1/8/04			

MATERIALS REQUESTED TO BE AVAILABLE FOR
THE ONSITE PORTION OF AN IMPEP REVIEW

ORGANIZATION CHARTS

Clean, sized 8½ X 11" including names and positions

- ☐ One showing positions from Governor down to Radiation Control Program Director (RCPD)
- ☐ One showing positions of current radiation control program with RCPD as Head
- ☐ Equivalent charts for LLRW and mills programs, if applicable

LICENSE LISTS

- ☐ Printouts of current licenses, showing total, as follows:

Name	License #	Location	License Type	Priority	Last Inspection	Due Date

Sort alphabetically
Also, sort by due date and by priority (if possible)

THE FOLLOWING LISTS

- ☐ List of open license cases, with date of original request, and dates of follow up actions
- ☐ List of licenses terminated during review period.
- ☐ Copy of current log or other document used to track licensing actions
- ☐ Copy of current log or other document used to track inspections
- ☐ List of Inspection frequency by license type
- ☐ List all incidents occurring during the review period. Show whether incident is open or closed and whether it was reported to the NRC
- ☐ List of all allegations occurring during the review period. Show whether the allegation is open or closed and whether it was referred by NRC
- ☐ List of all wrongdoings occurring during the review period. Show whether the allegation is open or closed

THE FOLLOWING DOCUMENTS

- ☐ All State regulations
- ☐ Statutes affecting the regulatory authority of the state program
- ☐ Standard license conditions
- ☐ Technical procedures for licensing, model licenses, review guides
- ☐ SS&D review procedures
- ☐ Instrument calibration records
- ☐ Inspection procedures and guides
- ☐ Inspection report forms
- ☐ Records of results of supervisory accompaniments of inspectors
- ☐ Emergency plan and communications list
- ☐ Procedures for investigating allegations
- ☐ Procedures for investigating incidents
- ☐ Enforcement procedures, including procedures for escalated enforcement, severity levels, civil penalties (as applicable)
- ☐ Copies of job descriptions
- ☐ Copies of audits or self audits conducted