

GEORGIA DEPARTMENT OF NATURAL RESOURCES (DNR)
HEIGHTENED OVERSIGHT CONFERENCE CALL
April 9, 2013

Nuclear Regulatory Commission (NRC) Attendees	Georgia DNR Attendees
Monica Orendi, Region I	Jim Hardeman, Acting Manager, Radioactive Materials Program
Raymond Lorson, Region I	Chuck Mueller, Policy Advisor
Pamela Henderson, FSME	James Capp, Chief, Air Protection Branch
Duncan White, FSME	
Lisa Dimmick, FSME	

BACKGROUND

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, but needs improvement for the indicators Technical Staffing and Training, Status of Materials Inspection Program, Technical Quality of Licensing, and Technical Quality of Inspections and satisfactory for the indicators Technical Quality of Incidents and Allegations, Compatibility Requirements, and Sealed Source and Device Evaluation. Two recommendations were made by the IMPEP review team, and two recommendations were carried over from the previous 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 Georgia Agreement State 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 for the Georgia Agreement State Program.

During the 2012 IMPEP review the review team found the State's performance unsatisfactory for the indicators Technical Quality of Inspections and Technical Quality of Incidents and Allegations; satisfactory but needs improvement for the indicators Technical Staffing and Training, Status of Materials Inspection Program, and Technical Quality of Licensing; and satisfactory for the indicators Compatibility Requirements and Sealed Source and Device Evaluation. Twelve recommendations were made by the IMPEP team, one of which was carried over from the 2004 and 2008 IMPEP reviews. On January 17, 2013 the MRB met to consider the proposed final IMPEP report on the Georgia Agreement State Program. The MRB found the Georgia Agreement State Program adequate to protect public health and safety but needs improvement and compatible with the NRC program. The MRB stated that it would recommend to the Commission that the Georgia Agreement State Program be placed on probation and until such time as the Commission votes the Georgia Agreement State Program would be on Heightened Oversight. The MRB also directed that another full IMPEP review take place one year from the date of the MRB.

Heightened Oversight is a process that involves submittal of a program improvement plan (Plan) and bimonthly conference calls between the State and the NRC. The Georgia Agreement State Program submitted their Plan to the NRC on March 7, 2013 (ML13070A161) and the Plan was approved by the NRC in a letter dated April 4, 2013 (ML13084A029). This is the first bi-monthly conference call with DNR since the January 17, 2013 MRB.

DISCUSSION OF PROGRAM STATUS

Technical Staffing and Training (2012 IMPEP: Satisfactory but Needs Improvement)

The Georgia Agreement State Program currently consists of nine technical staff positions and a vacant Program manager position. The Program manager position became vacant shortly after the October 2012 IMPEP review and is being covered by the environmental radiation program manager. The Georgia Agreement State Program has posted and interviewed for the radioactive materials program manager position and hopes to have it filled in the near future. The acting radioactive materials program manager is set to retire at the end of April 2013. Other than the radioactive materials program manager position there are no other vacancies in the program. The Program continues to support staff training and utilizes NRC training courses when available. Since the 2012 IMPEP review the staff of the radioactive materials program has been moved to the same building as other employees in the Air Protection Branch (this is the branch the program is organizationally located in). This move has helped to strengthen the camaraderie amongst the staff and improve management and staff communications.

Status of the Materials Inspection Program (2012 IMPEP: Satisfactory but Needs Improvement)

The 2012 IMPEP review team generated one recommendation for this performance indicator. This recommendation is listed below along with its status.

Recommendation 1: The review team recommends the State develop and implement a plan to complete higher priority and initial inspections in accordance with the inspection frequencies specified in IMC 2800.

Status: The Georgia Agreement State Program has developed a spreadsheet for use in tracking inspections. Assignments to complete all overdue and calendar year 2013 inspections have been made. Only two overdue inspections (both priority 3) remain out of the 26 that were identified during the IMPEP review. No other inspections have been completed overdue since the 2012 IMPEP. At the weekly staff meeting management and staff review the spreadsheet to discuss inspections coming due in the next two weeks. The staff also discusses any inspections they completed during the last week at the weekly staff meeting. The Georgia Agreement State Program implemented a policy that all inspections will be completed in the month that they are due so as to ensure no inspection is completed overdue by more than twenty five percent of its inspection frequency. If the assigned inspector cannot complete the inspection in the month that it is due they have to obtain management approval to go beyond that window. The Georgia Agreement State Program has completed initial inspections within the one year timeframe since the IMPEP review (only 1 or 2 actions). Reciprocity inspections are still a struggle for the program. The program was unsure of how many reciprocity inspections had been completed to date in calendar year 2013.

Technical Quality of Inspections (2012 IMPEP: Unsatisfactory)

The 2012 IMPEP review team generated three recommendations for this performance indicator. These recommendations are listed below along with their status.

Recommendation 2: The review team recommends that the State update its inspection

procedures to include the most recent revisions to Inspection Manual Chapter 2800, including the implementation of inspection guidance for NSTS reviews.

Status: Georgia is using NRC's Inspection Manual Chapter 2800 as a guide while updating Georgia's inspection procedures to ensure their procedure is revised and updated accordingly. The draft inspection procedure has been completed and is currently out for review and comment by Georgia Agreement State Program staff. Georgia Agreement State Program management expects the final procedure to be issued in the next week or two and will provide training to the staff after the issuance. According to the Plan Georgia Agreement State Program management will review the procedure in June and December of each year to see if additional updates are needed.

Recommendation 3: The review team recommends that the State perform Increased Controls security inspections at least as frequently as the priority of the license being inspected.

Status: The Georgia Agreement State Program instituted a policy in January 2013 that required Increased Control inspections to be completed at the same time as the health and safety inspection for a licensee. Inspectors are now required to report out to their management, on all Increased Control inspections completed. Georgia is also in the process of updating their inspection procedure to require the above. This procedure is expected to become final in the next few weeks.

Recommendation 4: The review team recommends that the State perform a causal analysis regarding deficiencies identified during the NRC accompaniments of the Program inspectors, as documented in this section as well as Appendix C of this report, and formulate corrective actions for the causes identified during the analysis.

Status: Starting in January 2012 the Georgia Agreement State Program requires a team of two inspectors for all Priority 1 and high Priority 2 inspections. This policy will be in place until the Georgia Agreement State Program identifies and resolves all problematic areas of inspection(s). Georgia Agreement State Program management interviewed the staff involved with the deficient inspector accompaniments during the 2012 IMPEP and has determined that inadequate preparation is the main reason for the poor inspections. Georgia Agreement State Program management has decided to have a former materials inspector accompany all of the Georgia Agreement State Program inspectors to perform an independent assessment of the quality of inspections performed by staff. These inspection accompaniments are set to be complete by July 2013. The NRC will also be accompanying one inspector as follow-up to an inspection accompaniment completed during the IMPEP review. Georgia Agreement State Program management plans to assess the information provided by both reviews and determine if additional training for staff is necessary in order to ensure performance of quality inspections. Additionally Georgia Agreement State Program management will perform annual inspector accompaniments to continue to assess inspector performance.

Technical Quality of Licensing (2012 IMPEP: Satisfactory but Needs Improvement)

The Program currently has approximately 490 licensees. Georgia licensees are subject to a five year license renewal term. The 2012 IMPEP review team generated three recommendations for this performance indicator. These recommendations are listed below along with their status.

Recommendation 5: The review team recommends that the State update its medical licensing guidance documents to be consistent with Georgia regulations.

Status: Georgia is using NRC's NUREG 1556 volume 9 as a guide while updating Georgia's medical licensing procedure to ensure their procedure is revised and updated accordingly. The draft medical licensing procedure was completed on April 5th and is currently out for review and comment by Georgia Agreement State Program staff. Comments on the revised procedure are due to the procedure lead by May 1st. Georgia Agreement State Program management hopes to issue the procedure and have the staff trained on the procedure by midsummer 2013. According to the Plan Georgia Agreement State Program staff will review the procedure once each year to see if additional updates are needed.

Recommendation 6: The review team recommends that the State verify that all previously approved medical authorized users have proper documentation of their qualifications, since the new requirements were initiated in 2008.

Status: Two of the Georgia Agreement State Program staff was assigned to review all existing licenses to determine the number of authorized users added to a license that did not meet the requirements in Georgia regulations. The staff is about eighty percent complete with their work. So far they have found 1280 authorized users who were grandfathered on to a license and 286 that needed to supply training and attestation requirements to be placed on a license. Of those 286 potential authorized users, 250 did not have the correct training and attestation information in the licensee file and will need to supply the additional information. Georgia Agreement State Program management hopes to complete the review effort in the next few weeks. Once the review is complete staff will begin contacting the individuals to obtain the additional information needed. All new incoming actions requesting to add an authorized user to a license are being passed through the two staff completing the current review as part of the peer review process.

Recommendation 7: The review team recommends that the State implement pre-licensing guidance for all licensing actions to provide assurance that radioactive material will be used as specified on the license.

Status: The Georgia Agreement State Program established a policy in January 2013 that all new licenses will be hand delivered. The Georgia Agreement State Program is also working with the NRC to obtain refresher training on the pre-licensing guidance. A Georgia specific procedure is also being developed for pre-licensing actions. Once the draft procedure is finished it will be circulated to Georgia Agreement State Program staff for comment, the comments will be incorporated and the procedure will be made final, and the staff will receive training on the procedure.

Technical Quality of Incidents and Allegations (2012 IMPEP: Unsatisfactory)

The Georgia Agreement State Program continues to be sensitive to notifications of incidents and allegations. The Georgia Agreement State Program received NMED/ SA-300 training in February 2013. Since the last IMPEP review one event has been reported to the NRC. The 2012 IMPEP review team generated three recommendations for this performance indicator. These recommendations are listed below along with their status.

Recommendation 8: The review team recommends that the State develop, document, provide training to the Program staff on, and implement a procedure to notify the NRC of reportable incidents in a complete, timely and accurate manner in accordance with Office of Federal and State Materials and Environmental Management Programs Procedure SA-300 "Reporting Material Events."

Status: Georgia Agreement State Program management has completed revisions to the Georgia procedure for notifying NRC of reportable incidents. The revised procedure is currently being reviewed by staff. Once comments are received and incorporated the procedure will be made final and the Georgia Agreement State Program staff will receive training on the new procedure. Georgia Agreement State Program staff also received NMED/ SA-300 training in February 2013. The Georgia Agreement State Program is also working on updating and closing all outstanding items in NMED. There are 3 NMED items left to update/complete.

Recommendation 9: The review team recommends that the State strengthen its incident response program and take measures to (1) develop, document, implement, and provide training to the Program on the incident response procedure; (2) ensure that reported incidents are promptly evaluated to determine the appropriate type and level of Program response, including providing for Program management notification and review; (3) ensure that incidents are responded to with an appropriate level of effort and in a timeframe commensurate with the potential health and safety and/or security consequences of the incident; (4) ensure that licensee written reports are reviewed for completeness and appropriate corrective actions; and (5) ensure that the Program's evaluation of licensee incidents, whether based on a review of licensee reports, on-site reviews, or inspection follow-up, is properly documented to facilitate future follow-up.

Status: The Georgia Agreement State Program staff received training in January 2013 on Georgia's Complaint Tracking System (CTS) which will be used by the staff to track incidents and allegations received. The system was implemented by the Georgia Agreement State Program shortly after training was received. Georgia Agreement State Program management is notified via email when a new entry is made in the system. Management then reviews the entry with the staff member who entered the information to obtain additional information if necessary and to decide on the appropriate level of response. Management will also review the system weekly to check for entries that may have been missed and to follow-up on open action items.

Recommendation 10: The review team recommends that the State revise, enhance, implement, and provide training to the staff on its Allegation Procedure, including providing additional written guidance on (1) recognizing and identifying allegations; (2) notifying Program management of all received allegations; (3) promptly evaluating allegations for safety and security significance; (4) ensuring that the level of effort and timeliness in responding to allegations is commensurate with the potential significance of the allegation; and (5) tracking all allegations to ensure timely review and closure and timely feedback to allegeders.

Status: The Georgia Agreement State Program staff received training in January 2013 on CTS which will be used by the staff to track incidents and allegations received. The system was implemented by the Georgia Agreement State Program shortly after training was received. Georgia Agreement State Program management is notified via email when a new entry is made in the system. Management then reviews the entry with the staff member who entered the information to obtain additional information if necessary and to decide on the appropriate level of response. The Georgia Agreement State Program has not received any allegations since January 2013. As stated by the Georgia Agreement State program and as listed in the Office of Federal and State Materials and Environmental Management Programs procedure SA-400 "Management of Allegations," due to Georgia's open records act the Georgia Agreement State Program is unable to protect an allegeder's identity.

Compatibility Requirements (2012 IMPEP: Satisfactory)

There have not been any legislative changes or proposals that have affected the Georgia Agreement State Program. There are four regulations overdue for adoption. The Georgia Agreement State Program is aware of the overdue regulations and is working to get them adopted. Proposed regulations were submitted to NRC for review on February 19, 2013.

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)
- “Medical Use of Byproduct Material - Authorized User Clarification,” 10 CFR Part 35 amendment (74 FR 33901), that was due for implementation on September 28, 2012 (RATS ID 2009-1)

Sealed Source and Device (SS&D) Evaluation Program (2008 IMPEP: Satisfactory)

Georgia currently has one staff member qualified to do SS&D reviews. The Georgia Agreement State Program is in the process of training another staff member to be able to provide the second reviews on SS&D actions. Georgia Agreement State Program management has also reached out to North Carolina for assistance in providing the second reviews while the staff member is being trained. The 2012 IMPEP review team generated two recommendations for this performance indicator. The recommendations are listed below along with their status.

Recommendation 11: The review team recommends that the State qualify one additional reviewer in SS&D evaluations to provide backup for the principal reviewer. This is in addition to a qualified reviewer or supervisor performing concurrence reviews. (Carryover recommendation from the 2004 and 2008 IMPEP reviews and 2013 IMPEP MRB)

Status: The Georgia Agreement State Program is in the process of qualifying one of its staff as a second reviewer for SS&D reviews. Georgia Agreement State Program management mentioned that they had sent a memo to the Director of the Georgia Department of Natural Resources requesting turn back of the SS&D program to the NRC. At this point it is unclear as to whether or not the memo has been seen by the Director. Georgia Agreement State Program management will provide an update on this at the next bi-monthly call.

Recommendation 12: The review team recommends that the State develop and implement a plan to inactivate SS&D registrations for devices and sources that are no longer being made or distributed.

Status: The Georgia Agreement State Program has developed a spreadsheet to track SS&D registrations needing to be inactivated. Forty SS&D sheets were identified as needing to be inactivated. Six of the forty SS&D sheets have been inactivated to date and the rest are scheduled to be completed by May 10, 2013.

SECY Paper: Recommendation of Probation for the Georgia Agreement State Program

An update on the SECY Paper regarding the recommendation to place the Georgia Agreement State Program on Probation was provided. The paper is due to the Commission by the end of April 2013 and is currently going through concurrence. The paper will be made public on NRC's public website ten days after it reaches the Commission.

Conclusion

The Georgia Agreement State Program provided their Plan to the NRC on March 7, 2013. The Plan provides for a path forward in addressing the twelve recommendations from the 2012 IMPEP report. The Georgia Agreement State Program will provide an updated Plan prior to the next bi-monthly call.

Next quarterly call: June 2013