



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 16, 2007

Mr. David J. Allard, Director
Bureau of Radiation Protection
Department of Environmental Protection
Rachel Carson State Office Building
P. O. Box 8469
Harrisburg, PA 17105-8469

Dear Mr. Allard:

During the last several months, the U.S. Nuclear Regulatory Commission (NRC) staff has been in close contact with the Pennsylvania Bureau of Radiation Protection (Bureau) staff to ensure that the Bureau has an adequate number of trained and qualified staff in place to support your request to become an Agreement State. Thank you for supporting an on-site visit to each of the Pennsylvania regional program offices and the central office during the week of July 30, 2007, by NRC staff from Headquarters and our Region I office. The purpose of the on-site visit was to verify the assurances that Pennsylvania provided in their letter to Dr. Charles L. Miller dated March 16, 2007, concerning staff training and qualifications.

By way of background, in SECY-07-0083, the NRC staff presented a review conclusion that, except as discussed in criterion 20, Qualifications of Regulatory and Inspection Personnel, of the NRC staff's draft assessment of the proposed Pennsylvania program, the Commonwealth of Pennsylvania satisfies the criteria in the Commission's policy statement, and therefore, meets the requirements of Section 274 of the Atomic Energy Act. The proposed Pennsylvania program to regulate Agreement materials, as comprised of statutes, regulations, and procedures, is compatible with the program of the Commission and is adequate to protect public health and safety with respect to the materials covered by the proposed Agreement. With respect to criterion 20, the NRC staff committed to confirm the assurances that Pennsylvania provided concerning having an adequate number of trained and qualified staff in place, based on Pennsylvania's staff needs analysis and qualification procedures, before being able to conclude that criterion 20 is satisfied. Specifically, the *Federal Register* notice for the proposed Agreement noted that in the course of the NRC staff's continued interactions with Pennsylvania, the NRC staff planned to verify how Bureau staff fit into the qualification process, which staff are qualified in certain areas, and the basis for the determinations.

While on-site, the NRC staff met with each of the regional and central office supervisors as well as individual materials inspectors and license reviewers to discuss and review staff training and qualifications. Significant work has been accomplished by the Commonwealth in this area, as demonstrated by your actions to host two NRC training courses in September 2007, and sponsor your own additional training course on the Transportation of Radioactive Materials in November 2007. The NRC staff reviewed an updated qualification matrix for Pennsylvania materials inspectors and license reviewers, that identifies which materials inspectors and license reviewers are qualified in certain areas, while on-site. The NRC staff also examined individual materials inspector and license reviewer qualification journals (which included a review of the bases for qualification determinations) for those staff whom the Bureau currently intends to perform these activities.

The NRC staff identified that the journals were based upon previously approved qualification procedures. However, in several instances, some of your procedural requirements necessary to achieve interim qualifications, primarily with respect to satisfactory completion of formal technical training courses, had not been completed and are not currently scheduled. The NRC staff particularly noted that additional training was needed in the medical area for both inspectors and license reviewers. Therefore, as the NRC team discussed with you and your staff on August 2, 2007, we are requesting that you provide us with a specific plan which will be successfully implemented prior to signing the Agreement. It is envisioned that this plan would outline the steps that need to be completed and the anticipated schedule of the completion of those steps, in order to satisfy your qualification procedures. Such a plan would be an effective and efficient tool to advance the issues related to criterion 20, while ensuring that your distribution of licensing and inspection staff qualifications is reasonably matched to the anticipated workload under the Agreement. In addition, please provide an updated qualification matrix for Pennsylvania materials inspectors and license reviewers, based upon completing the plan. Please note that the NRC is currently in the contracting process to schedule and conduct "Diagnostic and Therapeutic Nuclear Medicine" and "Brachytherapy, Gamma Knife and Emerging Technologies" within FY 2008 (October 1, 2007 - September 30, 2008). Accordingly, as the NRC team discussed with you and your staff while on-site, the Commonwealth may consider alternative means to meet the key objectives of your requirements, rather than rely upon the scheduling, conduct, and attendance in these NRC sponsored courses.

Upon receipt and satisfactory review of your plan and updated qualification matrix, the NRC staff will be able to conclude that criterion 20 is satisfied and will proceed with the milestone schedule task of preparing a Commission Paper requesting approval of the proposed Agreement, in an effort to meet your target Agreement effective date of March 31, 2008.

Finally, I would like to take this opportunity to express our appreciation to you and each of your staff for the courtesy and cooperation extended to the NRC staff during the on-site review. I look forward to our agencies continuing to work cooperatively in the future. If you have any questions regarding this matter, please do not hesitate to contact me or Andrew Mauer, the Team Leader for the Pennsylvania Agreement.

/RA/

Janet R. Schlueter, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

The NRC staff identified that the journals were based upon previously approved qualification procedures. However, in several instances, some of your procedural requirements necessary to achieve interim qualifications, primarily with respect to satisfactory completion of formal technical training courses, had not been completed and are not currently scheduled. The NRC staff particularly noted that additional training was needed in the medical area for both inspectors and license reviewers. Therefore, as the NRC team discussed with you and your staff on August 2, 2007, we are requesting that you provide us with a specific plan which will be successfully implemented prior to signing the Agreement. It is envisioned that this plan would outline the steps that need to be completed and the anticipated schedule of the completion of those steps, in order to satisfy your qualification procedures. Such a plan would be an effective and efficient tool to advance the issues related to criterion 20, while ensuring that your distribution of licensing and inspection staff qualifications is reasonably matched to the anticipated workload under the Agreement. In addition, please provide an updated qualification matrix for Pennsylvania materials inspectors and license reviewers, based upon completing the plan. Please note that the NRC is currently in the contracting process to schedule and conduct "Diagnostic and Therapeutic Nuclear Medicine" and "Brachytherapy, Gamma Knife and Emerging Technologies" within FY 2008 (October 1, 2007 - September 30, 2008). Accordingly, as the NRC team discussed with you and your staff while on-site, the Commonwealth may consider alternative means to meet the key objectives of your requirements, rather than rely upon the scheduling, conduct, and attendance in these NRC sponsored courses.

Upon receipt and satisfactory review of your plan and updated qualification matrix, the NRC staff will be able to conclude that criterion 20 is satisfied and will proceed with the milestone schedule task of preparing a Commission Paper requesting approval of the proposed Agreement, in an effort to meet your target Agreement effective date of March 31, 2008.

Finally, I would like to take this opportunity to express our appreciation to you and each of your staff for the courtesy and cooperation extended to the NRC staff during the on-site review. I look forward to our agencies continuing to work cooperatively in the future. If you have any questions regarding this matter, please do not hesitate to contact me or Andrew Mauer, the Team Leader for the Pennsylvania Agreement.

/RA/

Janet R. Schlueter, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

DISTRIBUTION:

DMSSA r/f
Robert Lewis
Duncan White
Brian Holian
Donna Janda
Richard Blanton
Donna Janda
Sandra Gabriel
Tomas Herrera
John Buckley
Joan Olmstead
Diana Diaz-Toro
Gary Purdy

ML072320016

OFC	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA	FSME/DMSSA
NAME	AMauer	DWhite	RLewis	JRSchlueter
DATE	8 /16 /07	8 /16 /07	8 /16 /07	8 /16 /07

OFFICIAL RECORD COPY