



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

February 7, 2012

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

Dear Mr. Allard:

A periodic meeting was held with you and your staff on December 19, 2011. The purpose of the meeting was to review and discuss the status of the Pennsylvania Bureau of Radiation Protection's Agreement State Program. The NRC was represented by Michelle Beardsley and me.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of this 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) 337-5371, or email to Donna.Janda@nrc.gov to discuss your comments.

Sincerely,

/RA/

Donna M. Janda
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
PENNSYLVANIA BUREAU OF RADIATION PROTECTION

DATE OF MEETING: December 19, 2011

NRC Attendees	Pennsylvania Bureau of Radiation Protection (BRP) Attendees
Donna Janda, Region I RSAO	David J. Allard, CHP, Director, BRP
Michelle Beardsley, FSME	Joseph Melnic, Manager, Radiation Control Division
	Robert Zaccano, Manager, South Central Regional Radiation Protection Division (RRPD)
	Terry Derstine, Manager, Southeast RRPD
	James Yusko, Manager, Southwest RRPD (via telephone)
	John Chippo, Supervisor, Radioactive Materials Section
	Bryan Werner, Supervisor, Decommissioning Section
	Joseph Deman, Health Physicist, South Central RRPD
	Benjamin Seiber, Program Analyst, BRP
	Jennifer Kelly, Health Physicist, Radon Certification Section

DISCUSSION:

During the 2009 Integrated Materials Performance Evaluation Program (IMPEP) review of the Pennsylvania Agreement State Program (the Program), the review team found the Commonwealth's performance satisfactory for all six performance indicators applicable to the Program. The review team made one recommendation regarding the Program. On January 26, 2010, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Pennsylvania Agreement State Program. The MRB found the Program adequate to protect public health and safety and compatible with NRC's program. Based on the results of the IMPEP review, the review team recommended, and the MRB agreed, that the next full IMPEP review take place in November 2013 and that a periodic meeting be held in approximately two years from the date of the IMPEP.

The status of the Commonwealth's actions to address the open recommendation follows:

1. The review team recommended that the Commonwealth strengthen its incident response program to ensure that incidents are appropriately investigated and are promptly reported to NRC, as appropriate.

Status: Since the November 2009 IMPEP review, one staff member and a backup have been assigned to track incidents and ensure that reporting requirements are met and are timely.

OTHER TOPICS COVERED DURING THE MEETING INCLUDED:Program Strengths

The Program has an experienced and well-trained staff with a good balance between the licensing and inspection programs. Both senior management and Program management support staff training. The Program has stable funding with six months of carryover funds. A full-time attorney is dedicated to the Program. The Program has a number of participants on NRC/Agreement State working groups and IMPEP review teams.

Program Weaknesses

Salary cuts and loss of benefits for management positions has discouraged staff from seeking promotions to these positions. License renewals coming in 2012 and 2013 may be a challenge due to the recent loss of two technical staff members in the licensing program. The Program has funds available for equipment maintenance but has found this task to be resource and time intensive. The Program is experiencing a shortage of State-issued vehicles which must be used to conduct inspections.

The Program Director is concerned about losing the expertise of the Program's compliance specialists who are based in the Regional offices. These low pay grade positions have little opportunity for advancement, which discourages individuals from seeking open positions.

Feedback on the NRC's Program

The Program Director commented that both the overall relationship and communications with the NRC are good and expressed appreciation for the NRC funding of qualification training courses and attendance at the Organization of Agreement States (OAS) Meetings. The Program Director appreciates the opportunities this past year to interact with NRC Commissioner Ostendorff at a site tour of a Pennsylvania licensee's facility and Commissioner Magwood in preparation for the OAS Meeting.

Agreement State Program Staffing and Training

The Program staff currently consists of 47 individuals, including supervisors, with various degrees of involvement in the radioactive materials program. The Regional Offices devote approximately 24 full-time equivalents (FTE) to inspection, compliance, and emergency response activities. The Central office devotes approximately 3 FTE to radioactive materials licensing activities. The Program currently has three technical staff dedicated to decommissioning activities in the Commonwealth. Two of these individuals are in the qualification process. According to the Program Director, the number of FTE in the radioactive materials program is adequate when the Program is fully staffed.

Since the 2009 IMPEP review, six individuals left the Program, including two supervisors, and eight individuals were hired, including two supervisors. The Program currently has two vacancies for technical positions in the materials licensing section.

Support for staff training exists in the Program. Seven technical staff members are progressing through the Program's qualification process. Program staff has attended NRC and other training courses and the Program hosts training courses in the Commonwealth whenever feasible. Since the 2009 IMPEP review, the Program has revised the materials inspector qualification journal and procedures to more accurately reflect the Program's qualification process.

Organization

The Pennsylvania Agreement State Program is administered by the Bureau of Radiation Protection (the Bureau), which is part of the Department of Environmental Protection. Licensing activities are based in the Central Office located in Harrisburg, PA. Three Divisions within the Bureau have responsibilities for radioactive materials under the Agreement: the Radiation Control Division, the Decommissioning and Surveillance Division, and the Nuclear Safety Division. Within the Radiation Control Division, the Radioactive Materials Program Supervisor directly supervises radioactive materials licensing activities. Inspection activities are conducted out of three Regional Offices which are housed in the Deputate for Field Operations. Each Regional Office has a Radiation Protection Program Manager and Supervisor who directly supervise inspection and compliance activities in the Commonwealth.

Program Budget/Funding

The Program Director stated that fees from radioactive materials licensees are placed into a dedicated fund which adequately funds the Program. Although funds are available, the Program is experiencing a problem with receiving approval for new vehicles for inspectors to use in the field.

Inspection and Licensing Programs

The Program's inspection frequencies are at least as frequent as NRC's. No inspections are currently overdue or were performed overdue since the 2009 IMPEP review. Each Regional Office monitors inspection scheduling and tracking for their respective Region. There are currently five licensed facilities undergoing decommissioning activities and two new sites are being characterized.

The Program currently has approximately 750 specific licenses. The Program currently processes the majority of licensing actions within three weeks of receiving the request. The Program expects to address an increasing number of license renewal requests within the next one to two years. The Program uses pre-licensing checklists and hand delivers all new licenses.

Regulations and Legislative Changes

The Commonwealth adopts NRC regulations by reference and uses Orders or legally binding requirements such as license conditions as appropriate. Pennsylvania regulations "point" to NRC regulations so that if NRC modifies a regulation, the change is automatic for the Commonwealth's regulations. If NRC develops a new regulation section, such as the upcoming 10 CFR Part 37 security requirements rule, Pennsylvania must create a new section in their regulations which points to the NRC Part. The Pennsylvania regulatory process typically takes approximately two years to complete. There have been no legislative changes since the 2009 IMPEP review which affect the Pennsylvania Agreement State program.

Event Reporting

The Program has reported 47 events to the NRC since the 2009 IMPEP review. Follow up and closure information for all events reported by the Program are included in the Commonwealth's NMED entries.

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. No allegations were referred from NRC to the Program since the 2009 IMPEP review.

The Program Director noted that the Commonwealth has identified six medical events involving yttrium-90 microspheres which occurred in the Commonwealth in 2011. The Program queried NMED and determined that between 2000 to 2010, there was a total of 3 to 5 related events across the country and in 2011 there was a total of 10 related events across the country. The Program Director informed the NRC and the other Agreement States about this issue during a monthly conference call. FSME will follow up on this matter.

The Program issued two information notices to licensees in the Commonwealth. One was issued to fixed gauge licensees after noting several events involving stuck shutters on fixed gauges. The other IN was issued to portable gauge licensees after the Program identified multiple violations during inspections at several portable gauge licensee facilities.

The Program is currently working with NRC, New Jersey, and California on a worker overexposure event which involved a Pennsylvania licensee, who also holds an NRC license, and a California licensee working under reciprocity in New Jersey.

Current State Initiatives

The Program will be implementing a safety culture initiative which will incorporate other programs such as x-ray and radon programs.

The Regional Offices will be providing tablet computers to their inspectors which will enable them to access and interact with the licensing and inspection information in the Commonwealth's electronic database system while the inspectors are out of the office.

Emerging Technologies

The Program has received a request from a licensee for authorization of radium-223 for monoclonal antibody use.

Large, Complicated, or Unusual Authorizations for Use of Radioactive Material

The Program received a request from a large university licensee to conduct research using neptunium (spent fuel). The Program is working with cyclotron licensees to ensure financial assurance is established for decommissioning purposes.

State's Mechanisms to Evaluate Performance

Supervisors and/or Program Managers accompany all inspectors on an annual basis. The Regional Offices hold quarterly meetings to discuss upcoming inspections. All Program staff members attend Program meetings twice per year at the Central Office. The Program holds monthly conference calls between the Central Office and the Regional Offices to discuss inspection and licensing activities. All licensing actions are peer reviewed and signed by management. All inspection reports are reviewed and signed by a supervisor.

CONCLUSIONS:

The Pennsylvania radioactive materials program continues to be an effective Agreement State program with an experienced and well-trained staff. Due to recent staff losses, the Radioactive Materials Section has two open positions in the radioactive materials licensing area but has not experienced a backlog in completing licensing actions. The Program Director is planning to fill these positions as soon as possible.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2014 (tentatively November 2013).