



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

February 25, 2009

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:

An orientation meeting with Pennsylvania was held on December 17, 2008. The purpose of this meeting was to review and discuss the implementation of Pennsylvania's Agreement State program. The U.S. Nuclear Regulatory Commission was represented by Daniel S. Collins, Deputy Director of the Region I Division of Nuclear Materials Safety, Michelle Beardsley of the Office of Federal and State Materials and Environmental Programs, and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you feel that our comments, conclusions, or actions to be taken 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 J. J. Kottan for/

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

Enclosure: As stated

cc w/encl:
Michelle Beardsley, FSME
Daniel Collins, RI DNMS

ORIENTATION MEETING SUMMARY FOR
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF RADIATION PROTECTION

DATE OF MEETING: December 17, 2008

ATTENDEES:

NRC

Daniel Collins, Deputy Director, Region I DNMS

Donna Janda, RSAO, Region I

Michelle Beardsley, Health Physicist, FSME

Pennsylvania DEP

David Allard, CHP, Director, Bureau of Radiation Protection

L. Ray Urciolo, Chief, Radiation Control Division

Robert Maiers, Chief, Decommissioning & Surveillance Division

Rich Janati, Chief, Nuclear Safety Division

Benjamin Seiber, Program Analyst

Ronald Hamm, Chief, Radioactive Materials Section

Rusty Diamond, Regional Director, Radiation Protection Program Liaison

Richard Morrison, Bureau of Regulatory Counsel

Terry Derstine, Radiation Protection Program Manager, SERO

Scott Wilson, Radiation Protection Program Manager, SCRO

Steve Acker, Radiation Protection Program Supervisor, SCRO

James Yusko, Radiation Protection Program Manager, SWRO (via telephone)

John Chippo, Radioactive Materials Section

Jennifer Kelly, Radon Certification Section

Martin Siegel, Bureau of Radiation Protection

Frank Costello, Radiation Protection Program, SERO

DISCUSSION:

Agreement

Pennsylvania became the 35th Agreement State on March 31, 2008. The Agreement discontinued NRC regulatory authority in the Commonwealth for: a) byproduct materials as defined in Section 11e.(1), 11e.(3), and 11e.(4) of the Act; b) source materials; c) special nuclear materials not sufficient to form a critical mass; and d) land disposal of all waste for such materials. The Agreement does not cover safety evaluations of sealed sources and devices or regulation of 11e.(2) byproduct material resulting from the extraction or concentration of source material from ore processed primarily for its source material content or its management or disposal.

Organization

The Pennsylvania Agreement State Program (Program) is administered by the Bureau of Radiation Protection (BRP), which is located within the Deputate of Waste, Air, and Radiation Management, which is located in the Pennsylvania Department of Environmental Protection.

Enclosure

David Allard is the Bureau Director. The licensing of radioactive materials resides primarily in the BRP Radiation Control Division but the Regional Offices also perform some licensing activities. Regional Office staff members perform inspection and compliance activities. Pennsylvania administers approximately 925 specific licenses, including naturally-occurring and accelerator-produced radioactive material (NARM).

Agreement State Program Staffing

The Program has 14 staff members in the three Regional Offices performing inspections. Four of these staff members also perform limited licensing duties. In addition, the Program has 3 staff members in the Central Office performing licensing duties. Each Regional Office has a Radiation Protection Program Manager (RPPM) who directly supervises the radioactive materials section in each Region. The Program currently has 4 staff vacancies in the Regional Offices and 2 supervisor vacancies, one in the Southwest Regional Office (RPPM position) and one in the Central Office (Licensing Supervisor position). Although the Program is managed from a Restricted Fund which carries over between fiscal years, due to Commonwealth budget issues and a hiring freeze, the vacant positions were not allowed to be filled until recently. The Bureau Director is actively seeking to fill the vacant positions. The Chief of the Radiation Control Division will perform the functions of the Licensing Supervisor until a qualified acting Section Chief can be identified.

Training

Formal training requirements have been developed for inspectors and license reviewers. Support for staff training exists in the Program. The Program appreciates the NRC's policy on funding training for Agreement States. Several staff members have attended the NRC Security Systems and Principles Training Course for Materials Inspectors. The Program has sponsored NRC training courses in the past and anticipates sponsoring additional courses in the future. In addition, because of the high demand for attendance at NRC qualification courses, the Program anticipates sponsoring courses which are equivalent to NRC courses in scope in order to meet the demands of staff training and qualification.

Inspections

At the time of the Agreement, NRC Region I provided an approximate three-month "cushion" of completed inspections to allow Pennsylvania to concentrate on structuring its program without concern about overdue inspections. Only two inspections were completed overdue since the Agreement. Both of these resulted from an incorrect due date being listed for the inspections prior to the Agreement. There is no backlog of routine inspections. Regional Program Managers are conducting inspection accompaniments on at least an annual basis.

The Program has completed 10 reciprocity inspections of 23 candidate licensees that have entered the Commonwealth. Program staff identified an issue with reciprocity inspections not being assigned a priority code and is working with the Commonwealth's IT department to address the issue. This did not impact the inspections of reciprocity licensees.

The Program has several out-of-state licensees which has created a challenge in the most effective approach to conduct inspections as the licensees do not maintain an office in Pennsylvania and only work in the Commonwealth on an occasional basis. The Program placed legally binding requirements in the form of license conditions to require the licensees to notify the Program 36 hours prior to performing work in the Commonwealth.

The Program maintains a sufficient number and variety of calibrated radiological survey instrumentation for use during inspections. Additionally, the Program has a radioanalytical laboratory available for sample analyses.

Licensing

No significant licensing backlog exists. A considerable number of licensing actions have been completed since the Agreement was signed. Most of the licenses have been converted to Pennsylvania licenses and some licenses have been merged with NARM licenses as appropriate.

A total of 38 licenses had active financial assurance instruments at the time of the Agreement. Since then, a total of 16 instruments were converted to change the beneficiary from NRC to Pennsylvania. Of the remaining licenses, thirteen are in the process of being converted and 9 licenses have not yet been converted due to the unresponsiveness of the licensees. The Program's legal counsel is following up with these licensees.

All licensing actions are reviewed by the Radioactive Materials Section Chief. The individual occupying this position at the time of the orientation meeting retired from the Commonwealth and a replacement is being sought to fill the position as soon as possible. In the interim, licensing actions will be signed by a qualified license reviewer such as the Division Chief or the Program Director.

Program staff did not anticipate the volume of reciprocity requests received beginning on the effective date of the Agreement, which required much effort by the licensing staff to review and act on the requests. NRC has shared this information with other prospective Agreement States to assist in their planning activities.

Status of Decommissioning Sites

Seven decommissioning sites were transferred to Pennsylvania on the effective date of the Agreement. Four of these sites are actively undergoing decommissioning. The Program has contracted with Oak Ridge Institute for Science and Education for technical assistance with these four complex decommissioning sites.

Regulations

At the time of the meeting, the Commonwealth's regulations were up-to-date and fully compatible. There are currently no outstanding NRC amendments to be addressed. The Commonwealth adopts NRC regulations by reference and uses license conditions or Orders as appropriate. If rulemaking is required, the Pennsylvania regulatory process typically takes approximately 16 months to complete.

Enclosure

Generally Licensed Devices

Pennsylvania has a very active program for generally licensed devices and plans to track NRC-registered devices in the Commonwealth's database system known as eFACTS. The Program mailed postcards to general licensees regarding requirements for tritium exit signs and contacted local municipalities' building codes offices regarding requirements for proper disposal of these signs prior to remodeling or demolition of buildings. The Program is working with Air Quality Regional Inspectors to conduct walk-downs for tritium exit signs and other generally licensed devices at facilities before issuing permits.

Security

The current security climate and potential future security measures were discussed in detail, including discussions on fingerprinting requirements and security of self-shielded irradiators. The Program is aware of relevant security issues.

The Program has completed the initial round of inspections of licensees subject to the Increased Controls Order.

Incidents/Allegations

Pennsylvania responded to 21 incidents since the Agreement signing. Program staff communicates reportable incidents to the NRC Operations Center and Region I. The Nuclear Materials Events Database (NMED) Event Coordinator is responsible for ensuring all information regarding incidents is entered into NMED in a timely manner. A review of NMED identified timely and quality input of incidents.

Allegations are handled by the Regional field operations staff. Six allegations have been investigated since the Agreement signing, none of which were referred by the NRC. Four of these allegations have been closed and two allegations remain under investigation.

Conclusions

The Pennsylvania Radiation Protection Program appears to be a capable, stable Agreement State program. Staffing has remained consistent since the Agreement and the training level for staff members is good. Management support for the program is excellent.

The initial IMPEP review of the Pennsylvania Radiation Protection Program is tentatively scheduled for October 2009.