

(STP-04-036, May 2004, Program, SA-103)

May 7, 2004

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

**OPPORTUNITY TO COMMENT ON DRAFT REVISION TO STP PROCEDURE
SA-103, "REVIEWING THE COMMON PERFORMANCE INDICATOR, TECHNICAL
STAFFING AND TRAINING" (STP- 04-036)**

Enclosed for your review and comment^{*} is the draft revised Office of State and Tribal Programs (STP) Procedure SA-103, "Reviewing The Common Performance Indicator, Technical Staffing And Training." This procedure describes the process to be used by Integrated Material Performance Evaluation Program (IMPEP) teams for conducting reviews of NRC Regional and Agreement State technical staffing and training during IMPEP reviews. Changes are in redline/strikeout format. In addition, we have added Appendices with a sample training program description and frequently asked questions. We would appreciate receiving your comments and any additional questions and answers for the Appendix **within one month** of the date of this letter.

Thank you for your attention to this matter. If you have any questions regarding this correspondence, please contact me or the individual named below.

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/RA by Kathleen N. Schneider for/

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Enclosure:
As stated

^{*} This information request has been approved by OMB 3150-0029, expiration 06/30/04. The estimated burden per response to comply with this voluntary collection is approximately 6 hours. Forward any comments regarding the burden estimate to the Information and Records Branch (T-6F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0029), Office of Management and Budget, Washington, DC 20503. If a document does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information.



OSTP Procedure Approval

*Reviewing **the** Common Performance Indicator, #3 Technical Staffing and Training - SA-103*

Issue Date:

Expiration Date:

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NOTE

The STP Director's Secretary is responsible for the maintenance of this master copy document as part of the STP Procedure Manual. Any changes to the procedure will be the responsibility of the STP Procedure Contact. Copies of STP procedures will be distributed for information.



Procedure Title:
***Reviewing the Common Performance Indicator
#3, Technical Staffing and Training***
Procedure Number: SA-103

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I. INTRODUCTION

This document describes the procedure for conducting reviews of NRC Regional Offices and Agreement States using the Common Performance Indicator #3, Technical Staffing and Training [NRC Management Directive (MD) 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*].

II. OBJECTIVES

- A. To confirm that a well-conceived and balanced staffing strategy has been implemented by the NRC Regional Office or Agreement State throughout the review period.
- B. To verify that qualification criteria for hiring new technical staff are established and are being followed, or, that qualification criteria will be established if new staff are hired.
- C. To ensure that any vacancies, especially at the senior-level positions, are filled in a timely manner.
- D. To confirm that there is a balance in staffing the licensing and inspection programs.
- E. To determine that management is committed to training and staff qualification.
- F. To establish that those individuals performing materials licensing and inspection activities are adequately qualified and trained to perform their duties.
- G. To verify that license reviewers and inspectors are trained and qualified in a reasonable period of time.
- H. To evaluate that since the last IMPEP review, the Regional or Agreement State materials ~~program~~ personnel training and qualification program is being effectively implemented since the last IMPEP review. For NRC, these requirements are documented ~~established~~ in NRC Inspection Manual Chapter (IMC) 1246, *Formal Qualification Programs in the Nuclear Material Safety and Safeguards Program Area*. Agreement States should have established, documented training and qualification requirements that are either equivalent to IMC 1246 or implement the

NRC/Organization of Agreement States (OAS) Training Working Group
Recommendations for Agreement State Training Programs.

III. BACKGROUND

The ability to conduct effective licensing, ~~and~~ inspection, **and incident and allegation response** programs is largely dependent on having a sufficient number of experienced, knowledgeable, **qualified** and well-trained technical personnel. For this performance indicator, qualitative as well as quantitative measures must be considered. In particular, the reason for apparent trends in staffing must be explored. ~~Review of staffing also requires a consideration~~ **Consideration** and evaluation of the levels of training and qualification of technical staff **is also required**.

IV. ROLES AND RESPONSIBILITIES

A. Team Leader.

The team leader for the Regional or State review will determine which team member(s) is assigned lead review responsibility for this performance indicator. The principal reviewer should meet the appropriate requirements specified in [MD 5.10, Formal Qualifications for Integrated Materials Performance Evaluation Program \(IMPEP\) Team Members](#).

B. Principal Reviewer.

The principal reviewer for this indicator is responsible for evaluating the quality **and performance** of staffing and training of the Regional or Agreement State radiation control program.

V. GUIDANCE

A. Scope

1. This procedure applies only to technical and management personnel in the nuclear materials safety program. This primarily refers to **staff conducting** byproduct, source, and special nuclear materials (non-reactor) **licensing, inspections, incident and allegations response, and regulation/guidance development activities**.

2. This procedure specifically excludes personnel involved only with non-Atomic Energy Act licensees.

B. Evaluation Procedures.

The principal reviewer should refer to Part III, *Evaluation Criteria*, of Management Directive 5.6, *Integrated Materials Performance Evaluation Program*, for specific evaluation criteria.

C. Review Guidelines.

1. ~~The response generated by the Region or State to relevant questions in the IMPEP questionnaire should be used to focus the review.~~ **Prior to the onsite review, the principal review should review the responses provided by the Region or State to the Technical Staffing and Training questions in the IMPEP questionnaire, so that issues can be identified and questions formulated for the onsite review.**
2. ~~For the Regions, the budget authorization can be obtained prior to the Regional visit from the Office of Nuclear Materials Safety and Safeguards' Program Management, Policy Development, and Analysis Staff.~~ **During the onsite review, training records and job descriptions should be available for review and evaluation by the principal reviewer.**
3. ~~Staffing and training records as well as organizational charts, as appropriate, should be reviewed prior to the review, so that issues can be identified and questions formulated prior to the on-site portion of the review.~~

D. Review Details.

~~For technical quality of staffing and training, the~~ **The** principal reviewer should evaluate and document the following:

1. ~~Number~~ **Adequacy of full-time equivalent staff (FTE) dedicated to the materials program. (Include in the FTE both the number and type of full-time and part-time positions allocated to the program.) Adequacy of the FTE to for properly implementing the regulatory program, including the number and type of full-time and part-time positions allocated to the program;**
2. Impact of any positions that are currently unfilled, or which were unfilled for a significant amount of time during the review period;

3. Timeliness and effectiveness of the Region's or State's actions to adjust workloads, or to recruit or reassign personnel to fill vacancies;
4. Probable cause and impact of any observed differences between authorized and current staffing levels, as well as any impacts likely to occur due to recent changes in approved staffing levels or workload;
5. The proper balance among FTE assigned to licensing, inspection, and incident and allegation response, and regulation/guidance development activities exists;
6. Minimum documented qualification and training program and qualification requirements for personnel in the program are documented. The qualification and training status for each staff member is also documented. —, as well as how personnel stand relative to those requirements (See Appendix A for a sample training program description);
7. Identification of available quality training courses used by an Agreement State that could be attended by NRC or other Agreement State personnel and reduce NRC training costs. By including the identification of such training courses in the annual “good practices” letter, this information will be shared with other Agreement States and NRC for their consideration in program planning;
8. Any deficiencies, or potential shortcomings in NRC or State training courses (content or availability), even though these findings may not be appropriate for inclusion in the assessment against this performance indicator. The review team should discuss these findings at the Management Review Board meeting if the findings are not included in the assessment against this performance indicator;
9. The assessment should analyze any trends or developments over the entire period since the last review, not merely those present at the time of the review;
10. Examine the membership and statutory responsibilities for State radiation oversight boards and the boards' actions during the review period for the potential for conflict of interest.

E. Discussion of Findings with Region or State

The reviewer should follow the guidance given in OSTP Procedure SA-100, *Implementation of the Integrated Materials Performance Evaluation Program*

(*IMPEP*), for discussion of technical findings with reviewers, supervisors, and management.

VI. APPENDICES

Not Applicable

- A. Sample Documented Training and Qualification Program Description
- B. Frequently Asked Questions

VII. REFERENCES

1. NRC Management Directive 5.6, *Integrated Materials Performance Evaluation Program*.
2. NRC Management Directive 5.10, *Formal Qualifications for Integrated Materials Performance Evaluation Program (IMPEP) Team Members*.
3. Inspection Manual Chapter 1246, *Formal Qualification Programs in the Nuclear Material Safety and Safeguards Program Area*.
4. NRC/OAS Training Working Group Recommendations for Agreement State Training Programs.
5. ØSTP Procedure SA-100, *Implementation of the Integrated Materials Performance Evaluation Program (IMPEP)*.

Appendix A

Sample Documented Training and Qualification Program Description

The NRC/Organization of Agreement States (OAS) Training Working Group Recommendations for Agreement State Training Programs states “Agreement States should document a training program that, at a minimum, contains a statement of policy, minimum qualifications for staff training, and supervisory responsibility for ensuring this policy is implemented.” Below are a sample training policy statement and a sample staff training qualifications form with supervisory sign-off adapted from that report.

SAMPLE AGREEMENT STATE TRAINING POLICY STATEMENT

We will ensure that staff performing licensing and inspection functions for all types of licenses issued by the state, are qualified to do so.

An individual will not serve as lead inspector at or senior license reviewer for a licensed facility unless the individual has demonstrated competency in the program training areas applicable to that type of license.

The program training areas and essential elements addressed in each program training area are described in [*specify the exact NRC or State Guidance documents or attach documents.*]

An individual can be qualified to perform licensing and inspection functions for certain types of licenses while working towards full qualification for all types of licenses issued by the state. When an individual has demonstrated competency in a particular training area to management, their training record will be updated to document their competency.

Refresher training will be provided, as needed. The provision of refresher training recognizes that inspector and reviewer training does not stop with initial qualification, but that training should be made available for experienced inspectors and reviewers on the basis of need, special circumstances, and the necessity of keeping current with inspection and licensing programs changes and changes in technology.

SAMPLE AGREEMENT STATE TRAINING QUALIFICATION FORM

Name:

Date of Hire :

TRAINING AREAS	Date Completed	Initials/Signature	Comments
BASIC TRAINING			
Essentials ¹ of Health Physics			
Overall program orientation			
Review of State Regulations			
Review of Regulatory Guides & reference material			
Essentials of Inspection			
Essentials of Licensing			
Essentials of Transportation			
Essentials of Allegation Response			
SPECIALIZED TRAINING			
Elements of Nuclear Medicine			
Elements of Medical Therapy			
Elements of Industrial. Radiography			
Elements of Transportation			
Elements of Well Logging			
Elements of Pool Irradiators			
Elements of Environmental. Monitoring			
ADVANCED TRAINING			
Advanced Health Physics			
Elements of Investigations			

¹Note, the terms “essentials” and “elements” include on-the-job training and supervisory accompaniments, as appropriate. See the NRC/Organization of Agreement States (OAS) Training Working Group Recommendations for Agreement State Training Programs for additional details.

Appendix B

Frequently Asked Questions

Q: Is it necessary to have a documented training and qualification program if the State has not hired any new staff in 10 years and the program manager states all staff members are qualified?

A: No, it is not necessary to have a documented training and qualification program. The documented training and qualification program is just one piece of information the team should use in determining the rating for this indicator. Handbook 5.6 indicates that the State should have established qualification criteria for hiring technical staff and should have additional training and experience requirements based on the types of licenses the program issues or inspects. As noted in this procedure, the team should review the documented training and qualification program description including qualification requirements for personnel in the program. Management approval of a staff member's qualification should be in writing. If there is no documented qualifications for staff (including management sign-off), the review team should make a recommendation that the State documents its training and qualification program.

If there is no documented training and qualification program, the review team should examine the overall performance of the State in conducting the program activities to determine if the lack of documented training and qualifications program has impacted the program performance. Although the review team may not identify any performance issues because of the expertise of the of the current staff, establishing a documented basic program will provide the basis for continued performance by the Agreement State program in the future. (See Appendix A and the NRC/OAS Training Working Group Recommendations for Agreement State Training Programs for guidance.)

Q: What constitutes an acceptable written training and qualification program?

A: An acceptable written training and qualification program could consist of a simple policy statement, description of the basic essentials and training elements based on the types of State licensees, and a training qualification form for each individual (See Appendix A). Additional information as to the details of the basic essentials and training elements for specialized training can be found in the NRC/OAS Training Working Group Recommendations for Agreement State Training Programs.

Q: Does the documented training program description need to be as extensive as NRC's IMC 1246?

A: No, the documented training program description does not need to be as extensive as NRC's IMC 1246. (See above response.)

Q: Is there a staffing formula for States to use? Does the NRC still recommend the 1.0-1.5 technical FTE per 100 licenses?

A: No. However, prior to the implementation of IMPEP, NRC used prescriptive indicators to evaluate Agreement State Programs, including the formula 1.0-1.5 technical FTE per 100 licenses for staffing levels. Use of this formula was discontinued because it did not adequately account for licensee complexity and was not a reliable indicator of performance. NRC does not recommend a specific staffing formula, but recommends that each program examine their individual workloads, types of licensees and licensing actions (numbers and complexity), and inspection activities necessary to protect public health and safety for necessary staffing levels. Additional staff efforts for regulation promulgation should be considered in the program's evaluation. Although there is no explicit criterion for new Agreement States in the 1981 Policy Statement on Discontinuance of NRC Regulatory Authority and Assumption by States, SA-700, *Processing an Agreement* states that there must be at least two qualified technical staff in the program.

Q: Does a State need more than one individual trained for a particular technical area or modality?

A: Although it is not necessary to have more than one individual trained for a particular technical area or modality, we believe it is prudent to have at least two individuals with expertise in each technical area or modality. For States with smaller numbers of licensees, the potential exists for the State to lose the capability to conduct certain aspects of their program with a single staff member's departure. For larger States, it will depend on the workload in a particular technical area or modality and whether it is more efficient and effective for the State to train several or all individuals for the particular technical area or modality under review.

Q: If an individual has taken a specific training course, such as radiography, is that individual qualified to conduct radiography inspections?

A: Attendance at a given training course is not the sole requirement for competency in a given area, whether licensing or inspection. The State's training and qualification program should define what the State considers to be a demonstration of competency applicable the licensing or inspection of a specific activity. In many cases, mentoring by more experienced staff, completion of a specific number of licensing actions or inspections with senior staff members may be part of the necessary training to establish competency. The Program Director or designee should approve in writing individual staff qualifications.

Q: If the State has hired a qualified nuclear medicine technologist as an inspector, does that individual need to take the nuclear medicine course to become qualified to conduct nuclear medicine inspections?

A: As noted above, attendance at a given training course is not the sole requirement for competency. In this situation, the State management may find the individual is qualified in the elements of the nuclear medicine programs, but as a new employee, needs additional training in the essentials of inspection techniques. The management may sign the individual's training documentation as complete for nuclear medicine based on their previous work experience after their training in inspection techniques. If the individual's work experience was limited to diagnostic nuclear medicine, additional training in

therapeutic nuclear medicine, brachytherapy and teletherapy may be needed to be a fully qualified inspector for all medical applications.

Q: Does a license reviewer or inspector need to be qualified in all areas, before they can perform work independently?

A: No. If a license reviewer or inspector has established competency in a given area, such as gauge licensing/inspection, their management can approve independent work in that one area. The license reviewer/inspector may work independently while continuing to pursue competency in additional areas. NRC staff are often referred to as having interim qualifications which allows independent work in a limited area of demonstrated competency.