

March 20, 2009

MEMORANDUM TO: Martin J. Virgilio
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

Karen D. Cyr, General Counsel

Steven A. Reynolds, Deputy Director
Division of Nuclear Materials Safety, Region III

FROM: Aaron T. McCraw, IMPEP Project Manager */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: APRIL 3, 2009 SPECIAL MRB MEETING

A Special Management Review Board (MRB) meeting to discuss the results of periodic meetings held with the Maine and Nebraska Agreement State Programs and an orientation meeting held with the Pennsylvania Agreement State Program has been scheduled for **Friday, April 3, 2009, from 3:00 p.m. to 5:00 p.m. EDT, in One White Flint North, Room 3-B4**. The summaries for each of the meetings held with the Agreement State agencies are enclosed (Enclosures 1, 2, and 3).

In accordance with Management Directive 5.6, the meeting is open to the public. The agenda for this meeting is enclosed (Enclosure 4).

If you have any questions or need additional information, please feel free to contact me at (630) 829-9650 or Aaron.McCraw@nrc.gov.

Enclosures:
As stated

cc: Cindy Cardwell, Texas
Organization of Agreement States
Liaison to the MRB

MRB Members

Distribution: DCD (SP01)

DMSSA RF

RLewis, FSME

TReis, FSME

DWhite, FSME

ARivera, OEDO

DJanda, Region I

JKottan, Region I

RErickson, Region IV

MBeardsley, FSME

JKatanic, FSME

MOrendi, FSME

WRautzen, FSME

Jay Hyland, Maine

Julia Schmitt, Nebraska

David Allard, Pennsylvania

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**AGREEMENT STATE PERIODIC MEETING SUMMARY FOR MAINE DEPARTMENT OF
HEALTH AND HUMAN SERVICES (DHHS)**

DATE OF MEETING: October 29, 2008

ATTENDEES:

NRC

Monica Orendi, Health Physicist, FSME
James Kottan, RSAO, Region I

Maine DHHS

Jay Hyland, Manager, Radiation Control Program
Shawn Seeley, Health Physicist
Wayne Malloch, Health Physicist

DISCUSSION:

Previous IMPEP Review

In October 2006, the Integrated Materials Performance Evaluation Program (IMPEP) review team found the Maine Agreement State Program's (the Program) performance to be satisfactory for all common and non-common performance indicators with the exception of the Status of Materials Inspection Program indicator. This indicator was found to be satisfactory but needs improvement with one recommendation. On December 18, 2006, the Management Review Board (MRB) met to consider the IMPEP review team's proposed findings regarding the Program. The MRB found the Program adequate to protect public health and safety and compatible with the NRC's program. Accordingly, the MRB determined that the next full review of the Program should take place in 4 years and that a periodic meeting should take place in October 2008.

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

The review team recommends that the State evaluate current and future staffing needs and business processes to develop and implement a strategy that improves the effectiveness and efficiency of the Program and ensures its continued adequacy and compatibility. (Section 3.2 of the 2006 IMPEP Report)

Status: The Program is in the process of developing a new database for management of the Program. A contractor has been hired to develop the new database, but the contract has not yet been competed. The Program is analyzing alternatives to having the contractor complete the database, such as having State employees complete the work. No decision has been made regarding the path forward to complete the new database.

This recommendation remains open and should be evaluated at the next IMPEP review.

Organization

The Program is administered by the Radiation Control Program within the Division of Environmental Health in the Maine Center for Disease Control (the Center) of the DHHS. There have been no changes to the Program's organization since the previous IMPEP.

There are six functional areas within the Radiation Control Program: Low Level Waste, Radioactive Materials, X-ray, Radon, Office of Nuclear Safety, and Tanning. The Radioactive Materials functional area makes up the Program. The Program administers 126 licenses.

Agreement State Program Staffing

A well-trained, stable, and experienced staff is the strength of the Program. The staff is the same as that seen during the last IMPEP review. Mr. Hyland stated that funding, which is fee based, is not adequate for the current organization and the Program. The last increase in fees occurred in 1997. Since that time the Program has attempted to increase fees twice, but both attempts were unsuccessful. The Program's budget has been supplemented with other funds available to the Radiation Control Program within the Center. Another fee increase request is due to be submitted shortly.

Training

Support for staff training exists in the Program. Maine welcomed the NRC's revised policy on funding training for Agreement States. Program staff has attended NRC and other training courses, including the NRC's Security Systems and Principles Course. Maine noted that other activities that are not specifically training, such as participation on IMPEP teams and attendance at meetings, also provide valuable opportunities for knowledge sharing.

Pending cuts in the State budget may result in travel restrictions for Program staff, including restrictions on out-of-state travel. This restriction may apply even to travel for NRC-funded training and meetings.

Inspections

Maine's inspection frequencies are at least as frequent as NRC's. No inspections were overdue with respect to NRC inspection priorities. The Program maintains a database of inspections due for management of the inspection program. As mentioned under the status of open recommendations, the Program is in the process of creating a new database to better manage the inspection program.

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

Licensing

The Program had no licensing actions that were pending for greater than one year. The program receives approximately two to three new license applications per year and approximately two to three terminations per year. New licenses are now hand-delivered in response to the requirement for “pre-licensing” visits and/or “pre-licensing” visits are conducted.

Regulations

The Program submitted 11 proposed regulations to the NRC during the October 29, 2008 periodic meeting. These regulations are currently undergoing a compatibility review by NRC staff.

NRC staff identified the following four overdue regulations:

- “Financial Assurance for Materials Licensees,” 10 CFR Parts 30, 40, and 70 amendment (68 FR 57327), that became effective on December 3, 2003.
- “Compatibility with IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments,” 10 CFR 71 amendment (69 FR 3698), that became effective on October 1, 2004.
- “Medical Use of Byproduct Material - Recognition of Specialty Boards,” 10 CFR 35 amendment (70 FR 16336; 71 FR 1926), that became effective April 29, 2005.
- “Security Requirements for Portable Gauges Containing Byproduct Material,” 10 CFR 30 amendment (70 FR 2001), that became effective July 11, 2005.

The four identified overdue regulations are part of the proposed regulation package that was submitted by Maine to the NRC for review.

NRC staff identified the following regulation changes and adoptions that will be needed in the future:

- “National Source Tracking System,” 10 CFR 20 amendment (71 FR 65865, 72 FR 59162), that is due for State adoption by January 31, 2009.
- “Minor Amendments – 10 CFR Parts 20, 30, 32, 35, 40 and 70,” 10 CFR Parts 20, 30, 32, 35, 40, and 70 amendment (71 FR 15005), that is due for State adoption by March 27, 2009.
- “Medical Use of Byproduct Material – Minor Corrections and Clarifications,” 10 CFR Parts 32 and 35 amendment (72 FR 45147, 72 FR 54207), that is due for State adoption by October 29, 2010.
- “Requirements for Expanded Definition of Byproduct Material,” 10 CFR Parts 20, 30, 31, 32, 33, 35, 61, and 150 amendment (72 FR 55864), that is due for State adoption by November 30, 2010.

- “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 is due for State adoption by December 17, 2010.
- “Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent,” 10 CFR Parts 19 and 20 amendment (72 FR 68043), that is due for State adoption by February 15, 2011.

Recent legislation in the State legislature assigned responsibility for the Maine Yankee site to the Radiation Control Program. Additionally, the Program manager noted that discussions have occurred within State government about moving the Program from DHHS to the Department of Environmental Protection.

Security

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

Incidents/Allegations

Program staff communicates reportable incidents to the NRC Operations Center and Region I. One of the Health Physicists is responsible for the input of incident information into the Nuclear Materials Events Database (NMED), as incidents occur. Since the last IMPEP review in October 2006, seven events were reported to NMED. Of these seven events, six were reportable and the remaining event was informational.

There were no allegations referred to the Program since the last IMPEP. The Program had no open allegations at the time of the review.

Feedback on the NRC's Program

The Program noted that the FSME organization seems to change frequently. The Program stated that they felt the Regional State Agreements Officers were accessible and available. The Program commented that the overall relationship with the NRC is good, and the Program commended Commissioner attendance at the Conference of Radiation Control Program Directors and Organization of Agreement States Annual Meetings. Additionally, the Program appreciates the NRC funding of training. However, the Program would like the NRC to require State attendance at meetings such as OAS and CRCPD as this would help Program staff justify their out-of-state travel requests.

Action Items Resulting From the Meeting

None.

CONCLUSIONS:

The overall performance of the Program continues to be good. The Program staff is experienced, well trained, and remains stable. Although fee-based funding does not provide an adequate financial base for the Program, due to the inability to raise fees over the past 11 years, adequate funding for the Program has been available through funds from within the Center.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2010 (tentatively October 2010).



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

December 2, 2008

MarySue Semerena, Administrator
Environmental Health Unit
Department of Health and Human Services
301 Centennial Mall South
P.O. Box 95026
Lincoln, Nebraska 68509-5026

Dear Ms. Semerena:

A periodic meeting with Nebraska was held on November 4, 2008. The purpose of this meeting was to review and discuss the status of the Nebraska Agreement State Program. I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you feel that my conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8143 or email Randy.Erickson@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Randy Erickson

Enclosure:
Periodic Meeting Summary for Nebraska

cc w/enclosure:

Julia A. Schmitt, Program Manager
Office of Radiological Health
Department of Health and Human Services
301 Centennial Mall South
P.O. Box 95026
Lincoln, Nebraska 68509-5026

Enclosure 2

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR NEBRASKA

DATE OF MEETING: NOVEMBER 4, 2008

NRC Attendees	Nebraska Attendees
Randy Erickson, RSAO	Julia A. Schmitt, Program Manager
	Bryan Miller, Health Physicist
	Howard Schuman, Health Physicist
	Trudy Hill, Health Specialist
	Beverly Spang, Staff Assistant

DISCUSSION:

The Nebraska Agreement State program (the Program) is administered by the Office of Radiological Health consisting of four program areas all under the direction of the Program Manager. These include Radioactive Materials, Materials Security, X-Ray and Emergency Response. The Program reports to the Environmental Health Unit of the Health Licensure and Investigations Section of the Division of Public Health (Division). The Chief Medical Officer leads the Division and reports to the Chief Executive Officer of the Department of Health and Human Services. At the time of the meeting, the Nebraska program regulated approximately 150 specific licenses.

The previous IMPEP review was conducted the week of September 18-21, 2006. At the conclusion of the review, the team recommended that Nebraska's performance for all performance indicators reviewed be found satisfactory, and made no recommendations regarding the performance of the Program. Additionally, the review team recommended, and on December 14, 2006, the Management Review Board agreed, that the Nebraska Agreement State Program was adequate to protect public health and safety and was compatible with NRC's program.

Other topics covered at the meeting included.

Program Strengths: The Nebraska Program is a stable program that has not experienced any staff losses since 2000. Their dedicated staff is very experienced and works together cohesively. Both the Program Manager and the Unit Administrator are supportive of the staff's activities, and the staff is supportive of each other. The Program is very proactive in addressing health, safety and security of radioactive materials within the State. As an example, while searching for generally licensed devices, the Nebraska Program initially identified the tritium exit sign losses involving a major retailer and has worked together with that retailer to close those issues within their borders. The staff meets bi-weekly where a comprehensive review of all licensing, inspection, and incident and allegation activities are conducted. They also assign new work at these meetings based on the current workload of the staff. Goals are discussed and benchmarked, and schedules are adjusted as necessary. Peer reviews are conducted on all licensing actions and inspection reports which as resulted in a high degree of consistency within the Program.

Program Weaknesses: The Program noted they are behind on one regulation that will come due on January 31, 2009. It is currently out for a public comment period. However, the program does not believe that the regulation will be in effect by January 31, 2009, so they will issue Orders to those licensees that are subject to the NSTS requirements. The Program also cited restrictions on out of state travel as something that has hindered their ability to attend training classes and participate in other activities such as participating on IMPEP reviews or NRC working groups.

Feedback on NRC's Program

The Program noted that very few individuals in Agreement States have security clearances. Those with security clearances have been issued by agencies within the Federal government other than the NRC. States believe that the expansion of these clearances is important to their efforts to work cohesively with an agency that is becoming ever more security conscious. The lack of a clearance limits a State's ability to participate in certain NRC working groups or to be made aware of credible threats that exist within their borders. They are requesting that NRC consider sponsoring the issuance of security clearances to Agreement State management personnel.

The Program believes that NRC should consider the impacts on the Agreement State programs of the Inspection Manual Chapter 2800 revision in regards to the addition of a secondary priority code (Priority 2) for all facilities subject to Additional Security Requirements. Current NRC policy requires the inspection of facilities with multiple priority codes to be performed at the more restrictive frequency. This would result in all licensees subject to Additional Security Requirements to be inspected at either a one or two year inspection frequency. Requiring this could have a significant negative effect on Agreement State programs, especially smaller programs or programs struggling to retain staff.

The Program also requested that NRC consider revising the Inspection Manual Chapter 1220 requirement that States and Regional Offices conduct reciprocity inspections on a minimum of 20 percent of candidate licensees annually. Many programs struggle under normal conditions to meet this requirement, and it becomes even more difficult to meet this requirement in today's environment of increased security as well as other requests of Agreement States.

The Program noted that the disposal of low level radioactive wastes is a concern that will begin to negatively affect licensees across the nation and ultimately become a problem for Agreement States and the NRC. They requested that NRC begin to look into the issue and work to develop a method for long term low level waste disposal for licensees in all States.

The Program would like to commend NRC for their openness and free access to NRC management and staff, and for their willingness to earnestly listen to the concerns of the Agreement State Programs. The Program wanted to reiterate their appreciation for NRC support for Agreement State staff training.

Staffing and training

The Program has a total of three Health Physicists dedicated to the radioactive materials program. They are supported by one Health Specialist and one Staff Assistant. The Program is managed by the Program Manager. Currently the Program has no vacant technical positions; however, a continued increase in NRC requirements could result in a need to expand the staff which they believe would cause a hardship for the Program.

Program reorganizations

The Department underwent reorganization effective July 1, 2007. This change in structure had little effect on the Program. The name was changed and changes were made in the reporting structure.

Changes in Program budget/funding

The Program has not experienced problems with budgeting or funding. The Program recently published a revised fee schedule sufficient to remove them from any general revenue funding and make them a 100 percent fee funded program. The increased fee rule is currently out for public comment.

Materials Inspection Program

The Program reported that they currently have no overdue inspections. Routine inspections are generally performed by the due date and initial inspections are typically performed within 12 months of issuance. They have identified and located approximately 350 general licensees and issue annual certifications of possession to each of them.

The Program previously experienced difficulty in performing inspections on at least 20 percent of candidate reciprocity licensees; however, they are currently keeping up with these inspections. The Program initially identified 12 licensees who were required to implement Increased Controls. The Program reported that they only have one Increased Controls inspection left to be performed by the due date of May 14, 2009. They also reported that fingerprinting orders have been issued to all affected licensees.

Annual supervisory accompaniments were defined by the Program Manager as performance based accompaniments. Because the three health physicists are all long term, seasoned inspectors; the Program Manager will either accompany each inspector through the year on investigations or special inspections then evaluate their performance on this work, or an accompaniment is performed by a peer. They also perform peer reviews on all inspection reports generated. They believe this model is a more effective way to comprehensively evaluate staff performance rather than one supervisor accompaniment each year.

Regulations and Legislative changes

The Program's rules and regulations are mostly up to date. One regulation will be due on January 31, 2009, and it is out for a public comment period. When the public comment period has been completed, they will forward it to NRC for review.

As noted above, the program does not believe that the regulation will be in effect by January 31, 2009, so they will issue Orders to those licensees that are subject to the NSTS requirements.

Event reporting, including follow-up and closure information in NMED

The Program reported that all NMED information is up to date. All items are closed.

Response to incidents and allegations

The Program continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their affect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Program Manager has placed a high emphasis on maintaining an effective response to incidents and allegations.

Status of allegations and concerns referred by the NRC for action

One allegation was referred by NRC to the Program since the 2006 review. That allegation was addressed but is not yet closed.

Significant events and generic implications

The Program reported one event with potential generic implications. This involved smoke detectors with pre-filters located in pool irradiators. The significance of the issue is currently being evaluated.

Current State Initiatives

None noted.

Emerging Technologies

None noted.

Large, complicated, or unusual authorizations for use of radioactive materials

None noted.

State's mechanisms to evaluate performance

As noted above the Program identified their process for performing peer reviews on 100 percent of all licensing and inspection activities as one mechanism for evaluating performance. They also noted their biweekly staff meetings as another method for ensuring that performance is continuously evaluated.

Current NRC initiatives

NRC staff discussed ongoing initiatives with the Program. These included pre-licensing guidance, fingerprint orders, national source tracking, web based licensing, generally licensed devices, and the issues associated with tritium exit signs.

Schedule for the next IMPEP review

It is recommended that the next IMPEP review to be held in two years, as currently scheduled.



**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

Enclosure 3

**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 Chipppo, 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.

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.

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.

**Agenda for Management Review Board Meeting
April 3, 2009, 3:00 p.m. - 5:00 p.m. EDT, O-3-B4**

1. Announcement of Public Meeting to all attendees and request for identification of any members of the public participating in this meeting.
2. MRB Chair convenes meeting. Introduction of MRB members, Agreement State representatives, and other participants. (OAS Liaison is Cindy Cardwell of Texas.)
3. Discussion of Periodic Meetings:
 - a. Maine
(October 29, 2008) – ML090130209 – Kottan/Orendi
 - b. Nebraska
(November 4, 2008) – ML083370244 – Erickson
 - c. Pennsylvania
(December 17, 2008) – ML090560598 – Janda/Beardsley
4. Establishment of Precedents/Lessons Learned
5. Adjournment

Invitees:	Martin Virgilio, OEDO	Donna Janda, Region
	Charles Miller, FSME	James Kottan, Region I
	Karen Cyr, OGC	Randy Erickson, Region IV
	Steven Reynolds, Region III	Michelle Beardsley, FSME
	Cindy Cardwell, TX	Janine Katanic, FSME
	Jay Hyland, ME	Monica Orendi, FSME
	Julia Schmitt, NE	William Rautzen, FSME
	David Allard, PA	Aaron McCraw, FSME
	Robert Lewis, FSME	Karen Meyer, FSME
	Terrence Reis, FSME	Alison Rivera, OEDO
	Duncan White, FSME	