



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

January 11, 2010

Office of Waste, Air and Radiation Management

717-772-2724

Fax: 717-787-8885

Mr. James L. Lynch
Regional State Agreements Officer
U.S. Nuclear Regulatory Commission
Region III
2443 Warrenville Road
Lisle, Illinois 60532-4352

Dear Mr. Lynch:

This is in reference to your letter dated November 16, 2009, transmitting Pennsylvania's Draft Integrated Materials Performance Evaluation Program (IMPEP) Report. We have reviewed the report and would like to respond to your assessment.

First of all, we wish to thank you and your team for coming to Pennsylvania and evaluating our Agreement State program. This being our first IMPEP evaluation, after signing the Agreement with the U. S. Nuclear Regulatory Commission (NRC) on March 31, 2008, your review provided us an opportunity to be assured our program is being implemented in an acceptable manner. Having achieved a "Satisfactory" rating, the highest rating possible for all Common Performance Indicators, confirmed that our diligent work over the last 18 months has been effective. Our continued commitment to maintain the highest rating remains our goal, and the suggestions and recommendation you offer in your review will certainly enhance our program.

We do wish to point out a few minor discrepancies in the draft report. This response also allows us an opportunity to indicate how we plan to implement the suggestions and recommendation offered from the review.

In Section 2.1, Technical Staffing and Training, it is noted at the time of the review that there was "...one vacancy for a supervisor position." This vacancy was, and still is, a Radiation Protection Manager position in our Southcentral Region, not a supervisor. The Bureau of Radiation Protection (BRP) continues to pursue a permanent replacement for this position. In the interim, we have an acting manager from our Environmental Cleanup Division performing administrative duties. Our intent is also to fill the eight technical position vacancies as soon as possible.

Section 2.2, Status of Materials Inspection Program, notes 6.3 percent of inspections performed were overdue. Even though 6.3 percent is within the criteria of less than 10 percent



required in IMC 2800-06, Inspection Intervals, we are committed to performing all of our inspections on time. To ensure this, a process is being developed to track inspections more closely.

Section 2.3, Technical Quality of Inspections, noted that two of the ten IMPEP team accompaniment inspections did not hold exit meetings with the appropriate level of licensee management. The BRP follows the guidelines of the NRC's inspection procedures to meet with the highest managerial personnel available. We will continue to stress the importance of doing so with our inspectors during training sessions and routine staff conference calls and meetings.

Section 2.4, Technical Quality of Licensing Actions. The BRP will maintain the high quality of licensing actions by remaining consistent with NUREG-1556 guidance documents, the Commonwealth's regulations, and good health physics practices. The fourth paragraph of this section uses the term "Licensing Branch"; the word "Section" should be substituted for the word "Branch." In the sixth paragraph the phrase "Secretary of State's Office" should be replaced with "Department of State." To address paragraph eight, BRP is now including a license condition to relevant licensees addressing the requirement to report sources to the National Source Tracking System (NSTS).

Section 2.5, Technical Quality of Incident and Allegation Activities. Regarding incident reporting requirements, BRP has implemented the formal recommendation of the IMPEP report, i.e., to strengthen its incident response program. To that end, a Central Office Radiation Health Physicist has been assigned to be an Incident Tracker, with specific duties regarding reporting requirements to the Nuclear Material Events Database (NMED) and to the NRC Headquarters Operations Office (HOO). Further, the Incident Tracker will facilitate thorough communication on every potential incident between Bureau Director, Central Office managers, Regional Office managers and supervisors, compliance specialists and, when necessary, legal counsel. All incidents will be recorded and monitored in a shared database between Central and Regional Offices. Noted in the database will be relevant information regarding the incident, including, but not limited to, site name, NMED number, dates for incident, NMED entry, NRC and/or HOO notification, site visit/investigation/inspection, as well as comments and observations. If warranted, a timely visit to the site of the incident will occur and the investigation will be formally documented. The database will also note if the incident is open or closed for all follow-up.

The IMPEP review and report has determined the allegation and complaint program to be adequate. Regardless, given the formal recommendation related to incident response, all open or recently closed incidents and allegations will be a discussion item for every monthly conference call between Central and Regional Offices. Doing so will also provide information-sharing to all regions.

In closing, BRP views this IMPEP review as an opportunity for further improvement of our Agreement State program. The program will continue to seek out and implement best management practices that will enable us to better protect the health and safety of citizens of the

Commonwealth. We will continue to actively participate on monthly NRC-Agreement State conference calls, reach back to our NRC regional and headquarters liaisons, and work through the Organization of Agreement States on national, cross-cutting, and generic issues.

Thank you for giving us an opportunity to comment on the Draft IMPEP Report, and we look forward to meeting with the Management Review Board (MRB) on January 26, 2010. Given the proximity of Harrisburg to NRC Headquarters in Rockville, Maryland, we plan to have the following staff participate in the MRB meeting: David Allard, Bureau Director; Joseph Melnic, Radiation Control Division Manager; and Benjamin Seiber, Program Analyst. Should you require further information before the Management Review Board meeting, please contact Ben Seiber by e-mail at bseiber@state.pa.us or by telephone at 717.787.2480.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth R. Reisinger", with a long, sweeping flourish extending to the right.

Kenneth R. Reisinger
Acting Deputy Secretary

cc: Secretary John Hanger
David Allard, Director, BRP
Joseph Melnic, RPPM, BRP
Benjamin Seiber, PA3, BRP