

Comment Resolution Document

**Summary of Comments Received on
SA-600, *Training Criteria for Agreement State Personnel***

- I. **Sent to the Agreement States and State Liaison Officers for Comment: STC-15-087 dated December 16, 2015.**
- II. **Sent to Regions I, III, and IV: ML15356A438 dated December 28, 2016.**

Comments Received:

- a. State of New Jersey e-mail dated December 23, 2016
- b. State of Pennsylvania e-mail dated January 6, 2016
- c. Region III e-mail dated January 7, 2016
- d. State of Kansas Letter dated January 13, 2016
- e. State of Texas Letter dated January 14, 2016
- f. Organization of Agreement States Letter dated January 20, 2016
- g. State of Alabama Letter dated January 21, 2016
- h. Region I e-mail dated January 26, 2016

State of New Jersey:

Comment: Section IV.A.1 Page 2: "In addition to those courses listed on the annual training schedule, certain non-core courses may be offered to the States on a space available basis. The NRC Agreement State Training and Travel Coordinator will notify the States when an additional, non-core course is available to the States. NRC would provide the funding for these non-core courses and the States would be responsible for travel related costs." Could you provide an example list of these courses?

Response: There is no list of "non-core" courses as the term is used here. Any course not listed on the NRC-sponsored training course list that may be beneficial to the States may be offered to the States on a space available basis. The Agreement State Training and Travel Coordinator would be notified by the Branch Chief, Technical Training Center (TTC) if such a course could be opened up to the States.

State of Pennsylvania:

Comment: Does the NRC have a procedure that addresses States hosting training courses, and if not, should it be addressed in this procedure?

Response: Comment incorporated. States hosting courses will be addressed in the SA-600.

Region III:

Comment: The current version of SA-600 includes a few sentences about the history of NRC providing cost-free training to the Agreement States. Included is *“The Commission discontinued the funding of Agreement State staff training effective in 1997. In September 2007, the Commission approved the resumption of fully funding the training and associated travel costs for Agreement State staff to attend NRC-sponsored training in Fiscal Year 2008. The resumption of full funding is intended to help States enhance their programs’ performance and foster national consistency among State and NRC inspectors and license reviewers.”* We think that this history is important for Agreement States to know. They need to know that funding for Agreement State training is not a “sure thing” and depends on the annual NRC budget received from Congress. We suggest that similar language be included in the revised procedure.

Response: Comment incorporated.

State of Kansas:

Comment: Section IV.A.1: The addition of non-core courses to the annual training schedule is welcome. Please consider clarifying the wording about the tuition being covered by the NRC but not travel or per diem expenses. Using the word “funding” is vague and unclear.

Response: Comment incorporated.

Comment: Section V.D.: This section appears to be unnecessarily restrictive. It limits attendees to those who are radioactive materials inspectors/license writers. For a state with a small radiation control program, such as Kansas, this limits a valuable source of training for our other radiation control program technical staff. Our success is based on ensuring all Kansas radiation control program technical staff are cross-trained and available to provide needed support and assistance to the radioactive materials unit. This is only able to be achieved with the ability to train all of our technical staff to the level of radioactive materials inspector/license writer through utilization of the NRC courses. The current prioritization system has proved to be a successful method for ensuring that materials program staff received first priority, while utilizing any additional unfilled slots in the course to allow other technical staff in the radiation control program to attend. We request that you continue this practice.

Response: Comment not incorporated. Section V.D.3 aligns with the Commission’s direction for training material licensing and inspection staff to support the National Materials Program as described in SECY-07-0144, “U.S. Nuclear Regulatory Commission Policy on Funding of Certain Agreement State Training and Travel Costs” dated August 24, 2007 (ML072040436).

State of Texas:

Comment: Section IV.A.6: *“The NRC will not provide funding for students to attend the same course a second time.”* What if the course completely changes? For example, using S-201, it would be beneficial for some staff to retake the new S-201 as the Increased Controls are no longer relevant.

Response: Comment not incorporated. NRC provides funding for initial qualification only. For program areas that have been extensively revised, NRC has and will continue to provide training (e.g., webinars and on-line modules) for Regional and States’ staff on the new requirements.

Comment: Section V.D.I: An Agreement State is limited to two candidates per training course. Texas disagrees. This greatly affects Agreement States with larger programs. Texas has more than 35 full time employees that need these courses to qualify as inspector/license reviewers. In 2013, the Department of State Health Services (DSHS) spent close to \$100,000 to hold its own classes of H-304 (Nuclear Medicine) and H-313 (Brachytherapy). We had 16 people waiting for the H-313 course and we were only getting 1 slot from the NRC per year. We had similar backlogs for H-305 (Industrial Radiography) and G-108 (Inspection Procedures). Last July, DSHS held a G-108 course in Austin spending approximately \$6,000. We sincerely believe that states with larger programs should be given higher priority for extra spots in these courses.

Response: Comment partially incorporated. Working within our budget, we will balance the needs of all States. Limiting candidate attendance is based on multiple factors. Large programs have more staff to train; however, small programs could be severely understaffed if they lose just one inspector or license reviewer. However, Agreement States will not be limited to the number of applications that may be submitted for their qualified staff.

Organization of Agreement States:

Comment: SA-600 seems to be designed for in-person classes. It is unclear if the same criteria will apply to online-only courses.

Response: Comment incorporated. Additional language was incorporated to indicate that the same criteria will apply to both on-line and in-person courses.

Comment: The Board would like more information on how the NRC prioritizes the States’ needs for training.

Response: The criteria outlined in Section V.D.1-5 provides the necessary detail on how the States’ needs for training will be prioritized. The NRC Agreement State Training and Travel Coordinator may on occasion consider other factors when making a decision to accept one applicant over other equally qualified applicants. For example, additional consideration may be given to a State which submitted an application for a given course offering and was not selected

Comment Resolution
SA-600, *Training Criteria for Agreement State Personnel*

over a State which had been previously selected. Further, a State may receive additional consideration if they have experienced a number of recent terminations of qualified inspectors and/or license reviewers.

Comment: Section III, first paragraph: The Board recommends deleting “help States enhance their programs’ performance and” from the last sentence in this paragraph.

Response: Comment not incorporated. This language is derived directly from the Commission Staff Requirements Memoranda, SECY-07-0144, “U.S. Nuclear Regulatory Commission Policy on Funding of Certain Agreement State Training and Travel Costs” dated September 13, 2007 (ML072560480).

Comment: Section IV.A.1: The addition of non-core courses to the annual training schedule is welcome. For clarity, the Board recommends changing the wording of the last sentence of this section to read “the NRC will cover the tuition but not travel or per diem expenses.”

Response: Comment incorporated.

Comment: Section IV.C.2: The Board recommends changing “Each Agreement State agency” to “The Radiation Control Program Director.”

Response: Comment incorporated.

Comment: Section IV.C.2: The Board sees no need for the State to notify the NRC of staff terminations and recommends this requirement be deleted.

Response: Comment incorporated. This information is used to help prioritize training needs due to staff losses. States may voluntarily provide this information if they would like it be considered during the selection process.

Comment: Section V.A: The Board recommends changing “is required” to “highly recommended” in the last sentence of this section. Agreement States can decide the training that staff receive to make them qualified as long as it’s compatible with NRC’s training.

Response: Comment incorporated.

Comment: Section V.D: This section appears to be unnecessarily restrictive in that it limits attendees to those who are radioactive materials inspectors/license writers. For states with a small program this limits a valuable source of training for other radiation control program staff that serves to build the technical strength of the entire program should cross-training or utilization of non-materials staff inspectors become necessary. The previous prioritization system seemed to be an adequate method for ensuring that materials program staff got first priority, but if additional slots were available that allowed other technical staff to attend.

Comment Resolution
SA-600, *Training Criteria for Agreement State Personnel*

Response: Comment not incorporated. The Commission directs funding to be used for initial qualification of materials inspectors and license reviewers as expressed in the Commission Staff Requirements Memoranda, SECY-07-0144, "U.S. Nuclear Regulatory Commission Policy on Funding of Certain Agreement State Training and Travel Costs" dated August 24, 2007 (ML072040324).

Comment: Section V.D.1: Does this requirement apply if there are empty spaces in a course that need to be filled? It seems like that would be a reasonable exception. Additionally, what if a State hosts a course, surely they would be able to have more than two of their staff attend?

Response: If a State is approved to host a course, that State will be permitted to fill up to half of the allotted seats with their qualified staff. The actual number of seats set aside for the host State will be limited to those requiring the training for initial qualification. Anyone from the host State requesting attendance for the purpose of cross-training or refresher training will be considered for enrollment only after all individuals from other States who need the training for initial qualification are accommodated.

Comment: Section V.D.4.: *"A State program must have a specific class of licensee (or active application) for a candidate to receive approval to attend a technology specific class (e.g. panoramic irradiator)."* This requirement is a tight constraint given the availability of some courses. It could put a State program in a tough spot to get the training if an application is submitted. Can't the NRC use discretion in selecting State candidates in courses like the panoramic irradiator course?

Response: Assuming seats are available NRC would fund the course, but not the travel expenses or per diem, if a State program does not have a specific class of licensee (or active application).

State of Alabama:

Comment: We appreciate the addition of non-core courses to the training schedule.

Response: Thank you for the comment.

Comment: Section IV.C.2: You indicate that the State must notify the NRC of staff terminations. We see no purpose in such a notification, and recommend it be deleted.

Response: Comment Incorporated. This information is used to help prioritize training needs due to staff losses. States may voluntarily provide this information if they would like it be considered during the selection process.

Comment: Section V.A: It states "These courses provide training that is required for Agreement State personnel to become and remain qualified to perform and implement a materials licensing and inspection program." Some states have developed in house training programs that the NRC considers compatible with their training program. The current text indicates that such training would not be acceptable or compatible. We do not believe that was the intent. This is guidance. Therefore, we recommend changing the text to read, "These courses, or their

Comment Resolution
SA-600, *Training Criteria for Agreement State Personnel*

equivalent, provide the minimum training recommended for Agreement State personnel to perform and implement a materials licensing and inspection program.” The intent is that a training program be compatible with, not necessarily an exact copy of, the NRC training program.

Response: Comment incorporated.

Comment: Section V.D.1: We do not agree with the hard and fast limit of two candidates per training course per Agreement State. Specifically, would NRC exclude a third candidate if the class is not full? It would seem to make sense for the Agreement State to submit all their candidates for a class and prioritize them. Then, if there is space available, allow more than two from a state to attend.

Response: Comment partially incorporated. The two applications per State limit will be the rule unless the States receive notification from the NRC Agreement State Training and Travel Coordinator that additional applications will be considered for a specific course offering.

Comment: Section V.D.4: We disagree. Waiting to have an active application for a panoramic irradiator license before being able to apply to take the course makes no sense. I understand using such a strict requirement if an Agreement State has one or more staff that has already attended such training. But the catch 22 is that unless an Agreement State has, in the recent past, had a panoramic irradiator licensee, they will have no one that could have attended the class, and therefore no one qualified to review the application. It would seem to make more sense to allow state candidates to attend technology classes on a space available basis. That way states will have trained personnel with appropriate reference materials to immediately start the licensing process. Obviously, states that have active applications or licensees in the technology area for the course should get priority over those that do not.

Response: Comment not incorporated. As previously stated, assuming seats are available NRC would fund the course, but not the travel expenses or per diem, if a State program does not have a specific class of licensee (or active application).

Region I State Liaison Officer:

Comment: In the Introductory paragraph it states: “Unless otherwise specified, all references to “State(s)” include Agreement States and Non-Agreement States that have submitted a formal request to become an Agreement State.” Therefore, references to “Agreement State” should be changed to “State.”

Response: Comment incorporated.

Comment: Agreement State Training Coordinator should be changed to Agreement State Training and Travel Coordinator throughout.

Response: Comment incorporated.