



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION I  
2100 RENAISSANCE BLVD., SUITE 100  
KING OF PRUSSIA, PA 19406-2713

September 8, 2017

David J. Allard, CHP, Director  
Bureau of Radiation Protection  
Department of Environmental Protection  
P.O. Box 8469  
Harrisburg, PA 17105-8469

Dear Mr. Allard:

A periodic meeting with you and your staff was held on June 8, 2017. The purpose of this meeting was to review and discuss the status of the Pennsylvania Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Kevin Williams and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions. If you feel that our conclusions 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 via e-mail at [Donna.Janda@nrc.gov](mailto:Donna.Janda@nrc.gov) to discuss your concerns.

Sincerely,

*/RA/*

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

Enclosure:  
Periodic Meeting Summary for Pennsylvania

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**SUNSI Review Complete: DMJ (Reviewer's Initials)**

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OFFICE	DNMS/RI								
NAME	Janda/dmj								
DATE	09/08/17								

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR  
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF RADIATION PROTECTION

DATE OF MEETING: June 8, 2017

<b>U.S. Nuclear Regulatory Commission (NRC) Attendees</b>	<b>Pennsylvania Department of Environmental Protection Attendees</b>
Kevin Williams, Deputy Director, Division of Material Safety, State, Tribal, and Rulemaking Programs (MSTR)	David J. Allard, Director, Bureau of Radiation Protection
Donna Janda, State Agreements Officer, Region I	Joseph Melnic, Manager, Radiation Control Division
	Keith Salador, Assistant Counsel
	Bryan Werner, Manager, Decommissioning & Environmental Surveillance Division
	John Chippo, Supervisor, Radioactive Materials Section
	Kristina Hoffman, Program Analyst
	Lisa Forney, Supervisor, Southcentral Regional Office, Radioactive Materials Section
	Terry Derstine, Manager, Southeast Regional Radiation Protection Division (via telephone)
	Jennifer Noll, Supervisor, Southeast Regional Office, Radioactive Materials Section (via telephone)

**DISCUSSION:**

During the 2014 Integrated Materials Performance Evaluation Program (IMPEP) review of the Pennsylvania Agreement State Program (Program) conducted on January 13 - 17, 2014, the review team found the State's performance satisfactory for all indicators. The review team did not make any new recommendations regarding program performance; however, the review team determined that the recommendation from the 2009 IMPEP review, regarding the strengthening of Pennsylvania's incident response program, should be kept open.

On April 3, 2014, the Management Review Board (MRB) found the Program adequate to protect public health and safety and compatible with the NRC's program and determined that the next IMPEP review should take place in approximately five years. Based on a discussion of concerns regarding potential impacts of budget constraints on staffing in the Agreement State Program, the MRB directed that a periodic meeting be performed in June 2015, with special emphasis on reviewing the Commonwealth of Pennsylvania's staffing and hiring status. That meeting was held on June 2, 2015. At the Special MRB held to discuss that periodic meeting, the MRB directed that an additional periodic meeting be held tentatively in April 2017 and the next full IMPEP review be held in January 2019. This report is a summary of the second periodic meeting conducted on June 8, 2017.

## TOPICS COVERED DURING THE MEETING INCLUDED:

### Organization

The Pennsylvania Agreement State Program is administered by the Bureau of Radiation Protection (the Bureau), in the Department of Environmental Protection (the Department). The Program has not been reorganized since the 2014 IMPEP review. The Program is managed out of the Central Office by the Bureau Director. The Bureau consists of four Divisions, three of which have responsibilities for radioactive materials under the Agreement: the Radiation Control Division, the Decommissioning and Surveillance Division, and the Nuclear Safety Division. On occasion, the Radon Division is called upon to support Agreement State activities or other radioactive materials work. Within the Radiation Control Division, the Radioactive Materials Section Chief directly supervises radioactive materials licensing activities. Inspection and compliance activities are conducted out of three Regional Offices located across the Commonwealth. Each Regional Office has a Radiation Protection Program Manager and Supervisor who directly supervise inspection and compliance activities in the Commonwealth.

### Program Budget/Funding

The radioactive materials program is fully fee funded. Fees are placed into a restricted fund for Bureau use only. The funds carry over each fiscal year. At the time of this meeting, the Program had proposed a fee increase for the radioactive materials and radon programs. The request goes before the Environmental Quality Board for final consideration later this month. The Bureau Director noted that the Program budget is in good shape.

### Feedback on the NRC's Program

The Program noted that there is good communication and support from NRC. The Program also appreciates the training courses and opportunities provided by NRC and the support provided by the Agreement State Training and Travel Coordinator regarding travel reimbursement expenses.

The Program is interested in receiving NRC's additional guidance on the financial assurance requirements for Ge/Ga generators. The Program has several licensees who requested approval for the use of these generators and will use this guidance to assist in the Program's decision-making process related to licensees' requests for exemptions to the financial assurance requirements associated with these generators. NMSS will provide an update to the Program on the status of the guidance document being drafted.

The Program is also interested in the current status of NRC's position on approval of dual use dosimeters. PA currently accepts this practice. The MSTR Deputy Director informed the Program that NRC is developing a generic communication to address personnel monitoring devices such as dual use dosimeters. This communication is anticipated to be available within six to nine months.

### Technical Staffing and Training (2014 IMPEP: Satisfactory)

At the time of this periodic meeting, there were 46 positions with various degrees of involvement in the radioactive materials program. The Regional Offices devote approximately 22.5 full-time equivalents (FTE) to inspection, compliance, and emergency response duties. In the Central Office, the Radioactive Materials Section devotes approximately 6.4 FTE to licensing activities,

including supervisory duties. The FTE noted does not include clerical or other administrative support staff. At the time of the periodic meeting, the Program had nine technical staff vacancies, including one in the radioactive materials licensing area, five in the radioactive materials inspection area, and one in the compliance area. Two additional vacancies were in the Decommissioning and Surveillance Division. The Bureau Director noted that vacant positions were frozen approximately 1.5 years ago; however, two inspection vacancies have recently been posted as trainee positions.

Five technical staff members are currently undergoing qualification training. The Program implements NRC Inspection Manual Chapter (IMC) 1248 for its qualification training program.

#### Status of Materials Inspection Program (2014 IMPEP: Satisfactory)

The Program reported it has conducted 319 Priority 1, 2, and 3 inspections and 26 initial inspections since the 2015 periodic meeting. No Priority 1, 2, 3 or initial inspections were completed overdue. No inspections are currently overdue. Since the 2015 Periodic Meeting, the Program conducted 40 reciprocity inspections of candidate licensees.

#### Technical Quality of Inspections (2014 IMPEP: Satisfactory)

The Program's goal is to perform a minimum of one supervisory accompaniment per inspector each calendar year. In calendar years 2015 and 2016, Program supervisors performed supervisory accompaniments at least once for each inspector. The Program is on track to complete all supervisory accompaniments in 2017.

The Program uses inspection procedures that are consistent with the inspection guidance outlined in IMC 2800. Inspection reports are reviewed by a supervisor before being issued. Inspection findings are routinely sent to licensees within 30 days of completing an inspection.

#### Technical Quality of Licensing Actions (2014 IMPEP: Satisfactory)

At the time of the periodic meeting, the Program reported having approximately 630 specific licenses. The Program completed 802 licensing actions in 2016. All licensing actions receive three levels of review including a supervisory review prior to being issued. The Licensing Supervisor signs each license.

#### Technical Quality of Incidents and Allegation Activities (2014 IMPEP: Satisfactory)

One recommendation in this indicator remains open from the 2009 IMPEP review:

Recommendation: The review team recommends that the Commonwealth strengthen its incident response program to ensure that incidents are appropriately investigated and are promptly reported to NRC, as appropriate.

Status: At the time of this meeting, the Program had reported 72 incidents to NRC since the 2014 IMPEP review. All reportable events were conveyed to NRC in the appropriate manner. The Program conducted follow up investigations as appropriate. Since the 2014 IMPEP review, the Program has made revisions to their internal event tracking spreadsheet to include the Nuclear Materials Event Database Item Number, the licensee's corrective actions, and root cause documentation for each reported event. Monthly meetings are held to review open incidents and allegations.

The Program uses procedures equivalent to the NRC's allegation procedures for processing allegations. The Program received and responded to 42 allegations since the last IMPEP review. Five of these allegations were transferred by NRC.

#### Compatibility Requirements (2014 IMPEP: Satisfactory)

At the time of this meeting, the Program had no legislative changes that affected the Program. Pennsylvania adopts NRC regulations by reference and uses Orders or other legally binding requirements such as license conditions as appropriate. Pennsylvania regulations "point" to the NRC regulations in Title 10 CFR and incorporate by reference appropriate Parts and Sections. If NRC develops a new regulation section, such as the requirements for physical protection of byproduct material in 10 CFR Part 37, Pennsylvania must create a new section in its regulations which point to the new CFR Part. This was completed for Part 37 in 2016. The Commonwealth's administrative rulemaking process takes approximately two years from drafting to finalizing a rule, including time for public comments.

#### Current State Initiatives

- The Program has been following up on non-military radium sites which were on a list provided by NRC.
- The Program has implemented a requirement for new users of certain generally-licensed devices. Any new applicants for a device with a sealed source and device registration sheet that allows for either a specific or general license, the Program will require the applicant to obtain a specific license for use of the device.
- The Program has also implemented a requirement that licensees who lease space must provide a letter from the building owner that documents the owner's awareness regarding the use of radioactive material in the leased space.
- The Program has initiated and is following the NRC requirement of 24 hours of refresher training every 24 months for their qualified radioactive materials staff.

#### Emerging Technologies

- The Program has received one request from a broad scope medical licensee for the use of Lu-177 for medical research for neuroendocrine tumors.

#### Large, Complicated or Unusual Authorizations

- None.

#### State's Mechanisms to Evaluate Performance

- The Program holds monthly conference calls between the Regional offices and the Central Office to discuss the current status of inspections.

- The Program has two face-to-face meetings each year for managers to discuss the status of the radioactive materials program
- Program supervisors monitor metrics on inspection reports and licensing actions on a weekly basis.
- Supervisors review inspection reports and licensing actions. The Radiation Control Division Manager reviews a sampling of inspection reports from each Region to ensure consistency between the Regional Offices.
- Supervisors periodically review the status of new staff members' qualification journals to ensure the journals are up-to-date and progress is being made.
- Supervisory inspection accompaniments for all inspection staff are conducted at least annually. The supervisors provide prompt feedback to the inspectors after the accompaniments.

#### NRC Current Initiatives

Current NRC initiatives discussed included:

- Policy Statement on Adequacy and Compatibility
- Implementation of 15-year license renewal terms
- Category 3 Source Security and Accountability Working Group Activities
- Inspection Manual Chapter 2800 changes

#### CONCLUSIONS:

The Pennsylvania Agreement State Program continues to be an effective, well maintained program. There were nine vacancies at the time of this periodic meeting. The Program is effectively managing its licensing and inspection activities and responds to incidents and allegations as appropriate. During an exit meeting with the PADEP Acting Deputy Secretary, the NRC staff and Bureau Director discussed the potential impact on the radioactive materials program from the current hiring freeze, anticipated retirements, and the length of time for staff training and qualification.

NRC staff recommends that the next IMPEP review be conducted as scheduled in January 2019.