



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

April 16, 2018

Stephen Gavitt, CHP, Director  
Bureau of Environmental Radiation Protection  
Department of Health Empire State Plaza  
Corning Tower – 12th Floor  
Albany, NY 12237

Dear Mr. Gavitt:

This is in reference to our earlier discussion regarding the U.S. Nuclear Regulatory Commission's (NRC) expectations for the State of New York's participation in NRC-provided training for radioactive materials inspectors and license reviewers under its Atomic Energy Act, Section 274b Agreement with the NRC (Agreement).

As we discussed, your program maintains a staff qualification plan that is compatible with the NRC's. In particular, we discussed that your qualification plan requires that each individual undergoing qualification attend formal training courses either offered by the NRC or an equivalent alternative. Your program's ability to adequately regulate source and byproduct material under your Agreement with the NRC is largely dependent on having a sufficient number of experienced, knowledgeable, and well-trained technical personnel.

To assist the 37 Agreement States in maintaining a sufficiently trained staff, the NRC provides free travel and training to courses that cover the entire range of technical areas needed by Agreement States. Over the last three years, Agreement States have filled over 1,500 training slots.

Recently, it has come to my attention that a number of State of New York personnel enrolled in the NRC-provided training classes have provided late notifications that they would not attend their scheduled training courses (i.e., less than one week before the scheduled class). These late notifications not only impact your program by delaying your staff's completions of their technical qualifications, but the late notifications also impact other Agreement State programs. Late notifications inhibit the NRC's and other Agreement States' ability to identify, and process replacement students to fill the vacated State of New York training slot.

As indicated in NRC guidance SA-200, the State of New York does have the option of developing its own formal qualification training program. This program must meet the essential elements of the NRC's program; however, the manner in which the essential elements are met need not be the same as the NRC's. The NRC will continue to provide the travel, lodging, and tuition costs for Agreement State staff, including staff from the State of New York, selected to attend NRC courses as funding is available. However, the NRC does request that the State of New York minimize notifications of non-attendance to unanticipated circumstances (e.g., sickness, personal issues, weather).

If you have any additional questions regarding this matter, please feel free to contact me at (301) 415-5804 or [Paul.Michalak@nrc.gov](mailto:Paul.Michalak@nrc.gov).

Sincerely,

*/RA/*

Paul Michalak, Chief  
Agreement State Programs Branch  
Division of Materials Safety, Security, State,  
and Tribal Programs  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: LETTER TO STEPHEN GAVITT, DIRECTOR, NEW YORK BUREAU OF  
ENVIROMENTAL RADIATION PROTECTION - NEED FOR TIMELY  
NOTIFICATION OF NON-ATTENDANCE. DATE: April 16, 2018

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