

March 10, 2000

Mr. Mike Broderick
Environmental Program Administrator
Radiation Management Section
Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677

Dear Mr. Broderick:

We have completed a review of the request for an Agreement, submitted by Governor Keating, dated December 28, 1999.

The review was conducted to determine whether the final request for an Agreement meets the 36 criteria identified in the Commission policy statement, "*Criteria for Guidance of State and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States through Agreement*," published in the *Federal Register* January 23, 1981 (46 FR 7540-7546), with a correction published July 16, 1981 (46 FR 36969) and a revision of *Criteria 9* published in the *Federal Register* July 21, 1983 (48 FR 33376). Based on the team's review, the team concludes that all the criteria are satisfied with the exception of one area (Criteria 20): Personnel staffing, qualifications and training. The team is requesting further analysis as follows:

Based upon review of the staffing plan submitted with the request, we conclude that overall the program has an adequate number of staff. However, clarification and additional information is needed on the number of staff and their level of effort devoted to the agreement materials program; the allocation of individual staff to specific agreement materials program activities; and confirmation that staff either has been, or will be qualified under Oklahoma's Formal Qualification Plan to carry out their assigned areas of responsibility in the program at the time the Agreement is signed. Each area needing clarification or additional information is addressed further below.

1. Number of Staff and Their Level of Effort Devoted to the Agreement Materials Program

The staffing plan described in the final request allocates 3.45 technical/professional FTE in the Radiation Management Section for agreement material activities. This is based on 7 staff devoting between 25-80% of their time to the agreement materials program. The plan also identifies one vacant position in the Section. Based on the approximate number of licenses to be transferred (220), the type of licenses, and the expected complexity of the licensing and inspection activities associated with these licenses, the team concludes that the number of staff and the 3.45 FTE level of effort is adequate for the agreement materials program. This level of effort is also consistent with the 1-1.5 FTE per 100 licenses staffing guideline previously used by NRC in the review of Agreement State programs (i.e., $3.45 \text{ FTE} / 220 \text{ licenses} = 1.57 \text{ FTE} / 100 \text{ licenses}$). We also note that an additional approximate 10% of staff time is reserved for contingencies, and the staffing plan also includes an additional 35 percent of one FTE that is

reserved for a planned Radiography Certification Program. However, based on information contained in your staffing plan, the team was not able to determine how the 3.45 FTE total level of effort was determined. For example, discrepancies were found between the numbers presented for specific activities such as diagnostic/therapeutic medical inspections (21ea. X 5 days =105 days), and the staff and days assigned to complete the activity (90.5). (We calculated a total of 2.54 FTE for the 7 staff.)

Please clarify how the 3.45 FTE level of effort was determined.

2. Allocation of Individual Staff to Specific Agreement Materials Program Activities

The staffing plan contains an analysis and provides general information about the workload and level of effort of each staff member that will be needed to carry out specific activities in the agreement materials program. However, the team concludes, based on review of this information, that additional specific information is needed.

Please provide a more detailed staffing requirement analysis based on the projected annual workload and staff assigned to the program. The workload should be divided between inspection, licensing, and other activities such as rule development. Under the inspection category, for example, identify each type of inspection and the number of days required to complete those activities and the time allocated to each staff member. Types of inspections should be specifically identified such as gauge and broad medical, rather than a general category such as basic and advanced. A similar breakdown should be included for licensing activities. The analysis should also identify each staff member and estimate the level of effort for each staff member in terms of the percent or fraction of time that staff member will devote to specific agreement materials program activities for a typical year. For your use, a sample resource workload requirements chart has been included as Enclosure A.

The sample chart presents useful information for the evaluation of workload projections and staffing levels to ensure an adequate complement of qualified staff is assigned to carry out activities to be covered by the proposed Agreement. It also provides useful staffing plan information.

3. Qualified Staff under Oklahoma's "Qualification Plan."

The team understands that while Oklahoma does not have a formal naturally occurring and accelerator-produced radioactive material (NARM) licensing program, the program has initiated and is implementing a NARM registration and "informal inspection" program. In addition, under Section 6.2, Item H., Initial Personnel Qualifications, the request indicates that Oklahoma Department of Environmental Quality (DEQ) personnel have been accompanying NRC staff on inspections in the State for several years. We understand, however, based on information provided in the final request, that "formal records of license types inspected have not been kept during this time, and because of jurisdictional complications, it is not possible for State personnel to conduct NRC inspections under NRC oversight as would be required by the Oklahoma qualification program."

The Oklahoma Plan indicated inspectors initially authorized to conduct independent inspections will have attended appropriate NRC training courses, will have significant experience with the Radiation Management Section or comparable work involving radioactive material (RAM), will have numerous inspection accompaniments with NRC/Agreement State staff, oversight review by the Program Manager, and will have experience conducting NARM, accelerator and/or x-ray inspections. Staff initially authorized to conduct licensing will have also attended NRC training courses and spent time working with personnel of NRC or an Agreement State on licensing operations. The request does not identify any current staff members who have received final approval under Oklahoma's Training and Qualification plan to independently inspect a given license category by the program manager. However, during the team's discussion with you, you identified three staff members whom you considered qualified, but they had not received formal qualification under Oklahoma's plan. The staffing plan indicates that Mr. Matthews and Ms. Heath each will be responsible for conducting 30% of the basic Atomic Energy Act (AEA) inspections. A review of the request indicates that they do not appear to have completed any material training courses. The team also could not find any specific information regarding inspection accompaniments of these staff by current qualified staff.

- a. Please provide specific information regarding how long Oklahoma has been conducting a NARM registration and informal inspection program and the experience of staff in implementing this program, (e.g. how many facilities have been registered, how many inspected, and the specific type of NARM facilities that have been inspected). Please define an informal inspection.
- b. Confirm and describe your plans to ensure that an adequate number of staff members will complete the training and experience requirements, and be qualified to carry out independent work to maintain the program on or before the projected date the Agreement is to be signed.
- c. Please provide the basis of your evaluation that staff members have, or will have gained sufficient knowledge and understanding during training and accompaniments to meet the qualifications for licensing and/or inspection under the Formal Qualification Plan contained in Section 6.2 at the time the Agreement is signed.

Staff plans to continue processing your request for an Agreement. The information identified above, however, is necessary for staff to complete its review and to draft a staff assessment of the request for Commission review.

Mr. Mike Broderick

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After you have had an opportunity to review our comments, we would welcome an opportunity to discuss the comments, answer any questions concerning the review, the information needed, or steps involved in processing of the Agreement. Please contact me at (301) 415-3340, or Patricia Larkins at (301) 415-2309.

Sincerely,

Paul H. Lohaus, Director
Office of State Program

Enclosure:
As stated

Mr. Mike Broderick

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/RA/

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Enclosure:
As stated

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