

August 7, 1997

FOR: The Commissioners

FROM: L. Joseph Callan /s/
Executive Director for Operations

SUBJECT: CRITERIA FOR FUNDING AGREEMENT STATE TRAINING, TRAVEL AND TECHNICAL ASSISTANCE

PURPOSE:

To obtain Commission approval of criteria for NRC funding of Agreement State training, travel, and technical assistance.

Background:

The Commission has considered the issue of NRC funding of Agreement State training, travel and technical assistance since 1995 through SECY-95-017 and SECY-95-192 and associated Staff Requirements Memoranda (SRM). The Commission directed that this issue be included under Direction Setting Issue 4 (DSI-4), "NRC's Relationship with Agreement States." The Commission released its preliminary view on DSI-4 on September 16, 1996 and the final Commission's direction to staff was issued March 19, 1997 as COMSECY-96-054.

Discussion:

The Commission directed the staff to develop criteria to be applied in determining which States, if any, require assistance in funding their staff training, travel, and technical assistance. The staff considered several approaches to this task. A working draft of the criteria was developed and sent to the Agreement States for comment. The letter to the States and the analysis of comments received is presented in Attachment 1.

Based on the comments from the States and further staff assessment, the funding criteria and initial draft logic flow diagram (Attachment 2) were revised. In summary the criteria would require the State to:

- demonstrate that the objectives of the Agreement State's training and qualification program are consistent with the training and qualification objectives of NRC Inspection Manual Chapter 1246, Formal Qualification Programs in the Nuclear Material Safety and Safeguards Program Area;
- have or have requested authority to spend State funds for training and travel;
- have requested adequate funding in its budget submittal;
- submit a statement from a high ranking State official (agency head, chief financial officer, or an equivalent official) that funds approved by the legislature are not sufficient; and
- submit sufficient information to NRC staff for evaluation of the State's request so that NRC staff can determine that the State has attempted to obtain, but does not have sufficient funding.

NRC would:

- evaluate each State's request for funding support against the criteria to determine whether the State has demonstrated a valid need for NRC funding support in order to maintain an adequate and compatible regulatory program, and
- for those States that satisfy the criteria, approve Agreement State staff attendance at designated NRC training courses at NRC expense. The NRC expense would equate to the difference between the approved State funding level and the needed full funding level, prorated if the total of all State requests exceed the NRC budgeted amount for this program. Distribution among States will be determined based on providing equal percentages for total training and travel funding (NRC and State funding combined), together with consideration of special needs that could result in some States receiving a higher percentage of funding support than others.

Additionally, staff internal evaluation of several assumptions which were important to the development of the criteria have resulted in the following recommended clarifications:

- (1) NRC will provide funding support for training and associated travel only for training courses offered by NRC.
- (2) Funding support for training and associated travel will not involve the transfer of funds to an Agreement State. NRC approvals will be for certain numbers of Agreement State staff to attend designated training courses at NRC expense.
- (3) Students from an Agreement State agreeing to pay tuition for attendance at NRC training courses and students from States with approved training funding support from NRC would be considered the same as an NRC student for purposes of selection. Slots remaining after selection of NRC and Agreement State students in the above category would be filled by Agreement State staff on a "space available" basis. State staff attending on a "space available" basis would pay all travel and per diem costs.

As stated above, the staff developed a working draft and sent it to the Agreement States for comment. The staff approach in the working draft and the significant comments are summarized below.

Consistent with COMSECY-96-054, the approach used in developing the draft criteria is that the Agreement State must:

- (1) have or have sought authority for State funding of its training, travel and technical assistance needs;
- (2) have a documented training policy and program;
- (3) have analyzed training requirements consistent with that policy and requested adequate funding in its budget to cover training needs; and
- (4) have provided a demonstration, submitted by a high ranking State official, that adequate funding for training is not available and a funding need still remains.

Significant Agreement State comments on the draft criteria and staff responses follow:

- (1) Comment: Removal of the references to technical assistance. Comments pointed out technical assistance is not something for which States budget.

Response: There has not been such a technical assistance request (defined as requests for NRC to conduct direct inspections of Agreement State licensees or perform Agreement State license reviews) directed to NRC in the last 3 years. If such a cost-free technical assistance request is received, the request will be addressed on a case-by-case basis. States requesting such technical assistance that could not demonstrate a genuine funding need would be required to reimburse NRC for expenses as previously defined by the Office of the Chief Financial Officer. Additionally, the limited amount of NRC resources may preclude NRC from performing direct licensing or inspection for an Agreement State, whether or not the State is able to reimburse NRC for its costs.
- (2) Comment: Broadening of the method for demonstrating a training funding support need. Many of the Agreement States pointed out they do not have a training line item in their budget, which they believe would have eliminated them from the ability to request funding assistance.

Response: The staff will request documentation that will provide the basis for their proposed and approved budget request for training and associated travel, whether or not it is identified as a line item in their budget.
- (3) Comment: Allow supplemental funding requests, based on changes in the States' training and travel funding needs after an initial NRC determination has been made.

Response: The staff agrees with this comment that needs could change and has revised the criteria. Any supplemental funding request approvals would be subject to the availability of funds.
- (4) Comment: The proposed 90% cap in funding support may cause difficulties that were not anticipated. For example, any funding shortfall, even a small amount, would mean that a student would be unable to attend a training course.

Response: NRC agrees that the 90% cap is arbitrary and may cause practical difficulties. The 90% cap has been removed from the criteria. To avoid difficulties associated with "partial" funding, NRC approval for funding support will be in the form of authorized number(s) of students to attend designated NRC-sponsored courses without payment of tuition and with NRC payment of travel and per diem expenses.

Implementation Issues:

The staff has identified several implementation issues that are addressed in Attachment 3.

Resources:

The FY 1999 Internal Program/Budget proposal is based on implementing the recommendations described in this paper. The estimates for funding training and associated travel for training is approximately \$300K for AEOD and \$150K for the Office of State Programs (OSP). Staff considers these amounts upper bound estimates which equate to approximately two-thirds and one-third, respectively, of the amounts previously expended by the NRC when NRC funded all training and travel costs for Agreement State staff. The major portion of the AEOD amount is the cost of the 5-week Applied Health Physics course (\$178K).

Recommendations:

1. That the Commission approve the funding criteria in Attachment 2.

The Commission should note that upon approval of the criteria, the Office of State Programs will inform the Agreement States through an All Agreement States Letter. Use of the criteria to establish funding support for Agreement State training and associated travel would commence upon Commission approval. NRC funding support would begin October 1, 1997.

Coordination:

The Office of General Counsel has no legal objection to this paper. The Office of the Chief Financial Officer has no objection to the resources estimates contained in this paper.

L. Joseph Callan
Executive Director
for Operations

Attachments: 1. Letter to States and Summary of Comments
 2. Revised Criteria
 3. Implementation Issues

Contact: Dennis M. Sollenberger, OSP
 415-2819

ATTACHMENT 1

EVALUATION OF RESPONSES TO ALL AGREEMENT STATES LETTER SP-97-040

By letter dated June 9, 1997, OSP sent a staff working draft version of the criteria to the Agreement States for their review and comment. Comments from 11 States were received by letter, email, or fax. The list of States responding, a summary of the comments, and staff responses are provided below.

Arkansas
Florida
Georgia
Illinois
Kansas
Maine
Mississippi
Nebraska
Tennessee
Texas
Washington

Summary

The Agreement State comments focused on including flexibility in the implementation of the criteria to allow for changing financial environments in the States and unanticipated needs. They commented on the information needs to file a request for assistance since a number of State Radiation Control Program budget requests do not include training and travel expenses as a specific line item. The comments and staff responses to those comments are presented below.

Comment: The criteria are acceptable but cumbersome. As regards the staff's approach to the development of criteria in the identified four key areas, this appears to be a reasonable approach in following the Commission's direction in developing the criteria. Given that the Nuclear Regulatory Commission (NRC) is not able to fully fund technical training and associated travel for Agreement States, these guidelines appear to be an attempt to fairly allocate available resources. The Commission was correct to provide funding opportunities for Radiation Control Programs (RCP) in States where insufficient resources were provided to meet the technical training recommendations of the NRC.

In the past Agreement States relied on the NRC to provide essentially all technical training for RCP staff, at no cost to the State program. Due to Federal budget limitations this may no longer be possible. Some State budgets do not allow the program to pay for NRC recommended training either. Agreement States support the effort by the NRC to fund a portion of training needs, but still have a need for periodic retraining or other specialized training not currently available to States from State resources. While it will involve a lot of analysis as well as certification by a State official that the State is unable to obtain training funds, there is hope where none previously existed.

Response: No response needed.

Comment: Provisions are needed in the criteria for addressing unforeseen circumstances that may arise in the State during the year (after submission of the demonstration of need) that reduces or eliminates the State funds allocated for training.

Concern with the proposed draft was expressed in that it may not address all situations for State travel. Travel funds are approved at the beginning of the fiscal year, but may be withdrawn any time at the discretion of the State health officer. Such was the case in one State during this past fiscal year when funds became tight and all travel was restricted in February 1997.

If NRC intends to cover training costs, this should be the area that receives focus. States should cover the cost of their training, it is the unexpected costs that the NRC could help with.

Response: The criteria have been modified to acknowledge that States may submit new funding requests if their situation changes. Any approval of such requests would be subject to the availability of funds at NRC.

Comment: Provisions are needed in the criteria allowing the agency head latitude in requesting funding assistance from the NRC, although a specific request was not submitted to the legislature. This latitude addresses the reality of varying political considerations facing an agency, but also provides a mechanism available to the agency head to accomplish needed training.

Many States do not have specific training, travel or technical assistance budget categories and therefore would have difficulty in making the demonstration specified in the criteria. It is part of the overall expense or operations budget for the RCP. Agreement State programs may not separately identify a "training" line item in their budgets (it could be covered under a large "goods and services" budget item, for example). How will NRC or an Agreement State know what can be expected to be set aside for training purposes? How will a raw "total RCP budget" figure be used? Should there be some additional information on staffing level or "how tight is the overall budget, really?"

For most State programs, the training budget will be difficult to separate from other items like supplies, printing, etc. It will be only if the State program can actually set aside a portion of their budget to dedicate to training funding that this number would be of any meaning. Likewise, the travel budget is an overall travel allocation in most programs. It may be simpler to separate the materials program travel budget estimates from other travel, but it would still be just an estimate.

Response: Failure to request funding from the legislature for needed training and associated travel, based solely on political considerations, would disqualify a State from consideration for NRC funding support.

The staff will look into broadening the method of demonstrating the State's planned expenditures for the training and travel for a given fiscal year. The objective is that the State demonstrate its genuine best efforts to obtain necessary funding prior to requesting funding support from NRC. The total RCP budget was requested to gain an appreciation of the percentage of the total budget attributed to training and out-of-State travel associated with the radioactive materials program. NRC agrees the total RCP budget is not needed to make a decision under the criteria.

Comment: If NRC does not have a demand for a core training course, like licensing or inspection, then NRC will not schedule the course even if there are 20 or 25 Agreement State staff whom need the course. Is that an accurate interpretation of the criteria statement on holding courses? Whether that interpretation is correct or not, some clarification of the intent is recommended.

Some mention of tuition needs to be made since Agreement States presume that NRC will need to cover this cost to insure that training courses are not cancelled as they recently have been.

Response: The policy provides that, beginning in fiscal year 1998, training courses will be scheduled and held if the total number of students (both NRC and Agreement State staff) are sufficient to warrant holding the course. The exact number needed will depend on the course (contractor or NRC staff taught) and any special needs that may need to be met. The Technical Training Division will make these determinations.

Comment: This document was obviously written primarily to address funding of training and travel related to that training. Unfortunately, the document inconsistently includes technical assistance requests in the list of items for which States need to obtain funding. All references to technical assistance should be removed from this document. It is essential that the NRC address funding of technical assistance requests separately from training. The implications associated with NRC refusing to provide technical assistance to a State should be carefully considered. Can the NRC actually create a questionnaire that will judge the importance of a technical assistance request against the availability of funds? Providing assistance on technical matters should be a cooperative effort among regulators.

Provisions are needed in the criteria for addressing an emergent need for technical assistance during the year after submission of the demonstration of need. A State does not plan for or budget the funds (except in unusual situations) that may be needed for technical assistance. Technical assistance does not seem to be considered in the proposal, except in name only.

Response: The definition of "technical assistance" as used in the draft criteria for NRC funding support must be commonly understood. The term, as was defined by the Office of the Controller and as has been used by the staff in the funding context, is "the direct licensing or inspection work performed by the NRC on behalf of and in lieu of the Agreement State." The staff will remove the references to technical assistance from the criteria and will propose that technical assistance requests be handled on a case-by-case basis as they are identified. As a point of perspective, NRC has not had a request that would qualify as a technical assistance request in the last 3 years. NRC staff agrees that generally providing assistance on technical matters should be a cooperative effort among regulators.

Comment: Regarding the draft procedures for training and travel, Item 3.e. states that the NRC will not fund a State if the State has funded 90% of its training needs. Additionally, if the State has funding for less than 90%, NRC would consider contributing funds only up to 90% of the total training

costs. The Department agrees with other State comments that the 90% cap needs to be carefully assessed. If only funding 90% still does not provide enough funding to send an individual to a training course, then the training need is not met. Don't let the "percentage" overshadow the dollars and "sense"! Suppose a State has a \$10,000 training need and only has \$7500 available. If NRC has money it can allocate (up to \$1500 so as not to exceed the 90% cap) but the course that is needed costs \$2000, it would be penny wise and pound foolish to deny the State the additional \$500 and cause a serious training need to go unmet. Of course, this "example" has plenty of holes but the issue is how to maximize training without letting "hard numbers" rob you of professional judgement.

Response: NRC agrees. The 90% cap has been deleted from the criteria.

Comment: Item 4 of the procedure states that NRC staff will "need to establish a system of evaluation and a database to track the financial status of training and travel money for the Agreement State program." States not requesting funding from the NRC should not be requested to complete the Questionnaire.

Response: NRC agrees. The only States that would need to fill out the Questionnaire are the States that are requesting funding support.

Comment: The Draft Questionnaire references technical assistance requests, and has two separate questions related to out-of-State travel. One question asks about travel related to training, and the other addresses travel to meetings. What is the purpose of entering this factor when it has not been discussed in the procedures? What kind of meetings is this to cover? Is this to include technical workshops (therefore technical assistance), Organization of Agreement States (OAS) meetings, IMPEP meetings, continuing education at meetings of other organizations? The intent behind asking this question needs to be clearly defined.

Response: The issue of technical assistance is addressed in response to another comment above and will not be addressed further here. The request for information about travel out-of-State is meant to address the travel to training and workshops (technical and management). Travel to training workshops should be included in the States training and travel estimate for administering its Agreement State program. This will be used to determine if any NRC assistance in training and travel is justified. The annual All Agreement States meeting is now conducted by the OAS, is considered information exchange, not training, and is not eligible for travel funding support from NRC.

The travel related to IMPEP reviews, NRC/OAS working group meetings, or other travel for NRC's benefit will continue to be funded by NRC as it has in fiscal year 1997.

Comment: Question 5 of the Draft Questionnaire asks about the total RCP budget. It would be more appropriate to ask about the budget for the Agreement State portion of the RCP budget. Funding from other sources, such as EPA radon grants, should not be included in the Office of State Programs' decisions.

Response: We agree that the materials program budget is the important budget number and will revise the questionnaire.

Comment: A single questionnaire for evaluating needs and procedures that vary from State to State may not be adequate.

Response: The questionnaire was not intended to fit each State's procedures but was to address their training and travel funding needs. In particular, the questionnaire was to facilitate the collection of information needed for NRC to make a decision on potential funding assistance. The State should be able to extract the information needed from their budget preparation information and supply it to NRC. The terms used in the Questionnaire will be modified to reflect that the information may not be present in the form requested and that the State may need to assemble this information to make their case for funding assistance.

Comment: Additional consideration should be given to States that have had sufficient turnover in their program that have impacted their program due to circumstances beyond their control, such as retirement, death, or termination. The level of funding approved by the legislative body would not cover the type of training needed. More specific detailed criteria that the Commission would consider in this type of situation are needed.

A small program may have only a two (technical) person (RAM) program (excluding administrative and waste). The training costs for all the courses (even just the core courses) to replace one of these people could overwhelm a small program budget for 2 to 3 years. This would obviously be unacceptable for a small program to run at essentially half staff for that length of time. There needs to be some sort of consideration given to the overall need of the State if NRC is considering funding any training. This will not work on a fiscal year either, meaning that if a program loses a technical staff member, even with NRC help, it may be 1 year before NRC's budget and funding support approach can help absorb the State budget shortfall. This could leave an Agreement State with under trained staff for a period of 2 years or more.

Response: We have modified the criteria to include flexibility to consider special circumstances in the determination of the training and travel funding. The State would need to present the training and travel needs not fulfilled by their current budget and NRC would consider the special circumstances in determining the level of support.

Comment: In review of the questionnaire, on page 6 of the document, it appeared that number three and four needs to be reworded.

Response: We will review these in light of the overall comments and revise as appropriate.

Comment: In addition to the above, NRC workshops and meetings are sometimes not scheduled until after a State fiscal year budget has been approved. Therefore, an Agreement State may not have any funds allocated for such workshops and meetings.

Response: Historically, NRC has held one or two special workshops as current topics are identified and it is determined that a workshop would be the

best method to communicate the information to the State and to gather input from the States. The State should plan for such workshop(s) in its budgeting process. The meetings such as the All Agreement States meeting should already be in the State's budget planning and any other special meetings would also require some contingency planning in the budget by the State. It is not anticipated that NRC will fund travel to the All Agreement States meeting or other special meetings unless they would be training workshops (such as the recent SS&D workshop).

Comment: Training is the most significant activity contributing to a strong and effective radiation control program. The Nuclear Regulatory Commission (NRC) should definitely pursue legislation that would exclude Agreement State funding from NRC's user fee base and provide a separate appropriation to cover these costs (approximately \$500,000). This is in keeping with the NRC's mission of having a uniform health and safety program for radiation in the United States. The NRC has always provided the highest quality of training and substitute courses will not be as good. This quality training is the cornerstone of a uniform and consistent approach to the regulation of radiation.

The Agreement States have individually and collectively indicated, both in writing and at national meetings, their desire for NRC to continue funding the standard core training needed. It is not clear what additional "proactive" activities are expected of the Agreement States by the Commission. Most States do not have time, (nor are they budgeted for), extensive lobbying of Congress. The NRC should pursue the separate funding as part of the national effort and as their end of the partnership with the Agreement States.

Response: The NRC staff has prepared an updated request to be sent to the Office of Management and Budget (OMB) requesting that two programs (International and State programs) be taken off the fee base. Agreement States that agree that NRC Agreement State program costs should be removed from the licensee fee base may find that contacting their respective legislative delegations may help the passage of such legislation.

Comment: If the NRC wishes the Agreement States to perform an adequate job, give the States the necessary tools, i.e., training, to do the work.

Response: NRC faces budget constraints and acknowledges the equity issue of the NRC Agreement State program costs being funded from the NRC licensee fee base. Providing NRC Agreement State funding support for training and associated travel, based on valid need, will result in all Agreement States having resources necessary to conduct training that will ensure staff are able to complete actions that result in an adequate and compatible program.

Comment: Criteria are necessary for determining who the NRC would fund for training, but the proposal does not address the major issue which is not money. In many cases, it is simply the inability to travel out-of-State. For a period of almost 2 years, there was an almost absolute ban on out-of-State travel in one Agreement State which precluded sending staff for any out-of-State training despite the funding to pay for it. It will be necessary to provide a mechanism which can effectively recognize this situation.

Response: Several States have had similar travel restrictions from time to time. Although the criteria address funding needs, other considerations such as described with funds being available, but with restrictions on their use for out-of-State travel, may be encountered. The NRC funding of the out-of-State travel would, in such a situation, allow the staff to travel to out-of-State courses. The staff has revised the criteria allowing the State to present special cases for funding assistance.

Comment: "Evenly distribute" and "prorating" available funds sounds good but in practice the dollars have to match the total cost of the course (travel, per diem AND TUITION). It will do no good to allocate \$1000 for a State to send staff to training if the cost of the training is \$2000 (one has to presume that if the State doesn't have the funding -- or has insufficient partial funding -- the State cannot make use of the NRC funds!) It should be made clear that NRC will need to adjust the allocation of funds to insure that funds are used efficiently and in "as equitable manner as possible" given the criteria that have been established and the common sense that as many staff as possible should be trained given limited resources.

Response: NRC approvals for training and associated travel funding support will be in the form of identifying certain numbers of students that are eligible to attend designated NRC sponsored training courses at NRC expense. No tuition will be charged for State staff attendance at these courses and NRC payment of travel costs will be through NRC travel authorizations and vouchers for invitational travel. Using this approach, the concern identified in this comment will not be encountered.

ATTACHMENT 2

CRITERIA TO EVALUATE AGREEMENT STATE TRAINING AND TRAVEL FUNDING NEEDS

By SRM dated March 19, 1997, the Commission directed the staff to develop criteria to determine when Agreement States have demonstrated that State funds are not available or cannot be used for the purposes of training, travel, and technical assistance. The direction was that the criteria should be stringent enough to provide adequate assurance to the Commission that the State has thoroughly explored funding alternatives available to the State and a determination by a high ranking State official (e.g., State agency head or chief financial officer) has been made that funds are not available. In such cases, States should also explore partial funding of costs. Such an approach must be designed to ensure that such certifications are not "pro forma" and that use of NRC-licensure funds for these purposes is in the public interest. The staff's proposals should provide for funding and should be provided to the Commission in a time frame that would allow implementation of the modified policy beginning in fiscal year 1998. Otherwise, training should be made available on a "space available" basis with Agreement States funding their own travel and per diem costs.

The staff has considered the area of technical assistance (defined for the purpose of NRC funding support as NRC inspection of Agreement State licensees or NRC completing Agreement State licensing actions) to Agreement States in the conduct of their licensing and inspection programs. Since the NRC has not been requested to provide any such direct technical assistance in the last 3 years, the staff has removed any further discussion of technical assistance from the criteria and will address any such requests on a case-by-case basis if they occur in the future. Assistance on other technical matters

should be a cooperative effort among regulators and cost reimbursement is not a consideration.

The staff understanding is that as a minimum the NRC will make training available to the Agreement States on a space available basis with NRC funding (at least in part) for States that have met the criteria developed by the staff. Students from an Agreement State agreeing to pay tuition for attendance at NRC training courses and students from States with approved training and associated funding support from NRC would be considered the same as an NRC student for purposes of selection. Slots remaining after selection of NRC and Agreement State students in the above category would be filled by Agreement State staff on a "space available" basis. State staff attending on a "space available" basis would pay all travel and per diem costs.

The staff will schedule the training courses to meet NRC training needs and the needs of Agreement States that will pay any tuition costs or receive NRC approved funding support for training and associated travel costs contingent on availability of funds. Potential numbers of Agreement State students that might attend on only a "space available" basis would not be considered in training course planning. The staff does not plan to schedule additional courses in the future unless the demand would fill the additional courses.

The staff's approach to the development of criteria has focused on four key areas: (1) a State determination of need for training and availability of State funds to meet that need; (2) a State demonstration of need for NRC assistance in funding the State need; (3) the

NRC evaluation of the State request against NRC criteria and logic diagram; and (4) the availability of NRC funds to meet the sum of the State requests. Each area is discussed in further detail below. Each request from a State would need to include information identified in items 1 and 2.

To facilitate preparation of a State request, the staff has developed a questionnaire that the State will need to complete and submit, along with the statement on availability of funds, to the NRC in order to be considered for financial assistance in the training area. A table for tracking this information is also included at the end of this document. Submission of information identified in the questionnaire, at a minimum, is necessary for NRC to make a decision on funding support.

1. DETERMINATION OF NEED FOR TRAINING

Each State should have a training program that would address items a and b below. A State should also examine a range of options or sources for fulfilling its training needs (item c below). This information should provide the basis for the State's

development of a realistic estimate of their training needs and costs to accomplish their training program. The Agreement State Radiation Control Program (RCP) should use this estimate to develop their State's budget request (item d below).

Therefore, the RCP should consider and address the items listed below in determining their need for training; in estimating the funds required to meet their training needs; and in determining whether their needs, or a portion of their needs, are met by their current budget.

- a. Documented training policy and qualification requirements to include:
 - Qualification of new staff.
 - Routine training (e.g., refresher and specialty training) of existing staff.
 - Training and qualification objectives that are consistent with the objectives of NRC Inspection Manual Chapter 1246, Formal Qualification Programs in the Nuclear Material Safety and Safeguards Program Area.
- b. Training critical to performance of program:
 - IMPEP finding regarding training of staff.
 - Needed to address a program weakness or deficiency.
- c. Sources of training:
 - NRC training courses, workshops and meetings.
 - Has the State evaluated other alternatives to meet their training need?
 - Did the State find no alternatives or the alternatives do not meet State needs?
- d. Documented financial information that includes
 - The number of individuals that need specific training courses not available in-house.
 - The number of courses and spaces in courses that the State can fund and those that cannot be funded given the current budget allocation for training and travel.
 - The total training and travel budget approved for the RCP and the portion of this budget allocated for the radioactive materials program. This should be presented in total dollars and in the percentage of the budgeted amount and the percentage of the anticipated need.

2. DEMONSTRATION OF STATE NEED FOR NRC FUNDING

- a. The Agreement State should submit a certification by a high ranking official (agency head, chief financial officer, or an equivalent official) that funds are not available. This would need to be done each State fiscal year following the legislative approval and signing of the budget appropriation for the RCP.

This certification should include certain demonstrations by the RCP such as:

- The State has authority to spend funds on training and out-of-State travel, or has requested such authority.
 - The budget submitted to the legislature for the RCP included requests for the funds to meet the training and travel needs of the program.
 - The agency management supported the budget submittal.
 - The legislature has taken action on the budget submittal, but failed to approve the budget request in the training and travel area, or approved only a portion of this budget area.
- b. The submission of the demonstration of need will need to be done each State fiscal year, at a minimum, following the legislative approval and signing of the budget for the RCP. This would allow the maximum time for NRC planning before actual training or travel requests would be submitted. The State may submit background information used to develop their budget, if the budget does not contain a line for training and travel.
- c. The timing for the State's submission of the information needed by NRC to complete evaluation of the request should be as soon as possible after the legislature or administration approval decisions or when another unfunded training need is identified. Considerations include:
- Most State fiscal years do not coincide with the NRC fiscal year. Thus, the NRC will need to allocate funds for States based on the State fiscal year or it may leave gaps in the training for individual States.
 - When a State receives a decision on their budget and funding for training and travel and they identify it's not sufficient, they will likely not have much time prior to the beginning of their fiscal year.
 - Any other time they identify a training need which cannot be met or fulfilled, they will likely not have any significant lead time.

3. EVALUATION OF STATE REQUESTS/DEMONSTRATION OF NEED AGAINST NRC CRITERIA

The NRC staff would first evaluate the State's request/demonstration of need for NRC funding to determine whether the State has legal authority to spend State funds for training and travel. Requests from States that have authority, or have requested authority, would then be evaluated against a set of additional criteria. The flow diagram (see page 6) presents the logic flow to be applied. The evaluation will be made against the following criteria.

Evaluation Criteria

- a. The State has submitted a copy of its training and qualifications policy and program which documents the objectives of this policy and program are consistent with NRC Inspection Manual Chapter 1246, Formal Qualification Programs in the Nuclear Material Safety and Safeguards Program Area.
- b. The Agreement State has legal authority to spend State funds for training and travel out-of-State. In cases where an Agreement State does not have legal authority, the Agreement State has requested authority to spend State funds for out-of-State training and travel.
- Agreement State programs that do not have authority to spend State funds on training and out-of-State travel, and do not request such authority, will not be funded, and would not be evaluated further. NRC would further evaluate requests from Agreement States having legal authority and Agreement States that have requested, but have been denied, authority to spend State funds for this purpose. Requests would be evaluated applying each of the additional criteria below. Amounts would be based on NRC review of the State's estimate based on their documented program.
- c. The Agreement State has requested funding to cover the required training and travel funds, but was denied funding for training and travel out-of-State, in whole or in part.
- d. The State agency head (cabinet level) or chief financial officer for the State has made and submitted a determination that State funds are not available for training and out-of-State travel, or are insufficient as described in Criterion e. below. After review, NRC concurs that funds available for out-of-State training and travel are insufficient to satisfy Agreement State program training needs.
- e. The Agreement State RCP has limited funds. Of the requested budget amount of _____ for Agreement State program training and out-of-State travel, the State funded _____, and, therefore, the RCP can fund _____ percent of its needed training and travel expenses.

The NRC will evaluate each Agreement State's funding request that submits the information needed to make the above findings. The approval for full or partial funding will be limited to the State's budget period (1 or 2 years). Without submittal of new budget information, the NRC funding for training and travel for that State will terminate. The NRC will consider unanticipated training needs when fully supported by documentation and cost estimates. If the need covers several years, the need should be incorporated into the next year's budget estimate for the RCP.

4. DETERMINATION OF AVAILABILITY OF NRC FUNDS

Approvals for NRC funding support for Agreement State training and associated travel costs will be in the form of identifying numbers of students attending designated NRC sponsored courses without the need to pay tuition. Travel costs will be paid by NRC through the approval of NRC travel authorizations and vouchers for invitational travel. If the total cost of valid requests for training and associated travel funding support from NRC exceeds the NRC budgeted amount, the approvals will be prorated using the following considerations:

- Evenness of distribution, such as assuring that all requesting States have the same percentage of their total need satisfied.
- Urgency of need. Ranking distribution based on (1) new staff meeting minimum training requirements, (2) specialty training to meet a program deficiency, (3) special training to broaden the program depth, and (4) refresher training for experienced staff.

The NRC staff considers that the number of approvals, based on the percentage of the training need being met together with urgency of need, as the most equitable method of distribution of funds if the total need exceeds the budgeted amount. The staff intends to provide approvals on a course by course basis and will use the information submitted by the State to determine, in conjunction with the State, the highest priority courses for each State.

DRAFT QUESTIONNAIRE FOR AGREEMENT STATE TRAINING AND TRAVEL FUNDING

This questionnaire was developed to collect the information needed to make a decision on whether NRC will fund all or a portion of an individual Agreement State's training and/or travel needs. Please complete the following information and submit it to the contact specified below. Without this information, NRC will not be able make a decision on whether to fund your travel and training requests. Thank you for your assistance.

1. The State of _____ has/does not have a program for training and qualification of its staff that has objectives similar to those of the NRC as described in NRC Inspection Manual Chapter 1246, Formal Qualification Programs in the Nuclear Material Safety and Safeguards Area. The State should submit a copy of its training policy statement, if any, and a copy of its procedure that documents its training and qualification program.
2. The State of _____ is on an annual _____ or biennial _____ budget cycle with the current fiscal year beginning on _____ and ending on _____.
3. Have you been authorized to spend State funds:
for travel to workshops out-of-State? Yes ____ No ____
for training including travel to training out-of-State? Yes ____ No ____
4. Given sufficient State funding, do State laws or regulations limit travel and training? (This question is requested to clarify the State's policy not the funding issue.)
Yes ____ No ____
5. Did you request full funding for your estimated training and out-of-State travel needs in your budget?
Did your management support your request by submitting it to your legislature? Yes ____ No ____
Did your legislature act on your training/travel request? Yes ____ No ____

Did your legislature support your request? In full ____
In part ____
No support ____
6. What is your total Agreement State materials budget? _____
7. What was your estimate for the Agreement State training and travel needs? _____
8. What was the RCP training and travel funding request for the Agreement State program? _____
9. What was the level of funding for training and travel approved by your legislature? _____
10. Are there any special considerations that you would like NRC to consider in determining potential assistance in the training and travel areas? Please explain below.

INFORMATION NEEDS FOR NRC DETERMINATION OF FINANCIAL ASSISTANCE IN THE TRAINING AND TRAVEL AREAS

STATE ¹	Cycle ²	ASP Bdgt ³	TRNG Est ⁴	TRNG Bdgt ⁵	% ⁶	Comments ⁷
ALABAMA	1,1,					
ARIZONA	1,M,					
ARKANSAS	2,2,					
CALIFORNIA	1,1,					
COLORADO	1,1,					
FLORIDA	1,1,					
GEORGIA	1,1,					
IOWA	1,1,					

ILLINOIS	1,1,					
KANSAS	1,1,7/1					
KENTUCKY	2,2,					
LOUISIANA	1,1,					
MAINE	1,2,					
MARYLAND	1,1,					
MASSACHUSETTS	1,1,					
MISSISSIPPI	1,1,					
NEBRASKA	1,2,					
NEBRASKA - (LLW)	1,2,					
NEVADA	2,2,					
NEW HAMPSHIRE	1,2,					
NEW MEXICO	1,1,					
NYDH	1,1,					
NYDOL	1,1,					
NYDEC	1,1,					
NYC	1,1,					
NORTH CAROLINA	2,2,					
NORTH DAKOTA	2,2,					
OREGON	2,2,					
RHODE ISLAND	1,1,					
SOUTH CAROLINA	1,1,					
SOUTH CAROLINA - (LLW)	1,1,					
TENNESSEE	1,1,					
TEXAS - BRC	2,2,7/1					
TEXAS - TNRCC	2,2,7/1					
UTAH	1,1,					
WASHINGTON	1,2,7/1					
OHIO	1,2,					
OKLAHOMA	1,1,					
PENNSYLVANIA	1,1,					

¹The States listed are current Agreement States and the last three are those States which have submitted a letter of intent to become an Agreement State.

²This column includes the legislative cycle, the budget cycle, and the beginning date for the budget, respectively (L,B,M/D). An M in the B space indicates that the State has a mixed budget cycle and NRC needs additional information from the State to determine whether the RCP budget is on an annual or biennial cycle.

ASP Bdgt - This column is for the Agreement State Program (ASP) Budget within the Radiation Control program.

⁴TRNG EST - This column is for the estimate of the training costs for the Agreement State program. We recognize that this will only be a portion of the overall training costs for the RCP; however, NRC will only address this aspect of the RCP training program under this assessment.

⁵TRNG Bdgt - This column contains the amount the RCP budgeted for the Agreement State program training.

⁶% - This column will contain the percentage of the estimated training budget that was funded by the State. This will give the NRC a quick estimate of those States that might need assistance in funding their training, travel and technical assistance.

⁷Comments - This column is reserved for comments such as special conditions or special hardships that have been identified by the State.

ATTACHMENT 3

IMPLEMENTATION ISSUES

Planning for course presentations:

The Technical Training Division (TTD) has planned to present classes to meet NRC's training needs with second classes scheduled/funded for Agreement State or additional NRC staff attendance, if needed, based on demand and availability of funds. The TTD budgeted for one five-week health physics course which would mainly be filled with Agreement State staff.

Each course has a minimum enrollment. If the course registration fails to reach or drops below that level, the course will normally be deferred or canceled. Any decision to cancel will include an analysis of the programmatic impact of the course cancellation. Cancellation determinations will be made eight weeks prior to the beginning of a course.

Application process:

Agreement State staff will continue to apply to the Office of State Programs (OSP) and OSP will forward a final list of State attendees to TTD and all Agreement States approximately six weeks prior to the beginning of a course. The exact number of spaces available to Agreement States will be decided by the number of NRC applications and will be communicated to OSP by the TTD course coordinator. OSP will continue to provide specific instructions to the State attendees with special instructions to those State individuals traveling at NRC expense under Federal travel regulations.

Course completion:

Successful completion of a course will be determined by the training policy in the Technical Training Division Course Catalog. Certificates will be sent to each NRC training coordinator or OSP for Agreement State attendees. OSP forwards the certificate to the Radiation Control Program Director for presentation to the students.

Tracking of Agreement State Training Funding:

The staff will also need to establish a system of evaluation and database to track the financial status of training and travel money for the Agreement State program so that any trends and ongoing short falls in training can be identified and addressed in the budget planning process. One of the areas that needs to be tracked is the number of applicants that were not trained. Since the fiscal years for most Agreement States do not coincide with the NRC fiscal year, NRC will need to make estimates, based on past experience, for the budget process to accommodate the fluctuations in the need for funding by the States. Many States operate on fiscal years that run from July 1 to June 30. There are also a number of States that operate on biennial budgets. For the biennial States, their status will be determined for the entire two-year period unless they receive supplemental funding for training and travel or have their budgets reduced during their fiscal year.