

JUL 17 1985

Ben N. Saltzman, M.D., Director
Department of Health
4815 West Markham Street
Little Rock, Arkansas 72205-3867

Dear Dr. Saltzman:

This confirms the discussions Mr. Robert J. Doda held with you and your staff on June 14, 1985, following our review of the Arkansas radiation control program. The review covered the principal administrative and technical aspects of the program. This included an examination of the program's legislation and regulations, organization, management and administration, personnel, and licensing and compliance activities. A field accompaniment of a State inspector was scheduled but was not conducted due to illness of the State inspector. This accompaniment will be rescheduled at a later date, sometime before the next routine program review.

Our review used as a reference the Nuclear Regulatory Commission's (NRC) "Guidelines for NRC Review of Agreement State Radiation Control Programs," which was published in the Federal Register on December 4, 1981, as an NRC Policy Statement. The guidelines contain 30 indicators for program evaluation. A description of how the indicators are used in reporting the results of the program review to State management is enclosed (Enclosure 1).

As a result of our review of the State's program and the routine exchange of information between the NRC and the State of Arkansas, the staff believes that the Arkansas program for the regulation of agreement materials is adequate to protect public health and safety and is compatible with the Commission's program for the regulation of similar materials.

Our review disclosed that most program indicators were within NRC guidelines. Technical comments were developed during the course of the review, and were discussed in detail with the radiation control staff. Enclosed with this letter are specific comments regarding the technical aspects of the program (Enclosure 2). You may wish to have Mr. Wilson respond directly to these comments. I am enclosing a copy of this letter for placement in the State Public Document Room or to otherwise be made available for public review.

During the review, particular emphasis was placed on the current status of the Division's management and supervisory controls over license review procedures and inspection activities. We believe the Division's methods for providing supervisory review of these functions produces both adequate and sound licensing documents and inspection reports.

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Dr. Ben N. Saltzman, Director
Department of Health

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I appreciate the courtesy and cooperation you and your staff extended to Mr. Doda during the review meeting.

Sincerely,

ORIGINAL SIGNED BY
ROBERT D. MARTIN

Robert D. Martin
Regional Administrator

Enclosures:
As stated

cc w/encls:

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Enclosure 1

Application of "Guidelines for NRC Review of Agreement State Radiation Control Programs"

The "Guidelines for NRC Review of Agreement State Radiation Control Programs," were published in the Federal Register on December 4, 1981, as an NRC Policy Statement. The Guide provides 30 indicators for evaluating Agreement State program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the indicators into 2 categories.

Category I indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I indicator areas, then the need for improvements may be critical.

Category II indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e., those that fall under Category I indicators. Category II indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety. If at least one significant Category I comment is provided, the State will be notified that the program deficiency may seriously affect the State's ability to protect the public health and safety and should be addressed on a priority basis. When more than one significant Category I comment is provided, the State will be notified that the need of improvement in the particular program areas is critical. The NRC would request an immediate response, and may perform a followup review of the program within six months. If the State program has not improved or if additional deficiencies have developed, the NRC may institute proceedings to suspend or revoke all or part of the Agreement. Category II comments would concern functions and activities which support the State program and therefore would not be critical to the State's ability to protect the public. The State will be asked to respond to these comments and the State's actions will be evaluated during the next regular program review.

Enclosure 2

Technical Comments and Recommendations For The Arkansas Radiation Control Program

I. Management and Administration

A. Administrative Procedures (Category II indicator)

1. Comment

The Division uses beta/gamma action levels of 200-220 dpm/100 square centimeters for decontamination and cleanup of facilities, which are referenced in an internal policy memorandum and are used in license conditions. The division staff indicated these same decontamination levels would be applied in cases of license terminations or releases of equipment for unrestricted use. However, this is not documented by a procedure.

Recommendation

We recommend that a written policy or procedure be established for decontamination of equipment to be released for unrestricted use or for decontamination of facilities prior to license terminations. NRC guidance has been sent to the Agreement States in D. A. Nussbaumer's All Agreement State letter of April 30, 1985.

II. Licensing

A. Licensing Procedures (Category II indicator)

1. Comment

During the review of selected license files, it was noted that there were several licensees, based out of State, that did not maintain an office in Arkansas. We also noted the Division's policy of extending reciprocity privileges for a 180-day period, which is common practice among the Agreement States. The Division's practice has been to issue a license, with certain stipulations, to a firm at an out-of-State home office address. This presents problems in completing inspection requirements, since certain records would be retained only at the licensee's home office. We believe that, under normal operating procedures, it is more prudent to either require all licensees to have an in-State office or to operate within the State under normal reciprocity provisions.

Recommendation

Therefore, we recommend that, prior to license renewal, the State consider other alternatives for completing inspection requirements, or request that these out-of-State licensees either establish an office in Arkansas or request that their license be terminated and normal reciprocity privileges be extended for operations in Arkansas.