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August 23, 1985

John B. Martin, Regional Administrator
U.S. Nuclear Regulatory Commission, Region V
1450 Maria Lane, Suite 210
Walnut Creek, California 94596

Dear ^{John} Mr. Martin:

This correspondence is in response to the letter of July 18, 1985, concerning the results of the Nuclear Regulatory Commission's (N.R.C.) review and evaluation of the Arizona Radiation Control Program during June 1985. The staff has reviewed the comments included with the aforementioned letter. Specific responses to the comments are forwarded as an enclosure.

The Agency is diligently pursuing required regulatory revisions; however, it remains an agonizingly slow process. Articles 1, 4 and 10 of Chapter 12 have been completed and certified. Articles 3, 5, 7 and 15 have been reviewed by the Attorney General (AG). They are in the final phase of correction by the Agency. The regulations will be resubmitted, approved and certified by the AG in the near future.

This Agency is acutely aware of the need for written internal procedures. A high priority has been placed on their completion. Hopefully, they will be completed within one year, barring any unforeseen emergencies. The Agency is aggressively seeking a solution to the data processing and information retrieval capability in support of the radioactive material (RAM) licensing and inspection program. A budget policy issue has been formulated and will be submitted for the FY87 budget cycle addressing the electronic data processing capability. If approved, a new, improved data processing system will be purchased and become operational during FY87.

The stellar efforts and consideration extended by the NRC; i.e. the Office of State Programs, and Region V personnel continue to be appreciated. The valued assistance rendered by your staff has immeasurably contributed to the success the Agency has enjoyed in an improved radiation health and safety program.

Sincerely,

Charles F. Tedford
Director

Enclosure

RLB:CFT:js

Cy to: U.S. NRC Office of State Programs
Mr. George Britton, Executive Asst.
to AZ State Governor

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PDR STPRG ESGAZ
PDR

Bruce Babbitt
Governor
Charles F. Tedford
Director

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USNRC REVIEW OF ARIZONA RADIATION CONTROL PROGRAM

RESPONSE TO SPECIFIC COMMENTS

I. Legislation and Regulations

Status of Regulations

Comment

The State should have regulations that are compatible with those of the NRC. Arizona's radiation control regulations have not been amended in their entirety since 1977. We do recognize that an updated version of the regulations is currently undergoing State review. However, this was also the case during the past two reviews and adoption of the revised regulations has still not been accomplished.

Recommendation

We recommend you increase your efforts to follow through with the current revision process, and take the steps necessary to ensure the adoption of these revisions.

State Response

As was reported at the time of the audit, Articles 1, 4 and 10 have been certified and Nos. 3, 5, 7 and 15 will be certified in the near future. The AG representative that is detailed to the Agency this year is newly assigned and not familiar with the terminology. She is detailed to other organizations as part of the assigned duties. Hence, the turnaround time for the legal support that this Agency requires is longer than is desirable under ideal conditions. However, continued effort will be expended to assure the certification of the remaining chapters in the near future.

II. Management and Administration

A. Quality of Emergency Planning

Comment

The State should have a written emergency plan specifically defining the responsibilities and actions to be taken by State Agencies, and this plan should be distributed to the appropriate persons and agencies. The ARRA meets the guidelines for a written plan in their Standard Operating Procedures (SOP) which describe the appropriate measures for responding to incidents or accidents involving radioactive materials. However, these procedures are not contained nor referenced in the radioactive materials section of the State of Arizona Hazardous Material Emergency Response Plan.

Recommendation

We recommend the SOP be incorporated into the statewide emergency plan.

State Response

The formulation and promulgation of the State's hazardous materials plan is the responsibility of the Arizona Division of Emergency Services (ADES). That plan considers the response to any accident involving a hazardous material, including radioactive materials. We agree that the plan should be expanded, particularly to include more information on coordination and control in the event of a radioactive materials accident. Certainly the plan should reference the SOP; however, the Agency doesn't feel that the excruciating detail contained in the SOP regarding radioactive materials accident response belongs in the plan. An ARRA health physicist sits on the ADES-sponsored Hazardous Materials Committee. Through that membership, we will continue to work with other involved State agencies to improve the utility of the plan.

B. Administrative Procedures

Comment

The RCP should establish written internal procedures addressing the processing of license applications, inspection policies and procedures, as well as other functions required of the program. The RCP currently has incomplete drafts of administrative procedures covering licensing and compliance. These draft procedures, for instance, do not cover decommissioning, termination, reciprocity, escalated enforcement, stored source requirements, etc. These written procedures are needed for program consistency and the training of new hires. It should be noted that this finding is repeated from the two previous reviews.

Recommendation

We recommend that the State RCP complete its written internal administrative procedures on a high priority basis.

State Response

The staffing and completion of written internal procedures has been placed on a high priority, and barring unforeseen emergencies, will be completed within one year.

C. Office Equipment and Support Services

Comment

Automatic Data Processing and retrieval capability should be available to programs with 300 to 400 licenses. Arizona has no such capability and all records and data must be kept manually. This is time consuming, and in some cases, the loss of information has resulted in the lack of appropriate follow-through.

Recommendation

We recommend an Automatic Data Processing System be obtained that will be adequate to support the program needs.

State Response

The Agency suffered budget restrictions for FY86 and no funds were made available to purchase the new data processing equipment. However, as much radioactive license tracking and control as can be managed on the existing software will be implemented. A major budget issue has been completed for FY87 and will be submitted for this budgeting cycle. If approved, new, more adequate data processing equipment will be purchased and placed into operation during FY87.

III. Licensing Procedures

Comment

Licensing and renewal applicants should be furnished copies of applicable guides and regulatory positions. The ARRA currently does not furnish guides or positions to the applicant unless specifically asked. This policy increases the number of deficiency letters and therefore the timeframe required to complete the processing of licenses.

Recommendation

We recommend that Arizona routinely send copies of regulatory guides and other pertinent data to assist new and renewal applicants with the filing of their applications. The State can use NRC guides until it has time to develop its own.

State Response

The Radioactive Materials (RAM) Program has amended the current procedures to routinely supply copies of regulatory guides and other pertinent data to license renewal applicants.

IV. Compliance

A. Status of Inspection Program

Comment

Arizona has seven licenses in Priorities 1, 2 and 3 which are overdue by greater than 50 percent of their inspection frequency. The reviewer was furnished a plan of action designed by the State to eliminate the backlog within a given timeframe.

Recommendation

We recommend you closely follow the milestones and review the progress of the plan so that the goal is met.

State Response

The Plan of Action for overdue license inspections is on schedule. Of the seven overdue inspections, five have been completed and the sixth one is scheduled to be completed during August 1985. The seventh licensee is based out-of-state; has not operated within the state this year, and will notify the Agency prior to commencing any operations within the State.

B. Responses to Incidents and Alleged Incidents

Comment

The NRC should be notified if an incident could be relevant to other licensed operations. It was observed that an Arizona licensee released Krypton-85 gas in excess of the abnormal occurrence reporting (AOR) criteria and the NRC was not notified.

Recommendation

We recommend you review all incidents against the AOR criteria and provide NRC written reports when the criteria have been exceeded. We also asked that telephone notifications be made to NRC of "significant incidents" as outlined in Mr Nussbaumer's November 23, 1984 All Agreement State Letter (attachment).

State Response

During the NRC Audit, the provisions of the AOR criteria were clarified. In the future, all incidents will be compared against the AOR criteria and written reports will be submitted when criteria are exceeded. In addition, telephone notifications will be made of "significant incidents" as outlined in the Agreement State letter provided to this Agency.

C. Enforcement Procedures

Comment

Licensee responses to enforcement letters should also provide resolution of "previous items of concern," i.e. issues that were not items of noncompliance. It was observed that, in several cases, items of concern were not addressed by the licensee nor were they followed up by the RCP.

Recommendation

Enforcement procedures should be revised to include the ARRA policy for the required response and follow-through on these items.

State Response

During the past year, "Items of Non-Compliance" and "Items of Concern" have been resolved but only the "Non-Compliance" items have been for-

mally documented in the inspection report. In future inspection reports, resolution of the "Items of Concern" will be documented.

D. Inspection Reports

Comment

Reports should uniformly and adequately document the results of inspections. Inspection reports were found to be inconsistent in their format and incomplete in documentation. Examples of items that were not documented in the reports were found to be observing licensee operations, worker interviews and wipe test results.

Recommendation

A uniform inspection form or checklist for narrative reports should be developed. Written procedures should be implemented to ensure the reports are complete with adequate documentation and consistency.

State Response

A uniform license inspection checklist has been in the development stage for the past year. It is being amended to include observation of licensee operations, interviews and wipe test results.

E. Independent Measurement

Comment

RCP instrumentation should include methods for measuring air flow rates. The ARRA does not have the capability of measuring air flow, in particular from hoods or xenon ventilation systems.

Recommendation

A uniform inspection form or checklist for narrative reports should be developed. Written procedures should be implemented to ensure the reports are complete with adequate documentation and consistency.

State Response

During the NRC Audit, a Kurz Model 490 Velocity meter was ordered and was received on 7/22/85. Funds permitting, a second meter will be purchased this year and a third has been requested on the New Equipment Budget issue for FY87.