



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331
FACSIMILE: 602-542-7601

May 14, 2008

Robert J. Lewis, Director
Division of Materials Safety and State Agreements
Office of Federal State Materials and Environmental Management Programs
United States Nuclear Regulatory Commission Washington, D.C. 20555-0001

Dear Mr. Lewis:

Thank you for personally delivering the report of the Arizona Radiation Regulatory Agency's recent IMPEP review. We appreciate the time and effort by the U.S. Nuclear Regulatory Commission to assist the State of Arizona and we are committed to having the best programs to protect the public health, safety and security of Arizonans.

As mentioned during the meeting, several items in the Draft Review Report have been addressed since the review team was in Arizona in March 2008. Additionally, we ask that the Management Review Board (MRB) consider the following actions taken since our April 24, 2008 meeting before a final report is made.

Draft Report Pg. 3

Last paragraph on page. The staffing is for the RAM portion of the program; the Non-ionizing portion adds 1.5 FTE to the Program. Since the Draft Report was prepared, the Non-ionizing Program has been separated from the Radioactive Materials (RAM) Program and the staffing of the RAM Program is four. This will allow the RAM Program Manager to concentrate on the RAM issues.

Draft Report Pg. 4

Fourth paragraph. A training journal is in place for all program employees.

Next to last paragraph. Several staff has applied to attend the August 2008 "Nuclear Medicine and Brachytherapy/Gamma Knife training," including the license reviewer.

Draft Report Pg. 5

First full paragraph. Mr. Robert J. Lewis, Director, Division of Materials Safety and State Agreements, indicated that the NRC staff was investigating the possibility of having a local qualified license reviewer coach the Arizona licensing staff to improve the quality of licensing. The State would welcome such an effort.

Third paragraph. The FY 2008 budget has been finalized and there will be no additional cuts.

Fourth paragraph. The FY2009 budget is still being discussed by the legislature.

Draft Report Pg. 5, Pg. 6, Pg. 8

Last paragraph, page 6, fourth paragraph, and page 8, last paragraph. The Agency has reviewed and corrected the misclassification of the licenses reviewed during the IMPEP review. In addition a review of all license classifications is underway to assure the validity of the data base information. The primary error identified appears that the medical licenses with HDR units were not given the HDR classification as the prime classification. Further, the State classification code was miss-applied again resulting in a longer re-inspection schedule. All of the medical HDR licenses have been checked and corrected. The entire database is to be reviewed in the next six months to confirm we are accessing correct data.

Draft Report Pg. 6

First full paragraph. As of May 7, 2008, the agency has 0 of 8 priority 1 licenses overdue for inspection; 3 of 21 priority 2 licenses including the HDR units, are overdue for inspection; 13 of 59 priority 3 licenses are overdue for inspection; and 39 of 269 priority 5 licenses are overdue for inspection. The program is making special efforts to inspect reciprocity licensees in the core group.

Draft Report Pg.7

First sentence. We believe that if the review were taking place today, May 8, 2008, this indicator would be "satisfactory, but needs improvement."

Next to last paragraph. All Increased Control licensees have been inspected who did not have a follow up letter on file. One licensee was found in non-compliance

because they had not contacted the local police to get a response time to their facility.

Last paragraph. All document's related to Increased Controls licenses and their correspondence have been reviewed and marked if sensitive information is involved. At least three individuals are required to check filed information for 1) sensitive information, 2) assure the proper markings, and 3) securing of the information.

Draft Report Pg. 8

First paragraph. The Program Manager will accompany all inspectors at least twice annually; in addition, the Agency director will also accompany each inspector annually.

Draft Report Pg. 9

First paragraph. Seventeen of the twenty licenses reviewed by the IMPEP team were medical licensees. All have been reviewed fifteen confirmed that the medical personnel are qualified. For the remaining two, we are 1) awaiting the preceptor's information to document their qualifications, and 2) the application was withdrawn at the applicants request.

Second and third paragraphs. The Agency has re-established peer reviews of all license and amendment applications. Further, a review system is being developed to assure high quality license reviews. A minimum of four reviews will occur on each license action. In addition, written procedures are being developed to assure the quality of reviews remain high.

Last paragraph. The misunderstanding that the checklist was to be utilized for every licensing action has been clarified and now is in place. Further, sensitive information within the application will be so marked.

Draft Report Pg. 10

First full paragraph. The licenses identified as authorizing too much radioactive materials without the Increased Controls requirements has been corrected. All of the licenses have had their possession limits reduced. The licensing ad inspections staff have been alerted to assure that the authorized possession limits of Increased Controls will not be exceeded unless the controls actually are in place.

Robert J. Lewis
May 14, 2008
Page 4

Draft Report Pg. 11

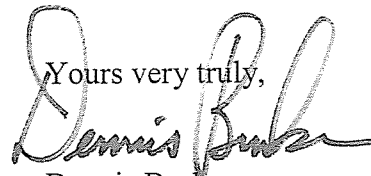
First paragraph. The three events not entered into the NMED have been corrected. In addition, the events have now been closed out for those who had remained open.

Summary

We believe that with the resources now available, we will have all of the overdue inspections up to date by the time of the next review. We will have had several of the staff register for or receive suggested NRC training to improve the technical quality of our inspections and licenses. Further, reviews of the database are on going and it should be much more accurate by the next review. Increased reviews of inspections and licensing actions, together with a questioning attitude of applicants should improve the quality of our licensing program. Arizona is committed to having a top rated radiation program.

Ms. Tracy Hannah and Mr. Aubrey Godwin will be at the MRB June meeting and will offer additional comments, as needed, to any MRB questions.

It was a pleasure to meet you and your staff. Your expertise and guidance offered the Arizona Radiation Regulatory Agency is much appreciated. We look forward to utilizing training opportunities offered by the MRB and we anticipate being in complete compliance by next year's IMPEP review.

Yours very truly,

Dennis Burke
Chief of Staff

cc T. Hannah, Policy Advisor
A.V. Godwin, Director, AZ. Radiation Regulatory Agency
James L. Lynch, Regional States Agreements Officer