



Arkansas Department of Health

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Governor Mike Beebe

Paul K. Halverson, DrPH, FACHE, Director and State Health Officer

January 4, 2010

Aaron T. McCraw, IMPEP Project Manager
U. S. Nuclear Regulatory Commission, Region III Office
Division of Materials Safety and State Agreements
2443 Warrenville Road
Lisle, Illinois 605532-4252

Dear Mr. McCraw:

The Department has received the NRC Draft Report dated November 23, 2009. The Draft Report outlines the findings and recommendations of the Integrated Materials Performance Evaluations Program (IMPEP) audit of the Arkansas Radioactive Materials Program on October 26-30, 2009. The following is a response to the recommendations from the Draft Report:

1. *The review team recommends that the State take additional actions, such as increasing salary and/or benefits, to stabilize staffing and ensure successful program implementation. (Section 3.1)*

In 2008 the entry level rate for Health Physicists was increased. This in turn minimally increased salaries of some existing staff. Since that time the State has been working on implementing a new salary plan for all state employees. The new plan was passed by the Arkansas legislature in early 2009 and was effective July 1. Although there was a one-time increase for years of service, there was no increase in the entry rate for health physicists, increase in salary for existing staff or a career ladder incentive. The Department is actively working to get a plan through the State process which would boost salaries based on years of service, annual performance evaluation scores and participation in educational courses.

In addition to salary increases to retain staff, the Department is also pursuing strategies to increase morale and to increase accountability of Program and Section management.

2. *The review team recommends that the State update its existing procedures and develop new procedures, if necessary, to memorialize the policies and practices of the Agreement State program and to serve as a knowledge management tool. (Section 3.1)*

The Program has begun the task of updating and revising procedures to be more inclusive of the operating activities associated with inspections and licensing practices. New procedures

are under development and will be implemented by March 1, 2010. Other revisions and updates will be completed and implemented by July 1, 2010.

NRC Inspection and Licensing Procedures are being used to verify the content of the Program Procedures. We have also requested copies of procedures from other Agreement State Programs to use as guidance.

The goal of these revisions and additions is to serve as a better training tool and for knowledge enhancement.

3. *The review team recommends that the State develop and implement an action plan to reduce the licensing renewal backlog. (Section 3.4 of the 2002 IMPEP Report)*

The Program is in the process of training the Health Physicist Staff and revising the Licensing Procedures as discussed in number 2 above, with the goal of streamlining the renewal licensing process. There have been Staff meetings in which the licensing process has been discussed with new thoughts and approaches to further improve and streamline the process (i.e. review process go through to issuance with one final secondary review, shorten and simplify the request for additional information to help licensee, do more email and telephone information confirmation).

There has been a discussion about establishment of a goal in the completion of renewals. This will be described in more detail as the Program begins the development of the next required Performance Improvement Plan. The success of any established goal is dependent upon the initiation of any new streamlined approach to the licensing backlog, competing Program/Section priorities and the stability of the technical staff.

Training of license reviewers remains a top priority. The licensing process being developed and implemented will remain flexible to ensure possible changes pending operational evaluation.

4. *The review team recommends that the State develop and implement a license termination procedure to ensure consistent and acceptable quality of information requests and documentation. (Section 3.4 of the 2006 IMPEP Report)*

A license termination procedure was in place at the time of the IMPEP review. This procedure was developed and implemented in January 2007. IMPEP team findings indicated that the technical staff had not been properly trained on following this procedure when terminating a radioactive material license.

Enclosed is a revised procedure RAM-01.6 entitled "Radioactive Material or Industrial Particle Accelerator License Termination & Decommissioning" with an effective date of December 23, 2009. This revised procedure has a checklist to be used at the time of termination to ensure that all items are satisfactorily addressed. The checklist will be part of the termination paperwork in the file.

Training will be provided to the technical staff to ensure successful implementation.

During the review of the Draft Report, an error was noted. On page 9, Section 3.4 - Technical Quality of Licensing the following statement is inaccurate:

“Because this licensee is a State University, pursuant to the Program’s own regulations, this licensee may simply provide statements of intent to meet the financial assurance requirements. A letter of intent was not on file at the time of the review; however, the Program agreed to promptly obtain the letter of intent from the licensee.”

This is old information because the State University licensee no longer meets the financial assurance requirements. Currently, there is one pool irradiator licensee that meets the financial assurance requirements. The financial documents for this licensee were available at the time of the IMPEP review.

We have one comment regarding the License Casework Reviews in Appendix D of the Draft Report. Under File Number 17, the IMPEP Team had noted that there were errors on this license regarding the transfer of sealed sources. These errors were researched and corrected by license amendment during the week of IMPEP. The corrected license amendment was provided to the IMPEP team.

I want to thank you for the opportunity to provide comments to the IMPEP Draft Report. We also appreciate the efforts and professionalism of the IMPEP Team during the review of the Radioactive Materials Program.

If you have any questions, or need additional information, please contact me at 501-661-2518 or Jared Thompson at 501-661-2173.

Sincerely,

ORIGINAL SIGNED BY CHARLES MCGREW

Charles McGrew, Deputy Director and Chief Operating Officer
Arkansas Department of Health

Attachment: RAM Procedure-01.6

cc: Donnie Smith, Director
Center for Health Protection

Renee Mallory, RN, Branch Chief
Health System Licensing & Regulation Branch

Bernard Bevill, Section Chief
Radiation Control Section

Jared Thompson, Program Manager
Radioactive Materials Program

**RADIOACTIVE MATERIAL OR
INDUSTRIAL PARTICLE ACCELERATOR
LICENSE TERMINATION & DECOMMISSIONING**

PURPOSE

- I. The purpose of this procedure is to provide guidelines for license termination and the decommissioning of facilities with unsealed radioactive material, sealed sources, and industrial particle accelerators.

The following criteria will be used for guidance:

- RH-1210.g. Radioactivity in Effluents to Uncontrolled Areas --Soil and vegetation limiting concentrations
- RH-1213. Surface Contamination Limits for Facilities and Equipment
- RH-1216. Radiological Criteria for Unrestricted Use
- RH-1217. Criteria for License Termination Under Restricted Conditions
- RH-1218. Alternate Criteria for License Termination
- RH-6010.c. General License (transferring land for unrestricted use)

NOTE: All documentation pertaining to termination and decommissioning of facilities will be maintained in the license files.

DISCUSSION

I. Facilities Licensed For Use of Unsealed Radioactive Material

1. Upon receipt of a request for termination of a license or the decommissioning of a facility licensed to use unsealed radioactive material (RAM), the Health Physicist will review both current and past use of RAM, detailing use and storage areas and any incidents involving RAM.
2. The licensee must submit the following (refer to Termination Checklist, Attachment 1):
 - A. An amendment request to terminate the license (Log amendment into amendment tracking database.)
 - B. An amendment fee, unless waived by the Program Manager or designee.
 - C. Complete inventory of all radioactive material.