

March 1, 2011

Donnie Smith, Director
Center of Health Protection
Arkansas Department of Health
4815 W. Markham Avenue, Mail Slot 4
Little Rock, AR 72205

Dear Mr. Smith:

The purpose of my letter is to share with you observations by the U.S. Nuclear Regulatory Commission (NRC) of the Arkansas Agreement State Program (the Program) and to solicit your continued support of this important State program. No formal response to this letter is requested.

On May 21, 1963, former Governor Orval E. Faubus entered the State of Arkansas into an Agreement with the NRC pursuant to Section 274b. of the Atomic Energy Act. Under this Agreement, the State of Arkansas committed to establish a radiation control program that adequately protects the health and safety of Arkansas' citizens from the potential hazards associated with the use of radioactive materials. Agreement States must provide supporting legislative authority, implement an organizational structure and procedures, and apply financial and human resources to effectively administer a radiation control program that ensures adequate protection.

NRC conducts periodic reviews of Agreement State and NRC radioactive materials programs to ensure that public health and safety is adequately protected from the potential hazards associated with the use of radioactive materials and that Agreement State programs are compatible with NRC's program. NRC uses its Integrated Materials Performance Evaluation Program (IMPEP) to evaluate individual Agreement State programs. All IMPEP reviews use common criteria in the assessment and place primary emphasis on performance.

During the 2009 IMPEP review, we found Arkansas' program adequate to protect public health and safety, but less than satisfactory in three of the six performance indicators reviewed. Typically, when a performance weakness is identified during an IMPEP review, the root cause of the weakness relates to the program's staffing level or to the experience of the program's staff. Experience from IMPEP reviews has demonstrated that the maintenance and retention of qualified, motivated and competent staff is one of, if not, the most important aspect of a successful program. Many Agreement State programs experience difficulty maintaining an adequate number of qualified staff due to individuals leaving a program seeking higher paying jobs and/or retirement. Nonetheless, with the increased focus on the safety and security of radioactive materials, having an adequate number of qualified staff has become even more critical to the maintenance of a healthy program.

The IMPEP review team previously discussed with the Program management its concerns with the level of turnover relative to the size of the Program and with the Program's ability to stay current on its other regulatory duties. The lack of qualified staff has hindered the Program's

efforts to eliminate the license renewal backlog that was identified as early as the 1995 IMPEP review. The review team stressed the importance of addressing the staff turnover issue to ensure the long-term health and viability of the Program.

I understand that current fiscal constraints are especially challenging at all levels of government. This situation is not unique to Arkansas. In many States, the number of staff and their salaries are dependent on program funding from either assessing fees for services or through taxpayer funding. It is my understanding that the Program has proposed a modification to its Health Physicist Training/Salary Plan that is awaiting the Arkansas Legislative Personnel Committee's review and approval. Under this plan, staff would receive salary increases for the successful completion of training and qualifications.

I commend the State of Arkansas for its leadership in radiation protection over the years. Your support in helping to ensure that the Program has the necessary resources to implement an effective program is crucial. I assure you that the NRC supports the objectives of the Program, and will continue to work closely with your program to accomplish our mutual objectives of protecting the public health and safety.

I appreciate your taking the time to consider the information I have provided in this letter. If you have any questions regarding this correspondence, please contact me or Mr. Randy Erickson, your NRC Regional State Agreements Officer, at (817) 860-8143.

Sincerely,

/RA/

Michael F. Weber
Deputy Executive Director for Materials,
Waste, Research, State, Tribal,
and Compliance Programs

cc: Jared W. Thompson, Director
Arkansas Radioactive Materials
Program

D. Smith

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Deputy Executive Director for Materials,
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