

(Arkansas, letter, 1993)

DATED: JUL 22, 1993

M. Joycelyn Elders, M.D.
Director
Arkansas Department of Health
4815 West Markham Street
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Dear Dr. Elders:

This letter confirms the discussion Mr. Richard Blanton held with you and Ms. Greta Dicus, Director of the Division of Radiation Control and Emergency Management on February 26, 1993 following our review of the Arkansas radiation control program.

As a result of our review of the State's program and the routine exchange of information between the NRC and the State, we believe that the State's program for regulating agreement materials is adequate to protect the public health and safety and is compatible with the regulatory program of the NRC.

The review revealed that the State has adopted all regulations currently needed for compatibility. Further, during the review on February 25, 1993 the staff presented to the Board of Health a package of proposed rules. Included is a new RH-1000 through RH-2101, the State equivalent to the rules in 10 CFR Part 20. These rules will be a compatibility requirement on January 1, 1994. Compatibility of regulations is a Category I indicator, and the Part 20 equivalent rules, which contain basic radiation protection standards, are particularly important. We support and encourage the State's efforts to adopt these rules.

In the letter dated May 22, 1991 following the last regular review, it was noted that staff turnover was a problem and that it was clear that Arkansas must upgrade its salaries in order to be competitive for experienced personnel. Since that time, four individuals have departed from two positions within the materials staff. Most of the problems observed during the review can be related to, or appear to be exacerbated by, the turnover of staff. Salaries were increased for FY93 but remain low in comparison to the median salaries in neighboring States. The current efforts underway to get approval for an additional increase will help also. We urge you to give priority attention to this effort, and to investigate other mechanisms to improve staff retention.

We are encouraged to see the progress made in increasing the use of office automation, and we recognize that staff turnover has prevented even more progress. Experience in other States demonstrates the benefits to be gained, and we believe that the

completion of the improvements planned by the Division staff will be of benefit to the Arkansas program as well.

Enclosure 1 contains an explanation of our policies and practices for reviewing Agreement State programs.

SUMMARY OF ASSESSMENTS AND COMMENTS
FOR THE ARKANSAS RADIATION CONTROL PROGRAM
January 11, 1991 to February 26, 1993

SCOPE OF REVIEW

This program review was conducted in accordance with the Commission's Policy Statement for reviewing Agreement State Programs published in the Federal Register on May 28, 1992, and the internal procedures established by the Office of State Programs, State Agreements Program. The State's program was reviewed against the 30 program indicators provided in the Guidelines. The review included discussions with program management and staff, technical evaluation of selected license and compliance files, and the evaluation of the State's responses to an NRC questionnaire that was sent to the State in preparation for the review.

The 25th regulatory program review meeting with Arkansas representatives was held during the period of February 22 - 26, 1993 in Little Rock, Arkansas. The State was represented by Ms. Greta Dicus, Director of the Division of Radiation Control and Emergency Management, and Mr. Rick Kelley, Supervisor of the Radioactive Materials Section.

Selected license and compliance files were reviewed by Mr. Richard L. Blanton, Health Physicist, of the Office of State Programs. A summary meeting regarding the results of the review was held with Dr. Joycelyn Elders, Director of the Arkansas Department of Health, on February 26, 1993.

CONCLUSION

The staff concludes that the Arkansas program for the control of agreement materials is adequate to protect the public health and safety and is compatible with the regulatory program of the Nuclear Regulatory Commission.

STATUS OF PROGRAM RELATED TO PREVIOUS NRC FINDINGS

The results of the previous review were reported to the State in a letter to Dr. Elders dated May 22, 1991. All comments made at that time were satisfactorily resolved and closed out prior to this meeting except for the following six items.

A recommendation was made that the program management place a higher priority on computerizing selected program functions to promote more efficient and productive use of technical and clerical staff time. A higher priority was placed, but

utilization of office automation is still limited due partly to the turnover of both secretarial and technical staff.

It was recommended that the staff review the licensing guides and procedures for teletherapy. The recommended review was completed but not extended beyond teletherapy licensing. During the current review, a previously unrecognized variance was noted in nuclear medicine licensing. A procedure from 1984 allows the required survey of incoming packages to be waived on request of the licensee.

Modification of State Inspection Procedure RAM-03.4 entitled "Policy and Procedure for Closeout Inspections" was recommended, to include procedures for ensuring adequate documentation of the accountability of all radioactive material prior to terminating a license. The procedure has not been modified, however the need to include adequate documentation is stressed by supervisory personnel. Coincidentally, during the period since the last review, the Arkansas Department of Health (ADH) took possession of two soil/density gauges that had been acquired at an auction by an unlicensed member of the public. The gauges were traced to a terminated NRC licensee and the State notified NRC. The State has confirmed its intent to revise the Inspection Procedure.

It was recommended that the State develop implementing rules for civil penalties. The rules were developed and are in effect, however, no civil penalties have been assessed to date. The Board of Health policy is to reserve the use of civil penalties as a last resort before moving to revoke a license.

The recommendation was made that the inspection forms for medical and broad scope licensees be modified to include entries to assure coverage and recording of information on visits to labs and other sites where radioactive materials are used, observations of operations, interviews and independent measurements. It was further recommended that minor improvements be made to other forms, e.g., add a section on transportation to forms for inspecting industrial radiographers and well loggers. Due to staff turnover, the radiation control program (RCP) has been unable to complete action on this recommendation.

In a recommendation in the comment letter, it was noted that Arkansas must upgrade its salaries in order to be competitive with other States for experienced personnel. Salaries for the staff for FY93 were increased by about 1.4% to 8.5% with the larger increases given at the upper end of the ranges. Currently, efforts are underway to get approval for an additional increase using money from an unfilled X-Ray health physicist position, but turnover remains a problem. During the review period four individuals departed from the materials staff.

CURRENT REVIEW COMMENTS AND RECOMMENDATIONS

All 30 program indicators were reviewed and the State fully satisfies 26 of these indicators. Specific comments and recommendations for the remaining 4 indicators are as follows:

1. Administrative Procedures is a Category II indicator.

Comment

A review of the procedures for response to materials incidents revealed that the telephone lists for contact with media are not complete. Although media organizations were listed, there were only blanks for the telephone numbers. Similar lists attached to procedures for response to fixed nuclear facility emergencies are complete and current.

Recommendation

The phone lists in the materials response procedures should be completed and regularly checked, or the procedures should be modified to reference similar lists in the fixed nuclear facilities emergency response procedures, if appropriate.

2. Staff Continuity is a Category II indicator.

Comment

Staff turnover continues to be a problem. In the last two years, a total of four individuals have left staff positions in the materials section. Since there are only three staff and one supervisory positions in the section, this amounts to more than a 100% turnover rate in the staff positions. Most of the other problems observed during this review can be directly or indirectly related to this turnover problem. It is to be noted that some measures have already been taken and other efforts are underway to resolve the major contributing factor in the turnover, the relatively low staff salaries.

Recommendation

The program management should continue their current efforts to seek salaries competitive with the salaries paid by other employers which have attracted staff from the Arkansas program.

3. Licensing Procedures is a Category II indicator.

Comment

During the review of licensing policies and procedures, a procedure was found which allows a nuclear medicine license

applicant to be exempted from the requirement to survey packages containing radiopharmaceuticals if the packages are received from a nuclear pharmacy. The procedure was adopted in 1982, and apparently has not been reviewed since. It is noted that a complete review of the program's procedures is planned.

Recommendation

This procedure should be repealed, and the planned review of the procedures should be completed as early as possible.

4. Inspection Reports is a Category II indicator.

Comment

The modifications to the inspection report forms for medical and broad scope licensees recommended at the last review have not been completed due primarily to the staff turnover.

Recommendation

Program management should consider placing a higher priority on completing the modifications, even before the turnover problem is resolved. The use of complete forms is even more important for relatively inexperienced staff.

SUMMARY DISCUSSION WITH STATE REPRESENTATIVES

A summary meeting to present the results of the regulatory program review was held with Dr. Elders, Director of the Department of Health, on February 26, 1993. The meeting was also attended by Ms. Dicus. Mr. Blanton also held a separate meeting on February 26 with Ms. Dicus and Mr. Kelley, Supervisor of Radioactive Materials.

The State was commended on the continued efforts to improve the program. Particularly noted were the plans to reduce the turnover of technical personnel, and the in-house continuing training program. It is felt that the State's commitment to the training program has facilitated the orientation of new staff, which in turn has limited the number of problems associated with the lack of staff stability. The State affirmed its commitment to continuing these efforts, and to adopt regulations equivalent 10 CFR Part 20 during the current year.