



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000
Fay W. Boozman, M.D. Director
Mike Huckabee, Governor

October 26, 1999

Paul H. Lohaus, Director
Office of State Programs
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852

Dear Mr. Lohaus:

The State of Arkansas is in the process of licensing an irradiator facility in the eastern part of the state. We originally licensed the facility in the 1980s and was in operation until 1994. Subsequently the facility was successfully decommissioned in October 1998. There was one change of ownership since the facility began operations.

StericGenics purchased the irradiator facility in early 1999. A license application was received in July 1999. We requested the licensee to evaluate the facility to meet the requirement of 10CFR Part 36.39.j. It appears that drawings or blueprints are not available to determine the seismic structural durability. There is no documentation to verify if the structure met seismic parameters when the original license was issued. Engineering assessments by the licensee has not sufficiently addressed our concerns.

After some discussions with NRC staff and other Agreement States, it has been determined that this is a new facility and must meet the requirements of Part 36. The basis for this determination was that the facility had been decommissioned and thus was a new irradiator facility. The licensee is strongly questioning this determination. There have been many discussions with the licensee regarding this matter.

The State of Arkansas is requesting an official NRC opinion regarding the facility being considered a new entity and thus required to meet those requirements of Part 36. The license is ready to be issued pending the resolution of this issue. The facility is ready to have sources delivered within the next few weeks.

The opinion of the NRC would greatly benefit us in making a final determination and would give us additional support. I appreciate your immediate attention to this matter. If you have any further questions, please contact me at 501-661-2301.

Sincerely,

David D. Snellings, Jr., CHP, Director
Division of Radiation Control & Emergency Management

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