



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8931

March 21, 2001

Mr. Kirksey E. Whatley, Director
Office of Radiation Control
Department of Public Health
201 Monroe Street
Montgomery, AL 36130-3017

Dear Mr. Whatley:

This year's periodic meeting with the Alabama Office of Radiation Control was held on March 8, 2001. The purpose of this meeting was to review and discuss the status of Alabama's Agreement State program. Specific topics and issues of importance discussed at the meeting included actions on previous 1998 IMPEP review findings, program strengths, staffing and training, performance of licensing and inspection activities, and the updating of regulations for compatibility.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at 404-562-4704 or e-mail to rlw@nrc.gov to discuss your concerns.

Sincerely,
/RA/
Richard L. Woodruff
Region II Agreement State Officer

Enclosure: Alabama Meeting Report

cc w/encl:
R. Trojanowski, RII
R. Blanton, STP

PUBLIC DOCUMENT (circle one): YES NO

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR ALABAMA

DATE OF MEETING: March 8, 2001

ATTENDEES:

NRC

Richard L. Woodruff, RSAO, Region II

STATE

Kirksey E. Whatley, Director, Office of Radiation Control
James L. McNees, Director, Radioactive Materials Compliance
David K. Walter, Radioactive Materials Licensing
David Turberville, Radioactive Materials Compliance
Myron Riley, Radioactive Materials Compliance

DISCUSSION:

A meeting was held with the Alabama representatives on March 8, 2001, in Montgomery, Alabama. The topics listed in NRC letter dated December 13, 2000, to Mr. Whatley were discussed. Details for each area are discussed below.

Action on Previous Review Findings

The previous IMPEP review was conducted during the period of April 20-23, 1998. During the 1998 review, one recommendation and two suggestions were made to the Program. A periodic review was conducted on June 17, 1999 and the suggestions were closed out. The status of the recommendation is as follows:

Recommendation:

The review team recommends that Alabama adopt a procedure providing that follow-up and routine event reports to NMED be provided within 30 days of receipt of the report from the licensee. (Section 3.5)

Current Status:

The State responded to the recommendation by letter dated June 16, 1999 that all reports had been submitted, and that the recommendation had been implemented. The specific procedure was not reviewed during the 1999 meeting or this (March 8, 2001) specific meeting. However, it is noted that Alabama has consistently been very responsive and timely in reporting events as recommended by the Office of State Programs in procedure SA-300, Handbook on Nuclear Material Reporting in Agreement States.

The procedure needs to be reviewed during the next IMPEP review.

Enclosure

Program Strengths And/or Weaknesses

In general, the Program Director related that their program had good administrative support, legislative support, good legal support, good laboratory support, good equipment, and stable sources of funding. No weaknesses were identified.

Specific areas were discussed as follows:

1. The Program Director related that Alabama had a comprehensive radiation control program that included not only agreement materials, but also NORM and NARM, electronic products, environmental surveillance, and emergency preparedness. The Program has a long term standing with the Environmental Laboratory for analysis of samples on an as needed basis.
2. The Compliance Branch Chief and the Licensing Branch Chief related that the materials program had no inspection or licensing backlogs at this time.
3. The technical staff has been very stable over recent years with only one staff retirement in the compliance branch, and the position has been filled. In addition, another Radiation Physicist had been hired to work in the Radioactive Materials Licensing Branch, and two Radiation Physicists have been hired to work under the X-Ray Compliance Branch. The technical staff were complemented on their technical knowledge and their participation on working groups and committees associated with technical issues under discussion with the NRC and the Conference of Radiation Control Program Directors.
4. The Program has experienced stable funding in recent years do to the Alabama law that establishes fees at 75% of the fees charged by NRC materials licenses. The Program Director related that the fees also funded the X-Ray Compliance Branch and the Emergency Planning and Environmental Monitoring Branch, and that legislation was being introduced to change the fees to apply to all licensing and registrations. This change in authority is projected to be more equitable, and would also lower the fees paid by Alabama materials licensees.
5. The Program Director demonstrated the use of a state-wide communication system for contacting staff as needed during routine working conditions and its availability for emergency use, and discussed the equipment and instrumentation available for routine inspections and event evaluations.
6. All of the IMPEP Indicators were discussed and there were no performance issues identified during the meeting.

Status of Program And/or Policy Changes

At the time of the meeting, there had been no significant changes in the organizational structure of the Office of Radiation Control since the 1998 IMPEP review. The Office is headed by the Director, Kirksey E. Whatley, and has 4 technical Branches: Radioactive Materials Compliance Branch; Radioactive Materials Licensing Branch; Emergency Planning and Environmental Monitoring Branch; and X-Ray Compliance Branch. All of the technical branches report to the Office Director and the Office is organized under the Department of Public Health. The Office Director reports directly to the State Health Officer, Donald E. Williamson, MD.

All materials licensing and inspections are performed out of the Montgomery, AL office. As noted above, the staffing has been very stable in recent years and no major changes in the staffing plan are planned at this point.

The Program currently has 418 specific licenses which is an increase of 12 since the last IMPEP. An updated listing of major licenses was provided during the meeting. There are no sealed source or device manufacturers in the State.

Impact of NRC Program Changes

The NRC representative discussed NRC program changes that could impact the State, such as the 10 CFR Part 35 revision, the current status of NRC's policies involving decommissioning of formerly licensed sites, NRC's training program, revision of licensing guides (NUREG 1556 Series), and ongoing work to revise the program for generally licensed devices.

Internal Program Audits And Self-assessments.

The Program conducted a self-assessment utilizing the IMPEP indicator guidance criteria prior to the 1998 IMPEP, and the Management Review Board acknowledged that this was a good practice. The Materials Compliance Branch Director has participated on two IMPEP teams and the Program Director related that this participation was helpful to them to better understand the IMPEP program and helpful in the assessment of their own program.

Status of Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives, including the need for protecting alleged's identity, written responses to the alleged to close out the allegation, and the State's allegation procedures. The Office Director related that Alabama had experienced very few allegations, that allegations were processed on a case-by-case basis, and that follow-up inspections were conducted as needed. A review of the allegations referred to the State by the NRC Region II office indicated that there had been only one allegation referred to the State since the 1999 periodic meeting, and that the allegation report had been received by the NRC Regional Office. In general the State has been very responsive to the Regional requests when replies or actions were needed to close out the allegations.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system. Prior to this meeting, the RSAO reviewed a printout of the events contained in NMED that had been reported since the June 17, 1999 meeting and found that they were satisfactorily reporting events to NRC and the NMED system. Twenty-three events have been reported by the program and placed in the NMED system since the 1999 meeting. The RSAO discussed the mechanism for reporting events, what events to report, the timeliness of reporting, and the NRC plan to provide updated NMED software training in the Region II office scheduled for May 23-24, 2001. The Program Director related that a person would attend the training if adequate justification was received from OSTP, and that 30 to 60 days were needed to obtain authorization for out of State travel.

One event (NMED number 010208) was discussed in which the licensee became aware that a radiographer was close to the annual limit (4.44 cSv) in October of 2000. On December 19, 2000, the licensee was notified that the total annual exposure (November badge) for the radiographer was 5.01 rem (cSv), and the radiographer was removed from further radiographic work. The December badge report shows that the radiographer received a total of 5.046 rem (cSv) for the year. No events were identified as a cause for the excessive exposures. Alabama conducted a review of the event report, the previous four inspection reports which included a field inspection report, and issued a notice of violation dated February 14, 2001. The licensee was given 30 days to conduct an internal investigation, take corrective actions, and provide a report to the Alabama program. The Program Director related that the NMED report would be updated as appropriate following their receipt and evaluation of the licensee's report.

Compatibility of State Regulations

The OSTP's procedures for reviewing proposed State regulations and the regulation amendments needed for adequacy and compatibility and the availability of the regulations on the NRC bulletin board were briefly discussed. The RSAO confirmed that the program is receiving NRC regulation changes as published and distributed. The Regulation Assessment Tracking System (RATS) data sheet for Alabama was reviewed, which shows that (with one exception) the Alabama regulations have been amended up through the "Respiratory Protection and Controls to Restrict Internal Exposure - Part 20," 64 FR 54543 and 55525 (RATS ID 1999-3) which will be due for adoption by February 2, 2003. The exception was identified as "Deliberate Misconduct by Unlicensed Persons, Parts 30, 40, 61, 70, and 150," 63FR1890 and 63FR13773 (RATS ID 1998-1), which was due on February 12, 2001.

In response to the discussion, the Alabama representatives related that the "Deliberate Misconduct by Unlicensed Persons" regulation amendment had been drafted, approved for public comment on February 21, 2001, scheduled to be published on March 19, 2001 for a 30 day comment period, and would become effective 30 days after adoption by the State Board of Health which will meet in May, 2001. A copy of the proposed regulation amendment was provided to the RSAO during the meeting.

Schedule for the Next IMPEP Review

The State was informed that the next Alabama IMPEP review is currently scheduled for the 2002 fiscal year, and that the State should consider the continued use of the IMPEP indicator criteria as a mechanism for self evaluation prior to the IMPEP.

CONCLUSION:

The Alabama program has good managers, well trained technical staff, and sufficient equipment and resources to carry out the Agreement Program under the IMPEP criteria. The State does not currently have any inspection or licensing backlogs and the staff are active in participating in the Conference of Radiation Control Program Directors activities, and NRC joint workshops.

ACTION ITEMS:

1. The proposed amendment to the Alabama Regulations for the Control of Radiation, Chapter 420-3-26, needs to be provided to the OSTP and reviewed for compatibility.