



ALABAMA DEPARTMENT OF PUBLIC HEALTH

Scott Harris, M.D., M.P.H.
State Health Officer



July 12, 2019

Paul Michalak, Chief
State Agreement and Liaison Programs Branch
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Materials Safety and Safeguard
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Michalak:

Re: Alabama Draft IMPEP Report

In response to your letter dated June 20, 2019, please consider the following comments regarding the draft IMPEP report for the Alabama review held on May 20-24, 2019.

3.2 Status of Materials Inspection

1. Page 5 – In b. Discussion, the report references the program's past decision to inspect licensees who perform microspheres therapy procedures at a 3-year frequency rather than at a 2-year frequency. This was re-evaluated by the program director and by memorandum dated May 28, 2019, the six current radioactive material licensees that perform the microsphere therapy procedures were changed to a 2-year inspection frequency.

3.3 Technical Quality of Inspections

1. Page 7 – In b. Discussion, the report states that eight of the twenty in-state industrial radiography files were part of the review. Since then, the IMPEP team has clarified that only six of the in-state industrial radiography files were part of this review. Please reflect this in the final report.

2. Page 7 – In the same paragraph and on the same subject, the report states that the team could not find an instance when the Office performed a temporary jobsite inspection for those licenses reviewed. Our office conducted our own review of the six industrial radiography files reviewed by the IMPEP team. Of the six files reviewed by the IMPEP team, two jobsite inspections were performed by our inspectors during the review period. This contradicts the team's assessment. Also, our office reviewed the remaining industrial radiography files that were not part of the IMPEP review. From our review, we noted that at the beginning of each routine inspection, the inspector asks and documents if radiography was being performed at that time. Our review of the in-state license files determined that of the 71 routine annual inspections conducted during the review period, there were 23 times when radiography was being conducted on the day of the inspection. Of those 23 occasions, 11 field radiography inspections were conducted by the inspectors, which is 48% of the time. This is a conservative estimate, based on the fact the distances from the office location to the jobsite for those 23 jobs were not considered in the final numbers. Also, we noted that two additional field inspections were attempted during the review period that were not included in the final assessment.

We recognize the importance of conducting field inspections and have since provided guidance to our inspection staff to not only ask if radiography is being conducted at the time of the office inspection but also ask if radiography work is being conducted during that week. We have stressed that field inspections should be a priority even if it means canceling another routine inspection. Further, future inspection trips will be coordinated to allow inspectors to work as a team on a periodic basis to make radiography field inspections a priority. We believe that this additional guidance will adequately address the concerns of the IMPEP reviewer and will enhance our overall inspection program.

Based on our assessment of all in-state industrial radiography licenses, the Office of Radiation Control does not believe that a recommendation is warranted on this matter. Therefore, we respectfully request that the recommendation be removed.

3. Page 7 – Under b. Discussion, the report states the team noted that the previous Director, Radioactive Materials Compliance Branch, was not accompanied by a supervisor in any year covered by the review period. The report further states that the team determined that no recommendation was needed for this finding. Please note that the person not audited has been with the Office of Radiation Control for

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over 28 years and was audited by the previous IMPEP team in 2015 with no issues noted. Furthermore, Management Directive 5.6 states that for a program to be satisfactory for this indicator, supervisors accompany nearly all inspectors on an annual basis. Based on Management Directive 5.6, no such recommendation should be considered.

3. Page 8 – Under c. Evaluation, the report states that the team considered findings of both satisfactory and satisfactory but needs improvement. The Office of Radiation Control takes exception to this statement. The consideration of satisfactory but needs improvement was never mentioned any time during the week of the review. Furthermore, it is the opinion of this office that such consideration is unwarranted. As stated in the report, the Office met only one of the bulleted items under the criteria for a finding of satisfactory but needs improvement while meeting five of the six bulleted items for a finding of satisfactory. As stated earlier, we believe that efforts were made by inspection staff to address field inspections of industrial radiography licensees, and that the recommendation noted is not warranted. We believe we meet all six bulleted items under the satisfactory criteria, and therefore, respectfully request that the team reconsider their statement that satisfactory but needs improvement was considered for this indicator.

3.5 Technical Quality of Incident and Allegation Activities

1. Page 11 – Under b. Discussion, the report states that incidents associated with fixed gauging devices were improperly reported to the NRC. To address this, an in-house training session on SA-300 and notification requirements was held on July 10, 2019.

We want to thank the team for their thorough review while on-site. We appreciate their suggestions for improvement and their professionalism. We also appreciate the opportunity to comment on the draft IMPEP report and we ask that you thoughtfully consider the comments as presented. If you have any questions or need additional information, please feel free to call me at 334-206-5401.

Sincerely,



David A. Turberville, Director
Office of Radiation Control

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