

DEC 20 1985

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Ira L. Myers, M.D.
State Health Officer
Department of Public Health
State Office Building
Montgomery, Alabama 36130

Dear Dr. Myers:

This is to confirm the discussion Messrs. Richard L. Woodruff and Robert E. Trojanowski held with you and Messrs. James W. Cooper, and Aubrey V. Godwin following our review and evaluation of the State's radiation control program. The review covered the principal administrative and technical aspects of the program and included an examination of the program's legislation and regulations, organization, management, administration, personnel, licensing and compliance actions, and the field evaluation of a State inspector.

Our review was performed in accordance with the NRC Policy defined in the "Guidelines for NRC Review of Agreement State Radiation Control Programs." These Guidelines were published in the Federal Register on December 4, 1981, and define the 30 Indicators that are used for evaluating Agreement State Programs. A description of how the indicators are used in reporting the results of the program reviews to State management is enclosed (Enclosure 1).

The results of our review of the Alabama program indicate a significant finding in a Category I Indicator, "Status of Inspection Program", which if not addressed on a priority basis, may adversely affect the State's ability to continue to protect the public health and safety. In view of this, we are unable to offer a statement of adequacy and compatibility at this time.

The inspection data that were provided during the review indicate that there are ninety-five licenses which are overdue for inspection. Sixty-five of these licenses are categorized as having inspection priorities from one to three years, of which twenty licenses are overdue by 50% or more of their respective inspection frequencies. Therefore, we recommend that an action plan be developed and implemented in a manner consistent with eliminating the overdue inspections beginning with those having the highest inspection priorities. The action plan should also contain numerical and timeframe goals for reducing the backlog, milestones to measure progress, and require periodic management review to ensure that these milestones are being met as specified in the timeframe goals.

Also, as you know, Updating of Regulations is a Category II Indicator. The Alabama Radiation Control regulations were revised in 1983 and normally, States are requested to update their regulations at least every three years to maintain uniformity and compatibility. We discussed with Mr. Godwin the changes that are needed for uniformity. He stated that the regulations would be updated in 1986. We believe that the State's plan for updating the Radiation Control regulations in 1986 is appropriate, and we request that this office be provided a copy of the final draft of the State's regulations.

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Enclosure 2 contains additional comments regarding the technical aspects of our review of your program. These comments were discussed with Mr. Aubrey V. Godwin and his staff during our exit meeting with him. You may wish to have Mr. Godwin address these comments.

Subsequent to your review of our recommendations, we would appreciate receiving your specific plans for improving the agreement materials program. After we have reviewed your responses to this letter and our letter of December 5, 1985 concerning the incident at the Browns Ferry exercise, we would like to meet with you to discuss our overall assessment and findings regarding the adequacy and compatibility of the program. A member of my staff will be contacting you shortly to establish a date in January, 1986 which is convenient for you to meet with us.

In accordance with NRC practice, I am providing as Enclosure 3 a copy of this letter for placement in the State's Public Document Room or otherwise made available for public review.

I appreciate the courtesy extended by you and your staff to Mr. Woodruff and Mr. Trojanowski during the review.

Sincerely,

J. Nelson Grace
Regional Administrator

Enclosures:

1. Application of "Guidelines for
NRC Review of Agreement State
Radiation Control Programs"
2. Comments and Recommendations on
Technical Aspects of the
Alabama Radiation Control
Program for Agreement Materials
3. Letter to Ira L. Myers, M.D.
State Health Officer
from J. Nelson Grace, dated
12 /20/85

cc w/encl:

James W. Cooper, Director
Environmental and Facility
Standards Administration
Aubrey V. Godwin, Director
Bureau of Radiological Health
G. Wayne Kerr, Director
Office of State Programs
NRC Public Document Room

bcc w/encl:
 R. L. Woodruff
 ✓ Document Control Desk SP01

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for **RET**
 RL Woodruff:vyg
 12/17/85

SGA:RII

RET
 RETrojanowski
 12/17/85

OSP

per telecon
 GWKerr
 12/18/85

EDO

per telecon
J. R. E
 WJDircks
 12/19/85

ORA:RII

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ENCLOSURE 1

APPLICATION OF "GUIDELINES FOR NRC REVIEW OF AGREEMENT STATE RADIATION CONTROL PROGRAMS"

The "Guidelines for NRC Review of Agreement State Radiation Control Programs," were published in the Federal Register on December 4, 1981 as an NRC Policy Statement. The Guide provides 30 Indicators for evaluating Agreement State program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the Indicators into 2 categories.

Category I indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I indicator areas, then the need for improvements may be critical.

Category II indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e., those that fall under Category I Indicators. Category II Indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety. If at least one significant Category I comment is provided, the State will be notified that the program deficiency may seriously affect the State's ability to protect the public health and safety and should be addressed on a priority basis. When more than one significant Category I comment is provided, the State will be notified that the need of improvement in the particular program areas is critical. The NRC would request an immediate response, and may perform a follow-up review of the program within six months. If the State program has not improved or if additional deficiencies have developed, the NRC may institute proceedings to suspend or revoke all or part of the Agreement. Category II comments would concern functions and activities which support the State program and therefore would not be critical to the State's ability to protect the public. The State will be asked to respond to these comments and the State's actions will be evaluated during the next regular program review.

ENCLOSURE 2

COMMENTS AND RECOMMENDATIONS ON TECHNICAL ASPECTS OF THE ALABAMA RADIATION CONTROL PROGRAM FOR AGREEMENT MATERIALS

I. MANAGEMENT AND ADMINISTRATION

- A. Quality of Emergency Planning is a Category I Indicator. The following comment of minor significance is made with our recommendation.

COMMENT

The emergency response plan should be reviewed annually by Program staff for adequacy and to determine that the content is current. We noted that the "Radiological Emergency Assistance Telephone Directory" which is sent to all licensees, was last revised in 1983. Since that revision, two persons on the directory have left, and the "pager" number has been changed. Mr. Godwin stated that the "telephone directory" was in the process of being revised.

RECOMMENDATION

We recommend that the Radiological Emergency Assistance Telephone Directory be evaluated on an annual basis and revised as appropriate.

- B. Administrative Procedures is a Category II Indicator. The following comments with our recommendations are made.

COMMENT

The Radiation Control Program should establish written internal procedures to assure that the staff performs its duties as required and to provide a high degree of uniformity and continuity in regulatory practices for functions required of the program.

1. On occasion the State has used materials under a license number 220, issued to the Bureau of Radiological Health for instrument calibration and teaching type functions that are required of the program. On at least one occasion, a training type function (Browns Ferry exercise) was performed without proper administrative authorization and written procedures. In addition, program functions performed under the license should be incorporated into the license to the same degree that would be required for any other specific licensee under similar uses and purposes, (e.g. protocol and procedures to assure adequate evaluation and control of the radiation hazards; documentation of receipt, use and disposal of materials; records of surveys, etc.).
2. The State uses an inspection frequency schedule that requires licenses to be inspected as frequent as the NRC schedule. However, the State's License Inspection Priority procedures (No. 202-A) have not been updated since September 25, 1981. Also, the State has adopted a new

license category system for fee assessment purposes but this system does not address the updated inspection categories and priorities. Inspection frequencies were obtained for each license category from both the Program Director and the Compliance Division Director. We noted a significant difference between the schedules provided by each person.

RECOMMENDATION

1. We recommend that written internal procedures be developed and implemented for all program functions that are performed under the Bureau license, and that appropriate authorizations, protocols and procedures be incorporated into the license.
2. We also recommend that the License Inspection Priority administrative procedures number 202-A be updated and incorporated into the data system as appropriate.

II. LICENSING

Licensing Procedures is a Category II Indicator. The following comment with our recommendation is made.

COMMENT

The State should have policy memoranda consistent with NRC practice.

1. Several of the licenses reviewed, had been "amended in its entirety". However, these amended licenses listed one or more previous license applications in the tie-down condition. We believe that this practice could lead to licensee confusion as to precisely what information that is still obligated, and also could lead to enforcement problems if any of the previous applications contained conflicting information.
2. It is NRC policy to utilize a standard condition for "inventory control" on all fixed gauge licenses. The Licensing Director stated that due to the lost gauge incident in Opelika, Alabama, a similar condition is now being incorporated into all "fixed gauge" licenses as they come up for review. We noted inconsistency in this Alabama policy in 3 out of 6 fixed gauge casework files that were reviewed.

RECOMMENDATION

We recommend that the State review their licensing policies, document any changes in policy, and take regulatory action as appropriate with regard to the following issues:

1. Modification of the tie-down condition when licenses are "amended in their entirety" to avoid any conflicting requirements. Previous submittals should be reviewed for possible deletions from the tie-down condition.

2. Use of the "inventory control" standard condition for fixed gauge licensees and their notification of the regulatory requirement.

III. COMPLIANCE

Inspection Reports is a Category II Indicator. The following comment is made with our recommendation.

COMMENT

Inspection findings should be documented in a report describing the scope of inspection, the scope of licensee's programs, discussions with licensee management and the licensee's response, and substantiate all items of noncompliance and health and safety matters. Reports should be uniform and adequately document the results of inspections, including independent or confirmatory measurements made by the inspector, status of previous noncompliance and identify areas of the licensee's program which should receive special attention at the next inspection. The State uses inspection reports that have a similar format as the field notes used by NRC but some of the forms are in need of updating. With the addition of new inspectors, uniform documentation becomes more important. In particular, we noted that the inspection forms do not adequately document licensee transportation requirements or compliance with these requirements. Additional copies of inspection forms used by NRC were provided under separate cover.

RECOMMENDATION

We recommend that the State review their inspection forms for content, and revise them as appropriate to provide uniform documentation of inspection requirements.