

November 26, 2003

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

Dear Mr. Whatley:

A periodic meeting with the Alabama Office of Radiation Control was held on October 30, 2003. 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 program strengths, staffing and training, performance of licensing and inspection activities, incidents and allegations and the updating of regulations for compatibility.

I have completed and enclosed a general meeting summary. There were no specific actions identified during 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](mailto:rlw@nrc.gov) to discuss your concerns.

Sincerely,

*/RA/*

Richard L. Woodruff  
Agreement State Officer  
Region I - Atlanta Office

Enclosure: Alabama Meeting Report

cc w/encl:  
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## AGREEMENT STATE PERIODIC MEETING SUMMARY FOR ALABAMA

DATE OF MEETING: October 30, 2003

### ATTENDEES:

#### NRC

Richard L. Woodruff, RSAO, Region I - Atlanta Office  
Aaron T. McCraw, STP

#### STATE

Kirksey E. Whatley, Director, Office of Radiation Control (ORC)  
James L. McNees, Assistant Director, ORC  
David Walter, Director, Licensing Branch, ORC  
David Turberville, Director, Inspection Branch, ORC

### DISCUSSION:

A meeting was held with the Alabama representatives on October 30, 2003 in Montgomery, Alabama. The topics listed in NRC letter dated July 30, 2003 (ML 032110344), 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 8 -12, 2002. During the 2002 review, no recommendations or suggestions were made by the team. The Management Review Board met on June 24, 2002, concurred on the team's findings, and found the Alabama program adequate to protect public health and safety and compatible with the Nuclear Regulatory Commission's program.

#### 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 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 Organization of Agreement States, and the Conference of Radiation Control Program Directors.
3. The Program Director demonstrated the use of a state-wide communication system for

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contacting staff as needed during routine working conditions and its availability for emergency use.

4. The Director related that sufficient equipment and instrumentation was available for routine inspections and event evaluations. Most of the survey equipment is calibrated in-house by the staff.
5. The program conducts a certification program for Industrial Radiography. Exam dates and application forms are available, and examination dates for 2004 have been scheduled in Montgomery, Alabama on February 17, June 30, August 10, and December 7, 2004.
6. All but one of the X-Ray staff have completed the ORISE five week Health Physics course, and they are being cross trained as materials inspectors.

Status of Program And/or Policy Changes

The organizational chart of the Office of Radiation Control was updated on July 7, 2003. The Office has a Director, an Assistant Director, and four technical Branches: Inspection Branch; Licensing Branch; Healing Arts and X-Ray Branch; and the Emergency Planning and Environmental Monitoring Branch. The Office is organized under the Department of Public Health and the Office Director reports to the State Health Officer, Donald E. Williamson, MD.

All materials licensing and inspections are performed out of the Montgomery, AL office. The staffing has been stable since the review except for one X-Ray position. The program is fully staffed and no major changes in the staffing plan are planned at this point.

The Assistant Director is a Certified Health Physicist, provides technical assistance to the staff, handles complaints and allegations, monitors the IMPEP performance indicators, and conducts a Radon monitoring/awareness program.

The number of specific licensees remains relatively stable. The program currently has 429 specific licenses of which 217 are core licenses (52 priority one, 21 priority two, and 144 priority three). The program has a Sealed Source & Device capability but there are no sealed source or device manufacturers in the State.

The program is funded by fees which are established by law at 75% of the applicable fees charged by NRC. Travel per diem has been decreased for all State employees; however, the program managers reported that field work was continuing, and there were no inspection backlogs or licensing backlogs.

#### Impact of NRC Program Changes

The NRC representatives briefly discussed NRC program changes that could impact the State, such as the national materials program, decommissioning, NRC's training program, revision of licensing guides (NUREG 1556 Series), ongoing work for generally licensed devices, and source security and accountability.

#### Internal Program Audits And Self-assessments.

The program conducts self-assessments utilizing the IMPEP indicator guidance criteria prior to the IMPEP's, and the Management Review Board previously acknowledged that this was a good practice. The Assistant Director has participated on several IMPEP teams and monitors the status of the indicators in the Alabama program. The 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 alleege's identity, written responses to the alleege 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 2002 IMPEP, and that the State's allegation report had been received by the NRC Regional (Atlanta) 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

The RSAO discussed in general the mechanism for reporting events, what events to report, the timeliness of reporting, completeness of the reports, and closing out the reports. A printout of the events reported to the NMED system since the April 12, 2002 IMPEP was reviewed and discussed, and the reports show that events are being appropriately reported and documented to NRC and the NMED system.

#### Compatibility of State Regulations

The STP'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 and discussed, which shows that 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).

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The Office Director related that the Inspection Branch supervisor was in the process of drafting proposed regulations that will be needed for compatibility.

Schedule for the Next IMPEP Review

The State was informed that the next Alabama IMPEP review is currently scheduled for the 2006 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 effective management, 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, Organization of Agreement State activities, and NRC/State working groups. All of the IMPEP Indicators were discussed and there were no performance issues identified during the meeting.

ACTION ITEMS:

None