

July 13, 2006

Donald E. Williamson, M.D.
State Health Officer
Alabama Department of Public Health
P. O. Box 303017
Montgomery, AL 36130-3017

Dear Dr. Williamson:

On June 29, 2006, the Management Review Board (MRB) met to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report on the Alabama Agreement State Program. The MRB found the Alabama program adequate to protect public health and safety and compatible with the U.S. Nuclear Regulatory Commission's program.

Section 5.0, page 9, of the enclosed final report contains a summary of the IMPEP team's findings. There were no recommendations for the State of Alabama resulting from this IMPEP review. Based on the results of the current IMPEP review, the next full review of the Alabama Agreement State Program will take place in approximately four years, with a periodic meeting tentatively scheduled for April 2008.

By way of NRC Order EA-05-090, the NRC imposed increased controls on licensees possessing certain radioactive materials in risk significant quantities. The Agreement States were required to impose the same controls on licensees possessing certain radioactive materials in risk significant quantities in their jurisdiction. The MRB recognizes the efforts of the Alabama Agreement State Program in imposing the increased controls upon their affected licensees and ensuring their licensees are in compliance. The Office of Radiation Control (the Office) within the state of Alabama, has commenced the inspections of licensees subject to increased controls and is on target to completing all the inspections of higher risk licensees within the first year of implementation. The MRB appreciates the level of effort put forth by the Office in making sure the inspections of higher risk licensees are completed in a timely manner.

I appreciate the courtesy and cooperation extended to the IMPEP team during the review. I also wish to acknowledge your continued support for the Agreement State program and the excellence in program administration demonstrated by your staff, as reflected in the team's findings. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

/RA/

Martin J. Virgilio
Deputy Executive Director for Materials, Research,
State and Compliance Programs
Office of the Executive Director for Operations

Enclosure:
As stated

cc w/ encl: Kirksey E. Whatley, Director
Office of Radiation Control
Alabama Department of Public Health

John Parker, New Mexico
Organization of Agreement States
Liaison to the MRB

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM
REVIEW OF ALABAMA AGREEMENT STATE PROGRAM

April 3-7, 2006

FINAL REPORT

U.S. Nuclear Regulatory Commission

1.0 INTRODUCTION

This report presents the results of the review of the Alabama Agreement State Program. The review was conducted during the period of April 3-7, 2006, by a review team comprised of technical staff members from the Nuclear Regulatory Commission (NRC) and the State of Texas. Team members are identified in Appendix A. The review was conducted in accordance with the "Implementation of the Integrated Materials Performance Evaluation Program and Rescission of Final General Statement of Policy," published in the Federal Register on October 16, 1997, and the February 26, 2004, NRC Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)." Preliminary results of the review, which covered the period of April 13, 2002, to April 7, 2006, were discussed with Alabama management on the last day of the review.

A draft of this report was issued to Alabama for factual comment on April 28, 2006. The State responded by letter on May 16, 2006, from Kirksey E. Whatley, Director, Office of Radiation Control (the Office). The Management Review Board (MRB) met on June 29, 2006, to consider the proposed final report. The MRB found the Alabama Agreement State Program adequate to protect public health and safety, and compatible with NRC's program.

The Alabama Agreement State Program is administered by the Office, which is located within the Department of Public Health (the Department). The Director of the Office reports to the State Health Officer, who serves as the Director of the Department. Organization charts for the Department and the Office are included as Appendix B. At the time of the review, the Alabama Agreement State Program regulated 438 specific licenses authorizing Agreement materials. The review focused on the materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of Alabama.

In preparation for the review, a questionnaire addressing the common and non-common performance indicators was sent to the Office on January 24, 2006. The Office provided its response to the questionnaire on March 27, 2006. A copy of the questionnaire response may be found on the NRC's Agencywide Documents Access and Management System (ADAMS) using the Accession Number ML060870402.

The review team's general approach for conduct of this review consisted of: (1) examination of Alabama's response to the questionnaire; (2) review of applicable Alabama statutes and regulations; (3) analysis of quantitative information from licensing and inspection databases; (4) technical review of selected files; (5) two field accompaniments of an Alabama inspector; and (6) interviews with staff and management to answer questions or clarify issues. The review team evaluated the information gathered against the IMPEP performance criteria for each common and applicable non-common indicator and made a preliminary assessment of the Agreement State program's performance.

Section 2 below discusses the Program's actions in response to recommendations made during the previous review. Results of the current review for the IMPEP common performance indicators are presented in Section 3. Section 4 discusses results of the applicable non-common performance indicators, and Section 5 summarizes the review team's findings.

2.0 STATUS OF ITEMS IDENTIFIED IN PREVIOUS REVIEWS

During the previous IMPEP review, which concluded on April 12, 2002, no recommendations were made by the review team.

3.0 COMMON PERFORMANCE INDICATORS

IMPEP identifies five common performance indicators to be used in reviewing both NRC Regional and Agreement State programs. These indicators include: (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

3.1 Technical Staffing and Training

Issues central to the evaluation of this indicator include the Office's staffing level and staff turnover, as well as the technical qualifications and training histories of the staff. To evaluate these issues, the review team examined the Office's questionnaire response relative to this indicator; interviewed Office management and staff; and reviewed job descriptions, training plans, and training records. The review team also considered any possible workload backlogs in evaluating this indicator; however, no licensing or inspection casework backlogs were identified.

The Office has a Director, an Assistant Director, and four technical Branches: the Inspection Branch; the Licensing Branch; the Healing Arts and X-Ray Branch; and the Emergency Planning and Environmental Monitoring Branch. The Inspection and Licensing Branches make up the Agreement State program. The Office Director spends approximately twenty percent of his time on Agreement State program activities. Among other duties, the Assistant Director, who is a Certified Health Physicist, provides technical assistance to the staff and handles allegations.

There are two technical staff positions and one Branch Director position in both the Inspection Branch and Licensing Branch. One staff member is new to the Alabama materials program and one staff member has returned to the Office after 20 years of service with another Agreement State program. The Office currently has no vacancies in the Agreement State program.

The Office Director is very supportive of staff training opportunities, as well as staff participation in working groups. All but two staff members have attended the five-week Health Physics course conducted by the Oak Ridge Institute of Science and Education. The remaining two staff members were attending the course during the week of the review. The Inspection Branch Director and primary inspector both attended the NRC Security Systems and Principles Course in Autumn 2005. The Licensing Branch Supervisor attended the NRC Security Systems and Principles Course in April 2006, and the Office is allocated two more slots for Fiscal Year 2007.

The review team noted that the Office experienced stable funding during the review period due to the Alabama law that established radioactive materials licensing fees at 75 percent of the fees that the NRC charges its materials licenses. The Office is fully funded from fees.

The Office has a documented training plan that is consistent with the guidance in the NRC/Organization of Agreement States Training Working Group Report and NRC's Inspection Manual Chapter (MC) 1246. They also have on-the-job training to supplement the course work so that individuals may broaden their work areas. New staff members are assigned increasingly complex licensing duties and accompany more experienced inspectors during increasingly complicated inspections under the direction of their Branch Director. Inspectors are assigned independent inspections after demonstrating competence during accompaniment evaluations by the Branch Director. The team confirmed that the new staff are in the process of gaining qualifications at an appropriate pace.

The Radiation Advisory Board (the Board) is an advisory board to the State Health Officer. The Board serves in an advisory capacity when requested by the State Health Officer. Several members of the Board are either licensed themselves or work for licensees. Members of the Board are required to file annual Ethics Commission Statements regarding their service and possible conflicts of interests.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Alabama's performance with respect to the indicator, Technical Staffing and Training, was satisfactory.

3.2 Status of Materials Inspection Program

The review team focused on five factors while reviewing this indicator: inspection frequency, overdue inspections, initial inspections of new licenses, timely dispatch of inspection findings to the licensees, and the performance of reciprocity inspections. The review team's evaluation is based on the Office's questionnaire response relative to this indicator, data gathered from the Office's licensee database, examination of completed inspection casework, and interviews with staff.

A Department memorandum dated May 12, 2004, entitled "License and Registration Inspections Priority," established that inspections be conducted in accordance with the priority schedule provided in MC 2800, with more frequent inspections in some categories. For example, all NRC Priority T (telephone) programs are considered Priority 5 by the Office. The memorandum also established a policy for more frequent inspections of licensees whose previous inspection identified violations, based on severity and repetition.

The Office maintains an "Inspections Due" database, sorted by priority, to identify the inspection due dates of all licensees. The database contains sufficient information for proper management of the inspection program. The Inspection Branch conducts an average of 106 inspections per year. Only one inspection was conducted overdue during the review period. This inspection was incorrectly coded as an out-of-State licensee, which resulted in a delay in conducting the initial inspection. The percentage of overdue inspections was below one percent of the inspections conducted by the Office during the review period.

The review team noted that the Office routinely performed inspections of materials licensees on an unannounced basis, except for initial inspections. Initial inspections of new licensees are scheduled for nine months after the date the license is issued. An inspection is performed before the end of the first year of license issuance independent of whether materials have been acquired or not. Fifty-five initial inspections were performed during the review period. All initial

inspections were conducted within the scheduled interval, except for the one overdue inspection mentioned above.

NRC allows Agreement State licensees 180 days of use of radioactive materials in NRC jurisdiction under reciprocity. Alabama regulations only allow 30 days of use of radioactive materials in the State under reciprocity. After 30 days, an out-of-State Alabama license must be obtained. Holders of these out-of-State licenses are required to give a notification in advance of any use of radioactive material in Alabama.

Because of the short reciprocity interval, the review team could not directly apply the reciprocity inspection goal of 20 percent, as prescribed by MC 1220, to this program. Many companies have out-of-State Alabama licenses and are inspected annually by the program. The review team found that many of the reciprocity licensees entered the State for one to two days throughout the year for jobs lasting only a few hours each trip, and thus attempted inspections were not able to be completed. Office management indicated that performing reciprocity inspections remains a goal of the Office. The review team concluded that the Office's performance of reciprocity inspections over the review period was acceptable.

The timeliness of the issuance of inspection findings was evaluated by the team's review of inspection casework. Fifty-four inspection reports from 25 inspection files were reviewed for timeliness. All inspection reports are signed by the Inspection Branch Director. The inspection results were transmitted to licensees within 30 days, with four exceptions. All four overdue letters involved enforcement actions.

In accordance with the Commission Staff Requirements Memorandum (SRM) for COMSECY-05-0028, on increased controls, the Office has started performing inspections of higher risk licensees to ensure the licensees are in compliance with the requirements of the increased controls. The Office is on target to complete all inspections of higher risk licensees within the first year of implementation.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Alabama's performance with respect to the indicator, Status of Materials Inspection Program, was satisfactory.

3.3 Technical Quality of Inspections

The review team evaluated the inspection reports, enforcement documentation, and inspection field notes, and interviewed inspectors for 25 radioactive materials inspections conducted during the review period. The casework reviewed included inspections by six materials inspectors and covered inspections of various types including: industrial radiography, medical broad scope, medical institutions, nuclear pharmacies, research and development, nuclear laundry, blood irradiator, and source material. Appendix C lists the inspection casework reviewed for completeness and adequacy.

Based on the casework reviews, the review team found that routine inspections covered all aspects of a licensee's radiation protection program. Inspection reports were thorough, complete, consistent, and of high quality, with sufficient documentation to ensure acceptable performance with respect to health and safety by the licensee. Previous violations and other findings are reviewed during each subsequent inspection. Draft reports were reviewed and

approved by supervisors in a timely manner. Inspection findings led to appropriate and prompt regulatory action. Team inspections were performed when appropriate and for training purposes.

Documentation in the inspection files adequately supported any cited violations, recommendations made to licensees, unresolved safety issues, and discussions held with the licensee during exit meetings. The review team noted that the inspector checklists do not specifically mention public dose assessments and the effluent Constraint Rule requirements, and therefore there was no documentation of inspection reviews in these areas when licensees are in compliance. Violations of these requirements would be specifically noted in an inspection report and a notice of violation would be issued to the licensee. The review team discussed the benefits of including these items in the inspector checklists for completeness.

During the review period, the Inspection Branch Director performed annual accompaniments of the fully-qualified inspector and performed additional accompaniments of the new inspector going through the qualification process. The review team noted that the Inspection Branch Director conducted materials inspections on a routine basis (about once per month); however, since the Office's internal procedures do not require accompaniments for a Director, he was not accompanied annually. The review team found this practice acceptable because of the extensive experience of the Inspection Branch Director.

The review team noted that all technical staff members are equipped with a combination cell phone/two-way radio for communication. Inspectors can contact the Office immediately if there is a problem in the field. The inspectors can also be reached anywhere in the State of Alabama if the need arises.

The Office maintains a sufficient number and variety of survey instruments to perform radiological surveys of materials licensees. The review team examined the State's instrumentation and observed that the survey instruments were calibrated and operable.

The review team accompanied one materials inspector during the period of March 7-8, 2006. The inspector was accompanied on inspections of a medical licensee and an industrial radiography licensee. These accompaniments are identified in Appendix C. During the accompaniments, the inspector demonstrated appropriate performance-based inspection techniques and knowledge of regulations. The inspector was prepared and was thorough in the reviews of the licensees' radiation safety programs. Overall, the technical performance of the inspector was excellent and adequately assessed radiological health and safety.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Alabama's performance with respect to the indicator, Technical Quality of Inspections, was satisfactory.

3.4 Technical Quality of Licensing Actions

The review team examined completed licensing casework and interviewed license reviewers for 17 specific licenses. Licensing actions were reviewed for completeness, consistency, proper radioisotopes and quantities, qualifications of authorized users, adequate facilities and equipment, adherence to good health physics practices, financial assurance, operating and emergency procedures, appropriateness of the license conditions, and overall technical quality.

The casework was also reviewed for timeliness, use of appropriate deficiency letters and cover letters, reference to appropriate regulations, product certifications, supporting documentation, consideration of enforcement history, pre-licensing visits, supervisory review as indicated, and proper signatures. The casework was checked for retention of necessary documents and supporting data.

The licensing casework was selected to provide a representative sample of licensing actions that were completed during the review period. Licensing actions selected for evaluation included three new licenses, five renewals, nine amendments, and two terminations. The sampling included the following types of licenses: medical (institution, private practice, and broad scope), nuclear laundry, industrial radiography, well logging, portable and fixed gauges, radioisotope and sealed source radiotherapy, decontamination services, and a nuclear pharmacy. A listing of the licensing casework evaluated can be found in Appendix D.

The review team found that the licensing actions were thorough, complete, consistent, and of acceptable quality with health and safety issues properly addressed. Licenses are issued for a five year period under a timely renewal system. License tie-down conditions were stated clearly, backed by information contained in the file, and inspectible. Standard license conditions are used. The licensee's compliance history was taken into account when reviewing all renewal applications and major amendments. Terminated licensing actions are well documented, showing appropriate transfer and survey records. The exemptions noted in the questionnaire response relative to this indicator were determined to be appropriate and well documented by license conditions.

In addition to review by the license reviewer, the Licensing Branch Director performs a technical review on all licensing actions. All licenses are signed by the Office Director and the State Health Officer.

The review team examined the licensees that the Office had determined met the criteria for the increased controls per COMSECY-05-0028. The review team determined that the Office had correctly identified the licensees that require increased controls based on this criteria, and will continue to issue increased controls to any additional licensees, as appropriate. Each licensee was issued a license amendment requiring increased controls in accordance with the time lines established by the Commission in the Staff Requirements Memorandum (SRM) for COMSECY-05-0028.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Alabama's performance with respect to the indicator, Technical Quality of Licensing Actions, was satisfactory.

3.5 Technical Quality of Incident and Allegation Activities

In evaluating the effectiveness of the Office's actions in responding to incidents, the review team examined the Office's response to the questionnaire relative to this indicator, evaluated selected incidents reported for Alabama in the Nuclear Material Events Database (NMED) against those contained in the Office files, and evaluated the casework and supporting documentation for radioactive materials incidents. A list of the incident casework examined, with case-specific comments, is included in Appendix E. The team also reviewed the Office's response to allegations involving radioactive materials including those referred to the State by

the NRC during the review period. The review team also discussed the Office's incident and allegation policies, procedures, files, and tracking system with the staff.

The review team identified 174 incidents in NMED for the State of Alabama during the review period and selected 17 incidents for review. The incidents included: damaged equipment, equipment failures, a fire, medical events, an abnormal occurrence, lost and stolen radioactive material, leaking sources, and an overexposure. The review team found that the Office's response to incidents was complete and comprehensive. Initial responses were prompt and well-coordinated, and the level of effort was commensurate with the health and safety significance. The Office dispatched inspectors for on-site investigations when appropriate, and took suitable enforcement and follow-up actions.

The responsibility for initial response and follow-up actions to materials incidents may be assigned to any member of the materials program. Upon receipt, Office staff reviews the incident, decides on the appropriate response, and logs the incident into the Office's log book. Documentation related to an incident is placed both in an incident file and in the appropriate license docket file.

The Office's incident procedure indicates that events requiring immediate notification be provided to the NRC within 24 hours, and 30-60 day reportable events are provided to the NRC in monthly reports. The review team noted that the Office usually meets the 24 hour notification of significant events. All the incidents requiring 30-60 day notification were reported to the NRC within the required time frame. The Office uses the latest NMED software to track all radioactive material incidents. Three staff members are trained in the use of the computer system and one staff member manages the State's submissions. The Office promptly responded to requests for information from the NMED contractor by e-mails with attachments.

In evaluating the effectiveness of Alabama's actions responding to allegations, the review team examined the Office's questionnaire response relative to this indicator, casework for the three allegations referred to the State by the NRC as well as the casework for four additional allegations reported directly to the State. The team noted that the State receives a relatively small number of allegations. The Office evaluates each allegation and determines the proper level of response. The review of the casework indicated that the Office took prompt and appropriate action in response to the concerns raised. All of the allegations reviewed were appropriately closed and the review team noted that allegations were treated and documented internally in the same manner as incidents. The State makes every effort to protect an allegeder's identity, and it is only released for a good cause. There were no performance issues identified from the review of the casework documentation.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Alabama's performance with respect to the indicator, Technical Quality of Incident and Allegation Activities, was satisfactory.

4.0 NON-COMMON PERFORMANCE INDICATORS

IMPEP identifies four non-common performance indicators to be used in reviewing Agreement State Programs: (1) Compatibility Requirements; (2) Sealed Source and Device Evaluation Program; (3) Low-Level Radioactive Waste Disposal Program; and (4) Uranium Recovery Program. Only the first non-common performance indicator was applicable to this review.

4.1 Compatibility Requirements

4.1.1 Legislation

Legislative authority to create the program and enter into an Agreement with the NRC was granted in 1963 (Acts of 1963, No. 582). The State Board of Health is designated as the State's radiation control agency. Along with the Office's response to the questionnaire relative to this indicator, the staff provided the review team with the opportunity to review copies of legislation that affects the radiation control program. The review team noted that the legislation had not changed since the previous IMPEP review.

4.1.2 Program Elements Required for Compatibility

The State regulations for control of radiation are located in Chapter 420-3-26 of the Alabama regulations for Control of Radiation and apply to ionizing and non-ionizing radiation, whether emitted from radionuclides or devices. Alabama requires a license for possession and use of radioactive materials, including naturally-occurring and accelerator-produced radioactive material.

The review team examined the procedures used in the State's rulemaking process and found that the public and other interested parties are offered an opportunity to comment on proposed regulation changes. Rulemaking responsibility is assigned to the Office Director. Draft regulations are sent to the NRC for review. The package of proposed regulations prepared by the Office requires review by the Alabama Office of General Counsel and approval from the State Committee of Public Health (SCPH). The State has Emergency Rule capability, if public health and safety is at risk. Although the State's rules and regulations are not subject to "sunset" laws, the entire program is subject to a sunset review every four years. The most recent review in 2005 recommended for continuance of the program.

The review team evaluated Alabama's response to the questionnaire relative to this indicator, reviewed the status of regulations required to be adopted by the State under the Commission's adequacy and compatibility policy, and verified the adoption of regulations with data obtained from the Office of State and Tribal Program's State Regulation Status Data Sheet. Since the previous IMPEP review, the Department adopted two regulation amendments. These regulations were:

- "Respiratory Protection and Controls to Restrict Internal Exposures," 10 CFR Part 20 amendment (64 FR 54543; 64 FR 55524).
- "Revision of the Skin Dose Limit," 10 CFR Part 20 amendment (67 FR 16298).

At the time of the on-site review, the Office had six regulations in one rule package that was out for public comment. The package was adopted by SCPH and became effective on June 22, 2006. The entire rule package was delayed within STP, due to the resolution of issues associated with the regulation "Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material."

The Office will need to address the following three regulations in upcoming rulemakings or by adopting alternate legally-binding requirements:

- “Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments,” 10 CFR Part 71 amendment (69 FR 3697) that became effective October 1, 2004.
- “Security Requirements for Portable Gauges Containing Byproduct Material,” 10 CFR Part 30 amendment (70 FR 2001) that became effective July 11, 2005.
- “Medical Use of Byproduct Material - Recognition of Specialty Boards; Correction,” 10 CFR Part 35 amendment (71 FR 1926) that became effective January 12, 2006.

In order to inform portable gauge licensees of the new requirements for security of portable gauges in a timely manner, on January 15, 2004, the Office issued a letter describing acceptable means of the use of two independent physical controls.

Based on IMPEP evaluation criteria, the review team recommended and the MRB agreed that Alabama’s performance with respect to the indicator, Compatibility Requirements, was satisfactory.

5.0 SUMMARY

As noted in Sections 3 and 4 above, Alabama’s performance for all applicable performance indicators was satisfactory. The review team made no recommendations regarding the performance of the Alabama Agreement State Program. Accordingly, the review team recommended and the MRB agreed that the Alabama Agreement State Program is adequate to protect public health and safety and compatible with NRC’s program. The review team recommended and the MRB agreed that the next full IMPEP review take place in approximately four years.

LIST OF APPENDICES AND ATTACHMENT

Appendix A	IMPEP Review Team Members
Appendix B	Alabama Organization Charts
Appendix C	Inspection Casework Reviews
Appendix D	License Casework Reviews
Appendix E	Incident Casework Reviews
Attachment	May 16, 2006 Letter from Kirksey E. Whatley Alabama's Response to Draft IMPEP Report

APPENDIX A

IMPEP REVIEW TEAM MEMBERS

Name	Area of Responsibility
Sheri Minnick, Region I	Team Leader Technical Staffing and Training
Robert Evans, Region IV	Status of Materials Inspection Program Technical Quality of Inspections Inspector Accompaniments
Eric Skotak, TX	Technical Quality of Licensing Actions
Cardelia Maupin, STP	Technical Quality of Incident and Allegation Activities
Sandra Wastler, NMSS	Compatibility Requirements

APPENDIX B

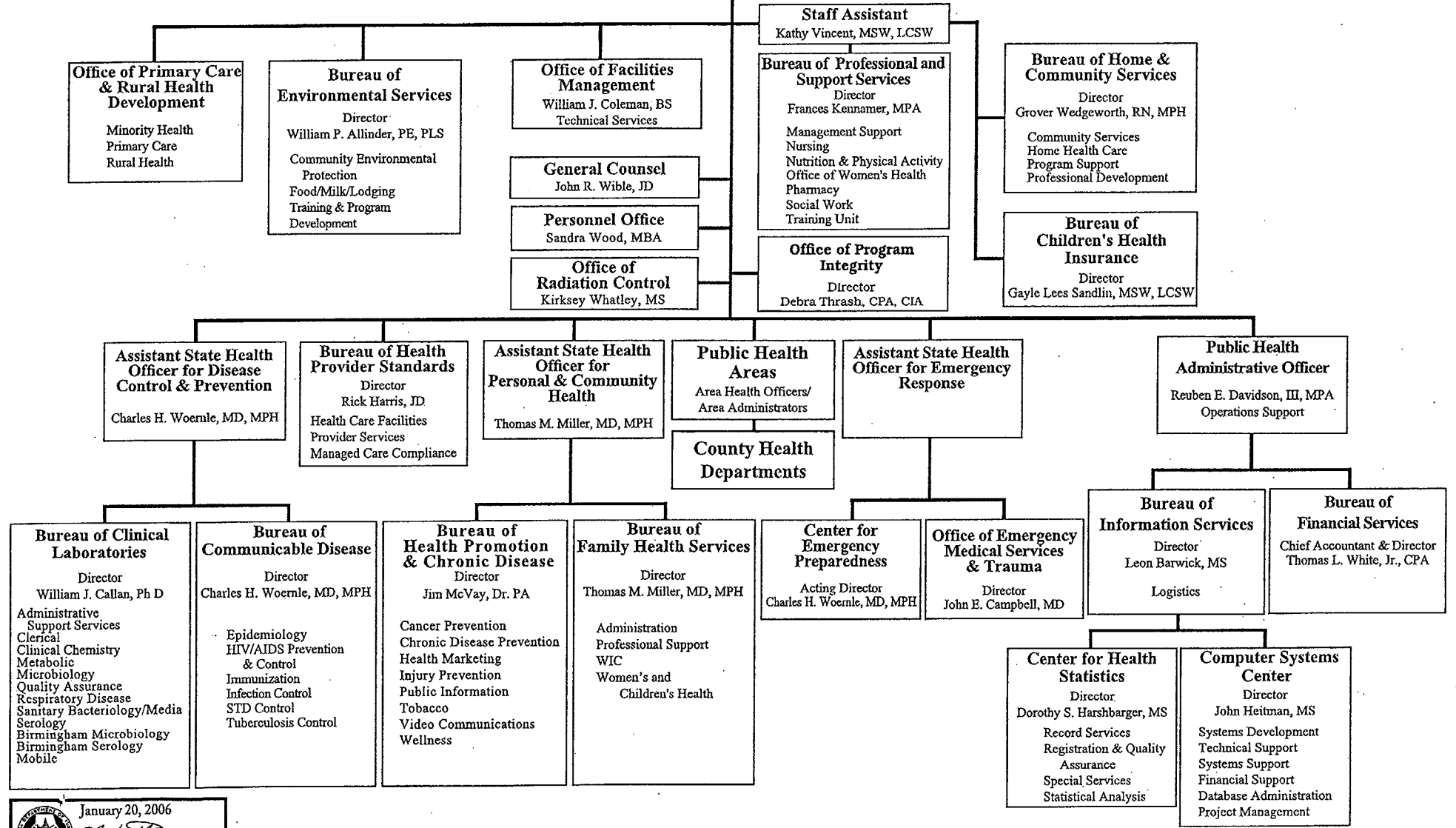
ALABAMA ORGANIZATION CHARTS

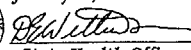
ADAMS: ML061020532

ORGANIZATION OF THE ALABAMA DEPARTMENT OF PUBLIC HEALTH

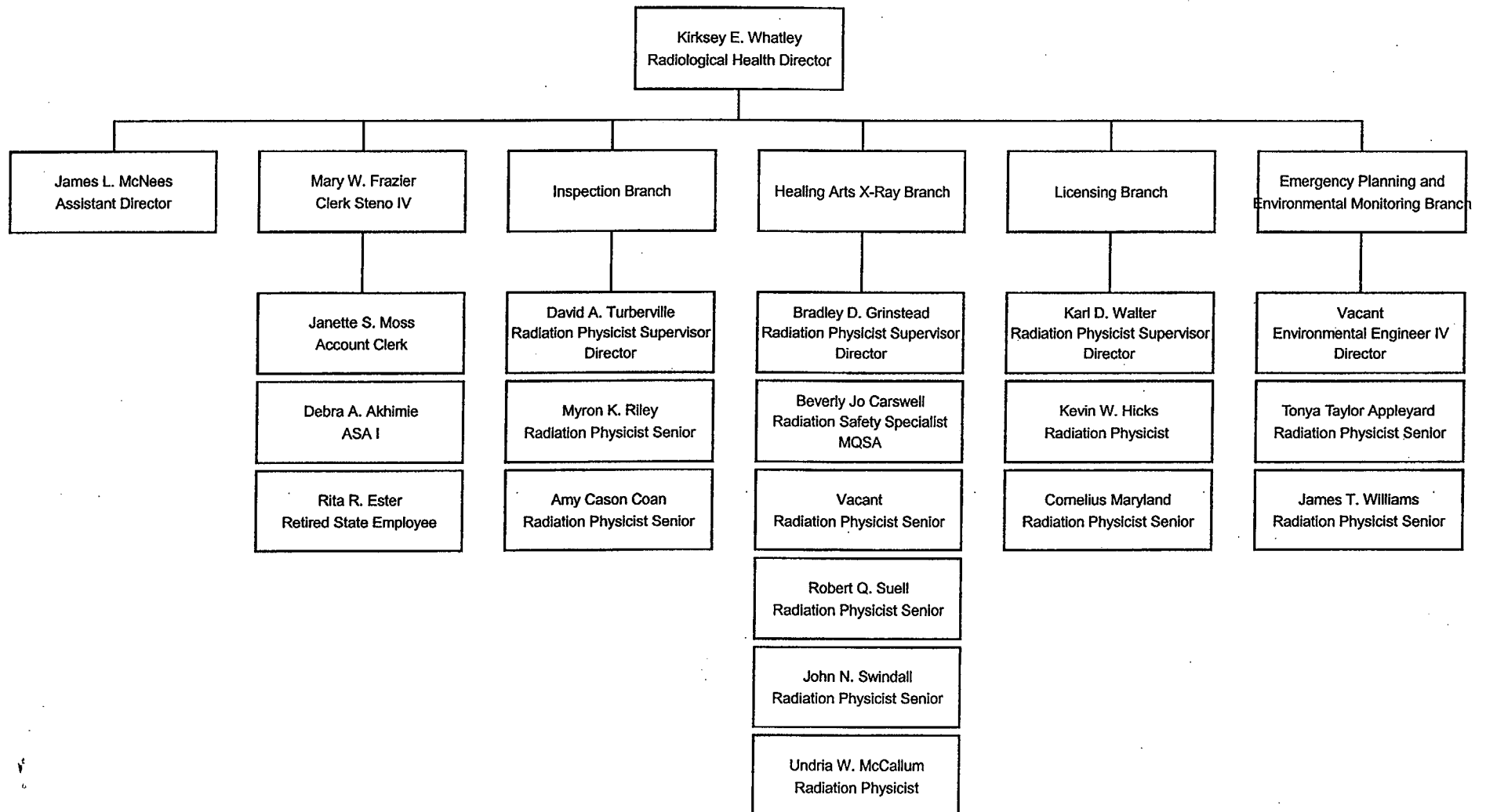
STATE GOVERNMENT
STATE BOARD OF HEALTH
STATE COMMITTEE OF PUBLIC HEALTH

STATE HEALTH OFFICER
Donald E. Williamson, MD



January 20, 2006

 State Health Officer

Office of Radiation Control



APPENDIX C

INSPECTION CASEWORK REVIEWS

NOTE: CASEWORK LISTED WITHOUT COMMENT ARE INCLUDED FOR COMPLETENESS ONLY. NO SIGNIFICANT COMMENTS WERE IDENTIFIED BY THE REVIEW TEAM.

File No.: 1 Licensee: Space Science Services, Inc. Inspection Type: Routine, Unannounced Inspection Date: 8/23/05	License No.: 217 Priority: 1 Inspectors: KH, MR
File No.: 2 Licensee: University of Alabama - Birmingham Inspection Type: Routine, Unannounced Inspection Dates: 2/07-10/06	License No.: 266 Priority: 1 Inspectors: DT, MR
File No.: 3 Licensee: University of South Alabama Inspection Type: Routine, Unannounced Inspection Dates: 10/5-13/05	License No.: 584 Priority: 1 Inspector: MR
File No.: 4 Licensee: Southern Company Inspection Type: Routine, Unannounced Inspection Date: 12/6/05	License No.: 644 Priority: 1 Inspector: MR
File No.: 5 Licensee: GE Inspection Services, Inc. Inspection Type: Routine, Announced Inspection Date: 1/10/06	License No.: 754 Priority: 1 Inspector: MR
File No.: 6 Licensee: Cardinal Health (Huntsville) Inspection Type: Routine, Unannounced Inspection Date: 2/16/06	License No.: 1068 Priority: 1 Inspector: MR
File No.: 7 Licensee: MISTRAS Holding Group Inspection Type: Routine, Unannounced Inspection Date: 2/15/06	License No.: 1075 Priority: 1 Inspector: MR
File No.: 8 Licensee: Cox Nuclear Pharmacy Inspection Type: Routine, Unannounced Inspection Date: 2/25/05	License No.: 1111 Priority: 1 Inspector: MR
File No.: 9 Licensee: Unified Testing and Engineering Inspection Type: Routine, Unannounced Inspection Date: 3/7/06	License No.: 1128 Priority: 1 Inspector: MR

File No.: 10

Licensee: Cardinal Health (Birmingham)
Inspection Type: Routine, Unannounced
Inspection Date: 12/7/05

License No.: 1168
Priority: 1
Inspector: MR

File No.: 11

Licensee: Oceaneering International, Inc.
Inspection Type: Routine, Unannounced
Inspection Date: 7/7/05

License No.: 1255
Priority: 1
Inspector: DT

File No.: 12

Licensee: Team Industrial Services, Inc.
Inspection Type: Routine, Unannounced
Inspection Date: 7/7/05

License No.: 1313
Priority: 1
Inspectors: DT, RS

File No.: 13

Licensee: American Cast Iron Pipe Co.
Inspection Type: Routine, Unannounced
Inspection Date: 3/10/05

License No.: 338
Priority: 2
Inspector: MR

File No.: 14

Licensee: Brookwood Medical Center
Inspection Type: Routine, Unannounced
Inspection Dates: 5/6-7/04

License No.: 459
Priority: 2
Inspector: MR

File No.: 15

Licensee: Wyle Laboratories
Inspection Type: Routine, Unannounced
Inspection Dates: 8/26-27/04

License No.: 525
Priority: 2
Inspector: MR

File No.: 16

Licensee: Eastern Technologies
Inspection Type: Routine, Unannounced
Inspection Dates: 5/18-19/05

License No.: 947
Priority: 2
Inspector: MR

File No.: 17

Licensee: Tri-State Cancer Center
Inspection Type: Initial Inspection
Inspection Due: 7/19/06

License No.: 1423
Priority: 2
Inspector: N/A

File No.: 18

Licensee: Southern Research Institute
Inspection Type: Routine, Unannounced
Inspection Dates: 3/15-16/05

License No.: 262
Priority: 3
Inspector: MR

File No.: 19

Licensee: Shelby Baptist Medical Center
Inspection Type: Routine, Unannounced
Inspection Date: 3/8/06

License No.: 498
Priority: 3
Inspector: MR

File No.: 20

Licensee: Rusty's Well Service
Inspection Type: Routine, Unannounced
Inspection Date: 9/20/02

License No.: 1005
Priority: 3
Inspector: DT

File No.: 21

Licensee: State of Alabama, Dept. of Public Health
Inspection Type: Routine, Unannounced
Inspection Date: 10/3/03

License No.: 220
Priority: 5
Inspector: BS

File No.: 22

Licensee: Qore, Inc.
Inspection Type: Routine, Unannounced
Inspection Date: 3/8/06

License No.: 1022
Priority: 5
Inspector: CC

File No.: 23

Licensee: American Red Cross Blood Services
Inspection Type: Routine, Unannounced
Inspection Date: 3/5/03

License No.: 1026
Priority: 5
Inspector: DT

File No.: 24

Licensee: Battelle Memorial Institute
Inspection Type: Initial, Announced
Inspection Date: 3/29/06

License No.: 1375
Priority: 5
Inspector: MR

File No.: 25

Licensee: Metalworking Products
Inspection Type: Routine, Unannounced
Inspection Date: 5/13/04

License No.: STB-332
Priority: 5
Inspector: MR

INSPECTOR ACCOMPANIMENTS

The following inspector accompaniments were performed prior to the on-site IMPEP review:

Accompaniment No.: 1

Licensee: Unified Testing and Engineering
Inspection Type: Routine, Unannounced
Inspection Date: 3/7/06

License No.: 1128
Priority: 1
Inspector: MR

Accompaniment No.: 2

Licensee: Shelby Baptist Medical Center
Inspection Type: Routine, Unannounced
Inspection Date: 3/8/06

License No.: 498
Priority: 3
Inspector: MR

APPENDIX D

LICENSING CASEWORK REVIEWS

NOTE: CASEWORK LISTED WITHOUT COMMENT IS INCLUDED FOR COMPLETENESS ONLY. NO SIGNIFICANT COMMENTS WERE IDENTIFIED BY THE REVIEW TEAM.

File No.: 1
Licensee: Gulf States Steel, Inc.
Type of Action: Termination
Date Issued: 12/13/05
License No: 894
Amendment No.: 7
License Reviewer: DW

File No.: 2
Licensee: Unified Testing and Engineering Services, Inc.
Type of Action: Amendment
Date Issued: 2/28/06
License No: 1128
Amendment No.: 12
License Reviewer: NM

File No.: 3
Licensee: UAB Highlands
Types of Action: Renewal, Amendment
Dates Issued: 9/15/05, 3/20/06
License No: 1179
Amendment Nos.: 9, 10
License Reviewers: DW, KH

File No.: 4
Licensee: Protechnics
Type of Action: New
Date Issued: 1/18/06
License No: 1427
Amendment No.: N/A
License Reviewer: DW

File No.: 5
Licensee: University of South Alabama
Type of Action: Amendments
Date Issued: 11/3/05, 2/7/06
License No: 584
Amendment Nos.: 57, 58
License Reviewer: KH

File No.: 6
Licensee: Brookwood Medical Center
Type of Action: Renewal
Date Issued: 8/11/04
License No: 459
Amendment No.: 97
License Reviewer: BS

File No.: 7
Licensee: Team Industrial Services, Inc.
Type of Action: Amendment
Date Issued: 11/8/05
License No: 1313
Amendment No.: 10
License Reviewer: NM

File No.: 8
Licensee: Huntsville Hospital System
Type of Action: Renewal
Date Issued: 9/28/05
License No: 274
Amendment No.: 119
License Reviewer: DW

File No.: 9
Licensee: Pope Engineering and Testing Labs
Type of Action: Termination
Date Issued: 10/4/05
License No: 1047
Amendment No.: 8
License Reviewer: KH

File No.: 10

Licensee: Shelby Baptist Medical Center
Type of Action: Amendment
Date Issued: 3/16/06

License No: 498
Amendment No.: 36
License Reviewer: KH

File No.: 11

Licensee: American Cast Iron Pipe Company
Type of Action: Amendment
Date Issued: 9/3/05

License No: 338
Amendment No.: 25
License Reviewer: KH

File No.: 12

Licensee: Advanced Medical Imaging Center
Type of Action: Amendment
Date Issued: 12/6/04

License No: 1078
Amendment No.: 9
License Reviewer: DW

File No.: 13

Licensee: Cox Nuclear Pharmacy, Inc.
Type of Action: Renewal
Date Issued: 8/11/03

License No: 1111
Amendment No.: 21
License Reviewer: DW

File No.: 14

Licensee: Eastern Technologies, Inc.
Type of Action: Amendment
Date Issued: 8/29/05

License No: 947
Amendment No.: 15
License Reviewer: DW

File No.: 15

Licensee: Tri-State Cancer Center
Type of Action: New
Date Issued: 10/19/05

License No: 1423
Amendment No.: N/A
License Reviewer: DW

File No.: 16

Licensee: Walker Real Estate, LLC
Type of Action: New
Date Issued: 1/18/06

License No: 1428
Amendment No.: N/A
License Reviewer: NM

File No.: 17

Licensee: Wyle Laboratories
Type of Action: Renewal
Date Issued: 9/27/04

License No: 525
Amendment No.: 30
License Reviewer: BS

APPENDIX E

INCIDENT CASEWORK REVIEWS

NOTE: CASEWORK LISTED WITHOUT COMMENT ARE INCLUDED FOR COMPLETENESS ONLY. INCIDENT LOG NUMBERS WERE NOT NOTED. THE INCIDENT IS REFERENCED BY THE NMED NUMBER ONLY.

File No.: 1

Licensee: Consoer Townsend
Envirodyne Eng., Inc..

Date of Incident: 6/11/03

Investigation Date: 6/17/03

License No.: 1254

Incident Log No.: NMED 030614

Type of Incident: Damage to Gauge
Type of Investigation: Inspection

File No.: 2

Licensee: Sloss Industries

Date of Incident: 8/13/03

Investigation Date: 8/14/03

License No.: 271

Incident Log No.: NMED 030771

Type of Incident: Equipment Failure
Type of Investigation: Inspection

File No.: 3

Licensee: Eastern Technologies, Inc.

Date of Incident: 1/6/04

Investigation Date: 1/13/04

License No.: 947

Incident Log No.: NMED 040083

Type of Incident: Fire
Type of Investigation: Inspection

File No.: 4

Licensee: Northeast Alabama
Regional Med. Ctr.

Date of Incident: 8/10/04

Investigation Date: 10/14/04

License No.: 315

Incident Log No.: NMED 040610

Type of Incident: Medical Event
(Abnormal Occurrence)
Type of Investigation: Inspection

Comment:

This was a significant event requiring reporting to the NRC within 24-hours. The incident occurred on 8/10/04, was discovered on 8/12/04, and reported to State on 8/17/04. The State indicated that they delayed reporting to the NRC until 8/24/04 because they were awaiting additional information from the licensee.

File No.: 5

Licensee: BP AMOCO Chemicals

Date of Incident: 12/2/04

Investigation Date: 12/2/04

License No.: 256

Incident Log No.: NMED 040853

Type of Incident: Equipment Failure
Type of Investigation: Phone

File No.: 6

Licensee: Cardinal Health Nuclear Pharmacy
Date of Incident: 5/13/05
Investigation Date: 5/13/05

License No.: 1068
Incident Log No.: NMED 050435
Type of Incident: Medical Event
Type of Investigation: Phone

File No.: 7

Licensee: Cardinal Health Nuclear Pharmacy
Date of Incident: 9/2/05
Investigation Date: 9/2/05

License No.: 1068
Incident Log No.: NMED 050789
Type of Incident: Medical Event
Type of Investigation: Phone

File No.: 8

Licensee: Baptist Medical Ctr. Princeton
Date of Incident: 9/20/05
Investigation Dates: 9/20-22/05

License No.: 600
Incident Log No.: NMED 050640
Type of Incident: Medical Event, Leaking Source
Type of Investigation: Phone

File No.: 9

Licensee: Goodwin, Mills & Cawood, Inc.
Date of Incident: 12/12/05
Investigation Dates: 12/12/05

License No.: 1404
Incident Log No.: NMED 050811
Type of Incident: Stolen Gauge
Type of Investigation: Inspection

File No.: 10

Licensee: University of Alabama
Date of Incident: 12/6/04
Investigation Date: 12/6/04

License No.: 164
Incident Log No.: NMED 060093
Type of Incident: Leaking Source
Type of Investigation: Inspection

File No.: 11

Licensee: International Paper
Date of Incident: 10/21/05
Investigation Date: 10/21/05

License No.: 581
Incident Log No.: NMED 060170
Type of Incident: Lost/Stolen Material
Type of Investigation: Phone

Comment:

This was a significant event requiring reporting to the NRC within 24-hours. The incident was reported to the State on 10/21/05, and inadvertently not reported to the NRC until 2/28/06.

File No.: 12

Licensee: Thompson Engineering and Testing, Inc.
Date of Incident: Between 9/1/02 and 3/10/03
Investigation Date: 10/22/03

License No.: 694
Incident Log No.: NMED 032060
Type of Incident: Lost/Stolen Material
Type of Investigation: Phone

File No.: 13

Licensee: University of Alabama
Date of Incident: 4/22/02
Investigation Dates: 4/22-25/02

License No.: 266
Incident Log No.: NMED 020437
Type of Incident: Lost/Stolen Material
Type of Investigation: Inspection

File No.: 14

Licensee: Code Services, Inc.
Date of Incident: 5/24/02
Investigation Dates: 5/24/6/7/02

License No.: 1075
Incident Log No.: NMED 020674
Type of Incident: Overexposure
Type of Investigation: Inspection

File No.: 15

Licensee: Building And Earth Sciences, Inc.
Date of Incident: 9/18/02
Investigation Date: 9/18/02

License No.: 1266
Incident Log No.: NMED 020887
Type of Incident: Lost/Stolen Material
Type of Investigation: Referral to TN

File No.: 16

Licensee: East Alabama Medical Center
Date of Incident: 9/5/02
Investigation Date: 9/5/02

License No.: 105
Incident Log No.: NMED 020931
Type of Incident: Leaking Source
Type of Investigation: Phone

File No.: 17

Licensee: DCH Regional Medical Center
Date of Incident: 9/12/02
Investigation Date: 9/12/02

License No.: 219
Incident Log No.: NMED 021053
Type of Incident: Lost/Stolen Material
Type of Investigation: Phone

ATTACHMENT

April 10, 2006 Letter from Kirksey E. Whatley
Alabama's Response to Draft IMPEP Report

ADAMS: ML061440520



STATE OF ALABAMA DEPARTMENT OF
PUBLIC HEALTH

Donald E. Williamson, MD
State Health Officer

May 16, 2006

Sheri Minnick
Regional State Agreements Officer
Division of Nuclear Material Safety
U.S. Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, PA 19406-1415

2006 MAY 22 PM 1:23
RECEIVED
REGION I

Dear Ms. Minnick:

On behalf of Donald E. Williamson, M.D., State Health Officer, I am responding to your letter of April 28, 2006, regarding the draft IMPEP report of your review of the Alabama Agreement State Program during the dates April 3-7, 2006.

I believe, and the staff believes also, that the responsibility for maintaining a good radiation safety program resides with, and depends upon, each and every staff member. That is the philosophy on which the day-to-day activity of this program is based. Your findings are the result of the commitment to excellence that indwells the staff of this office and to the character and integrity of the staff members. David Turberville, David Walter, Jim McNees, Myron Riley, Kevin Hicks, Cason Coen, Neil Maryland, and the administrative staff share in the good report that you issued. It is also a testimony to the many years of training and support and encouragement offered by numerous staff members of NRC.

I offer no comments on your draft report except that I am very pleased that your findings are satisfactory with no recommendations for improvement. This finding is identical to the previous IMPEP finding in April 2002 and represents eight years of dedicated work by the staff of this office.

I want to thank each member of the IMPEP review team for the professionalism and courtesy displayed by each one during the review, and especially to you for the manner in which you conducted the review.

If you have any questions regarding my comments, please contact me.

Sincerely,

Kirksey E. Whatley, Director
Office of Radiation Control