



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

February 9, 2005

Kirksey E. Whatley  
Director  
Office of Radiation Control  
State Department of Health  
201 Monroe Street  
P.O. Box 303017  
Montgomery, AL 36130-3017

Dear Mr. Whatley :

A periodic meeting with the Alabama Office of Radiation Control was held on February 1, 2005. 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 my conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at 610-337-5358 or email to [sam9@nrc.gov](mailto:sam9@nrc.gov) to discuss your concerns.

Thank you and your staff for the exchange of information and kindness extended during my visit.

Sincerely,

***Original signed by Sheri Minnick***

Sheri Minnick  
Regional State Agreements Officer  
Division of Nuclear Materials Safety

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR ALABAMA

DATE OF MEETING: February 1, 2005

ATTENDEES:

NRC

Sheri Minnick, RSAO, Region I

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

Myron Riley, Inspector

DISCUSSION:

A meeting was held with the Alabama representatives on February 1, 2005 in Montgomery, Alabama. The topics listed in NRC letter dated January 7, 2005 (ML 050070066), to Mr. Whatley were discussed. Details for each area are discussed below.

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.

Alabama has a comprehensive radiation control program that includes AEA materials, NORM and NARM, electronic products, environmental surveillance, and emergency preparedness. Their program includes about 435 licenses and about 500 general licensees (non tritium). The program has a Sealed Source & Device capability but there are no sealed source or device manufacturers in the State. All materials licensing and inspections are performed out of the Montgomery, Alabama office.

The Program Director explained that their program has good administrative, legislative, legal, and laboratory support, good equipment, and stable sources of funding. 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 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 Office is organized under the Department of Public Health.

The program supports 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.

The technical staff are fully qualified with a great amount of technical knowledge. Additional resources, namely X-Ray staff, have been and are continuing to be cross trained as materials inspectors. All inspection documents are reviewed by an additional staff member before

becoming finalized. There are no overdue inspections. Sufficient equipment and instrumentation is available for routine inspections and event evaluations. Most of the survey equipment is calibrated in-house by the staff.

Since the last IMPEP, the program has lost one license reviewer, a position that the program is actively seeking to fill. All licensing documents are signed by the Director. There is no licensing backlog.

The program conducts a certification program for Industrial Radiography. Exam dates and application forms are available, and examination dates for 2005 have been scheduled in Montgomery, Alabama on February 9, June 29, August 23, and December 13, 2005.

The program conducts self-assessments utilizing the IMPEP indicator guidance criteria prior to MPEP reviews, 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.

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 I office indicated that there had been no allegations referred to the State since the last periodic meeting. Since the 2002 IMPEP, one allegation was referred to the State and that the State's allegation report had been received by the NRC. The State has been very responsive to the Regional requests when replies or actions were needed to close out the allegations. The State referred one allegation to Region I.

The mechanism for reporting events, what events to report, the timeliness of reporting, completeness of the reports, and closing out reports was discussed. Upon review of the NMED system, and the NRC Operating Events, the reports show that events are being appropriately reported and documented to NRC and the NMED system.

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, which shows that Alabama is up to date with providing NRC with regulations.

The next Alabama IMPEP review is currently scheduled for the 2006 fiscal year.

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