



STATE OF ALABAMA DEPARTMENT OF
PUBLIC HEALTH

Donald E. Williamson, MD
State Health Officer

July 11, 2008

James G. Luehman, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and Environmental Management Programs
US Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Luehman,

We have received your letter to Mr. Kirksey Whatley, dated June 24, 2008, in which you address our Security Requirements for Portable Gauges license condition. After reviewing this letter, we find we need clarification.

The comment regarding the condition states "Alabama's license condition does not incorporate the essential objectives of 10 CFR 30.34(i)." We request a legal interpretation that specifies what essential objectives of the above rule are not being met. We further request that you specify how the NRC legally interprets our text so that we can understand exactly what actions need to be taken by our staff in order to meet the category "C" compatibility requirements.

Thank you for your assistance. If you have any questions or comments, please feel free to contact me at 334-206-5391, or electronically at dwalter@adph.state.al.us.

Sincerely,

A handwritten signature in black ink that reads "David Walter".

David Walter, Director
Radioactive Material Licensing
Alabama Office of Radiation Control