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To: McCraw, Aaron
Subject: Comments on the Alabama Draft Report

Section 3.2. Status of Materials Inspection Program.

The last sentence of the next to last paragraph in Section 3.2 (on page 4) states:

"Out-of-State licensees that were performing significant longer-term work in the State were required to get an Alabama license after 30 days and these licensee's were inspected **annually**." Instead of "annually, we suggest the wording should be **"in accordance with IMC 2800."**

In Section 3.3. Technical Quality of Inspections.

The second sentence of the next to last paragraph in Section 3.3 (on page 5) appears to have a "of" missing between "inspections" and "a medical licensee". We suggest revising it to read; "The inspectors conducted **of** a medical licensee, an industrial radiographer licensee, and a nuclear pharmacy licensee."

The last sentence in the second paragraph of the Section 3.3 (on page 4) which states that "all inspection documentation is entered into the Office's electronic filing system" leads one to believe that all inspection reports are entered and maintained in the Office's "electronic filing system" If this is the intent of the statement, it is incorrect. Inspectors currently type up inspection reports using Wordperfect software but the saved electronic files are saved on the inspectors computers and their is no requirement that they save these electronic files. The only inspection information maintained on an electronic filing system is the information maintained in the Approach file, which contains the dates of the three most recent inspections, the name of lead inspector for the most recent inspection, if that inspection was done when "over due," the date the next inspection is due, and if the licensee in on reduced inspection interval. Paper copies of the inspection reports and subsequent correspondence are in each licensee's file folder.

Thus we suggest that sentence be revised to read; " In addition to the paper copies that are maintained in Montgomery, **all inspection pertinent information about each inspection documentation** is entered into the Office's electronic filing system, is accessible to all staff members.

In Section 4.1.2 Program Elements Required for Compatibility we suggest the following revisions:

Alabama's regulations for the 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 all radioactive materials, including diffuse sources of naturally occurring radioactive material.

The review team verified that the State's rulemaking process offers the public and other interested parties an opportunity to comment on proposed regulation changes. The Office sends proposed regulation changes to NRC for a compatibility review during the public comment period. After the Office addresses any comments on the proposed regulations, the rulemaking package goes to the ~~Alabama~~ **Department's** Office of General Counsel for review and the State Committee of Public Health for approval. The review team found that the rulemaking process typically takes 5-6 months. The State has Emergency Rule capability, if public health and safety are at risk.

Although the State's rules and regulations are not subject to sunset laws, the ~~entire~~ **Radiation Control Agency program as a whole** is subject to a sunset review every 4 years by ~~a~~ **the State Legislature**. ~~agency called the~~ **This process consists of the** Examiners of Public Accounts, **a state agency, doing a review of Radiation Control and issuing a report to the Sunset Committee of the State Legislature. If the Sunset Committee finds favorably and recommends the continued existence of Radiation Control they then submit a bill to the entire Legislature authorizing continuance for another 4 years.** In its most recent review in 2009, the Examiners of Public Accounts recommended **that the program continue for another 4 years. The Sunset Committee agreed and the Alabama Legislature voted favorably on the recommendation.**

Thank you for the opportunity to review and comment on the Alabama Draft Report.

Jim

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