



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 26, 2015

MEMORANDUM TO: Scott W. Moore, Deputy Director
Office of Nuclear Material Safety
and Safeguards

Mary B. Spencer, Assistant General Counsel
for Reactor and Materials Rulemaking
Office of the General Counsel

Kriss Kennedy, Deputy Regional Administrator
Region IV

Josephine M. Piccone, Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

FROM: Lisa C. Dimmick, Senior Health Physicist */RA/*
Agreement State Programs Branch
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

SUBJECT: MINUTES: JULY 27, 2015, ALABAMA
MANAGEMENT REVIEW BOARD MEETING

Enclosed are the minutes of the Management Review Board meeting held on July 27, 2015, for the Alabama Agreement State program. If you have comments or questions, please contact me at (301) 415-0694.

Enclosure:
MRB Meeting Minutes

cc: BJ Smith, MS
Organization of Agreement States
Liaison to the MRB

David Walter, Director
Office of Radiation Control

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OFFICE	NMSS/MSTR
NAME	LDimmick
DATE	10/26/15

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Memorandum to Scott Moore from Lisa Dimmick dated October 26, 2015

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MEETING

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF ALABAMA
JULY 27, 2015

The attendees were as follows:

In person at U.S. Nuclear Regulatory Commission (NRC) Headquarters in Rockville, Maryland:

Scott Moore, MRB Chair, NMSS
Josephine Piccone, MRB Member, NMSS
Mary Spencer, MRB Member, OGC
Bryan Parker, Team Leader, Region I
Kriss Kennedy, MRB Member, Region IV

Duncan White, NMSS
Pam Henderson, NMSS
Christian Einberg, NMSS
Shirley Xu, Team Member, NMSS

By videoconference:

Linda Howell, Region IV
Michelle Hammond, Team Member, Region IV

Dan Collins, Region I
Donna Janda, Region I

By telephone:

BJ Smith, MRB Member, OAS, MS
David Walter, AL
Myron Riley, AL
Gary Morgan, member of the public

Lisa Dimmick, NMSS
David Turberville, AL
Brian Goretzki, Team Member, AZ

1. **Convention.** Mr. Duncan White convened the meeting at 1:00 p.m. (ET). He noted that this Management Review Board (MRB) meeting was open to the public; two members of the public participated in this meeting. Mr. White then transferred the lead to Mr. Scott Moore, Acting Chair of the MRB. Introductions of the attendees were conducted.
2. **Alabama IMPEP Review.** Mr. Bryan Parker, Team Leader, led the presentation of the Alabama Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. He summarized the review and the team's findings for the six indicators reviewed. The on-site review was conducted by a review team composed of technical staff members from the NRC and the State of Arizona during the period of May 4–8, 2015. A draft report was issued to Alabama for factual comment on June 11, 2015. Alabama responded to the review team's findings by letter dated July 1, 2015. Mr. Parker reported that the team found the Alabama Agreement State Program satisfactory for five of the six performance indicators reviewed. One indicator was found satisfactory, but needs improvement. There were no open recommendations from the 2010 review. The review team made one recommendation for the current review in the area of technical staffing and training.
3. **Common Performance Indicators.** Ms. Monica Ford reviewed the common performance indicator, *Technical Staffing and Training*, and Mr. Parker presented the findings to the MRB. His presentation corresponded to Section 3.1 of the proposed final IMPEP report.

In making that determination, the review team found that the program is managed by the Office of Radiation Control located within the Department of Public Health. The Office Director reports to the State Health Officer, who serves as the Director of the Department. There are four technical staff members, two program supervisors, an assistant program director, and a program director. Currently, there are no vacancies. During the review period the program director left the program and two technical staff members were hired. The program director position was filled by the current director after two months of being vacant.

The review team determined that during the review period the State did not fully meet the performance indicator objective regarding the State's qualification program. As noted, Alabama hired two technical staff as inspectors during the review period and transitioned one existing technical staff member into a license reviewer role. The State had not hired or trained technical staff for approximately 7 years. The Alabama training policy was put into place in 1997 and because of the stability of staffing in recent years, there was no focus on updating the training policy. This policy is not equivalent to IMC 1248, does not require the training qualification to be documented for both license reviewers and inspectors, and does not require the 24 hour refresher training criteria for existing qualified staff. The review team attributed several performance issues discussed under the indicators Technical Quality of Inspections and Technical Quality of Licensing Actions to the absence of a documented training program for license review and inspector qualification. The review team recommended that the State (1) create a formal training qualification program equivalent to IMC 1248 and apply it to staff going through the qualification process; (2) require 24 hours of refresher training every 2 years for currently qualified staff; and (3) re-evaluate the qualifications of the two newest inspection staff to determine if additional training is needed.

The review team considered the impact of the issues identified under the indicators Technical Quality of Inspections and Technical Quality of Licensing Actions when recommending a finding for this indicator. The review team observed that license reviewers and inspectors were not specifically trained in certain technical areas. Consequently, the review team determined that the absence of documented training for qualification resulting from the Program's current procedure not being equivalent to IMC 1248, a lack of knowledge of the current training procedure by the new staff, and a lack of understanding on the expectation of how to become fully qualified led to the issues seen in those two indicators. The performance issues observed under inspection and licensing led the review team to recommend a downgraded finding for this indicator.

The review team found Alabama's performance with respect to this indicator to be "satisfactory, but needs improvement." After discussion, the MRB conceded that Alabama's performance met the criteria for a "satisfactory, but needs improvement" rating for this indicator, and the MRB agreed with the performance recommendation. One MRB member expressed that Alabama has been historically a good performer. Alabama's IMPEP interval had been extended to 5 years. The MRB member commented that slippage of the State's training policy should not be the cause for down grading the indicator.

Mr. Brian Goretzki reviewed the common performance indicator, *Status of Materials Inspection Program*, and Mr. Parker presented the findings to the MRB. His presentation corresponded to Section 3.2 of the proposed final IMPEP report. The review team found that the State conducted 512 higher priority inspections during the review period with less than 1.5 percent being performed overdue. No inspection findings were conveyed to the licensee beyond the 30

day goal. Although the State only inspected 20 percent of reciprocity licensees during one of the 5 years of the review period, this area is trending up.

The review team found Alabama's performance with respect to this indicator to be "satisfactory." After discussion, the MRB agreed that Alabama's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. Brian Goretzki reviewed the common performance indicator, *Technical Quality of Inspections*, and Mr. Parker presented the findings to the MRB. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team reviewed 25 of the State's inspection files, and accompanied three inspectors to evaluate their work. Mr. Parker reported that for the first half of the review period, the team determined that inspections covered all aspects of the licensee's radiation safety programs, and that inspection reports were thorough, complete, consistent, and of high quality. As discussed in Technical Staffing and Training, some issues were noted during accompaniments of the newer inspectors regarding areas such as increased controls, medical event criteria and appropriate leak testing procedures. The review team observed the inspectors did not always have a full understanding of some of the areas they were inspecting. However, the review team found that Alabama inspections of licensed activities adequately focused on health and safety.

The review team found Alabama's performance with respect to this indicator to be "satisfactory." After discussion, the MRB agreed that Alabama's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Shirley Xu reviewed the common performance indicator, *Technical Quality of Licensing Actions*, and Mr. Parker presented the findings to the MRB. His presentation corresponded to Section 3.4 of the proposed final IMPEP report. The review team reviewed 26 of the State's licensing actions and found them to be thorough, complete, consistent and of high quality. Current guidance is used for all licensing actions. As in Technical Quality of Inspections, there were issues identified in some of the licensing actions that the team concluded resulted from the absence of formalized training.

The review team found Alabama's performance with respect to this indicator to be "satisfactory." After discussion, the MRB agreed that Alabama's performance met the criteria for a "satisfactory" rating for this indicator.

Ms. Parker reviewed and presented the findings regarding the common performance indicator, *Technical Quality of Incident and Allegation Activities*. His presentation corresponded to Section 3.5 of the proposed final IMPEP report. Mr. Parker reported that the team determined that the State's response to incidents and allegations was adequate. During the review period, 134 incidents were reported to Alabama. The review team evaluated 12 of the 54 radioactive materials incidents that were reportable to the NRC, including two lost/stolen radioactive materials, three potential overexposures, three damaged equipment, and one nuclear laundry leak. Alabama dispatched inspectors for onsite follow-up for the cases reviewed as appropriate. The review team reviewed the casework for 9 allegations during the review period.

The team found the State to be responsive, taking prompt and appropriate action. Documentation was thorough and complete, and allegations were closed appropriately. Concerned individuals' identities were properly protected.

The review team found Alabama's performance with respect to this indicator to be "satisfactory." After discussion, the MRB agreed that Alabama's performance met the criteria for a "satisfactory" rating for this indicator.

Non-Common Performance Indicators. Ms. Ford reviewed the non-common performance indicator, *Compatibility Requirements*, and Mr. Parker presented the findings to the MRB. His presentation corresponded to Section 4.1 of the proposed final IMPEP report. The review team 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 as required. The State uses Orders or legally binding requirements such as license conditions as appropriate. The Alabama regulatory process typically takes approximately six months to complete, which includes review and public comment. There were no overdue amendments for adoption.

The review team found Alabama's performance with respect to this indicator to be "satisfactory." After discussion, the MRB agreed that Alabama's performance met the criteria for a "satisfactory" rating for this indicator.

MRB Consultation/Comments on Issuance of Report. The review team recommended, and the MRB agreed, that the Alabama Agreement State Program be found adequate to protect public health and safety and compatible with the NRC's program. The review team recommended the next IMPEP review take place in approximately 4 years.

6. **Comments from the Public.** A member of the public commented that the public should be kept apprised of radioactive material emission reports in real time to be informed that emissions are maintained at safe levels. The same individual also noted that inspection reports should be made available. The State offered to continue the discussion with the individual outside of this meeting regarding the availability of this information.
7. **Precedents/Lessons Learned.** None applicable to this review
8. **Adjournment.** The meeting was adjourned at approximately 3:20 p.m. (ET)