

OCT 21 1987

Dr. Claude Earl Fox, M.D., M.P.H.  
 State Health Officer  
 State Department of Public Health  
 State Office Building  
 Montgomery, Alabama 36130

Dear Dr. Fox:

Thank you for your letter of September 2, 1987, responding to our comments and recommendations following our 1987 review of the Department's Radiation Control Program.

We are pleased with Alabama's response to the technical comments. All issues have been sufficiently addressed. Also, we acknowledge receipt of the proposed changes to the Alabama Radiation Control Regulations. Mr. Woodruff from our Region II office will provide comments on these proposed changes by separate correspondence with Mr. Godwin.

Please feel free to contact me at any time if you have any questions.

Sincerely,

original signed by Carlton Kammerer

Carlton Kammerer, Director  
 State, Local and Indian  
 Tribe Programs  
 Office of Governmental and Public  
 Affairs

cc: J. Nelson Grace, Regional Administrator  
 Region II  
 James W. Cooper, Director  
 Bureau of Environmental and  
 Health Services Standards  
 Michael G. Cash, Director  
 Division of Environmental Health  
 Aubrey V. Godwin, Director  
 Radiological Health Branch  
 NRC Public Document Room

Distribution:  
 R. L. Woodruff  
 Document Control Desk (SP01)

SGA:RII  
*Telephone*  
 RLWoodruff  
 10/14/87

SGA:RII  
 RETrojanowski  
 10/14/87 *per RW*

ORA:RII  
 JNGrace  
 10/14/87 *per RW*

SA:SLTP

SLTP:DH

21

9306100030 930503  
 PDR COMMS NRCC  
 CORRESPONDENCE PDR

9306100030



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

JUN 18 1987

Claude Earl Fox, M.D., M.P.H.  
State Health Officer  
State Department of Public Health  
State Office Building  
Montgomery, Alabama 36130

Dear Dr. Fox:

This is to confirm the discussion Mr. Richard L. Woodruff, NRC State Agreements Representative, held on May 1, 1987, with you and Messrs. James V. Cooper, Michael G. Cash, and Aubrey V. Godwin following our review and evaluation of the State's Radiation Control Program.

As a result of our review of the State's program and the routine exchange of information between the Nuclear Regulatory Commission and the State of Alabama, the staff determined that overall the Alabama program for regulation of agreement materials is adequate to protect the public health and safety and is compatible with the Commission's program.

We were pleased to find that the State has corrected the deficiencies noted during our 1985 review. In particular we noted that backlog of overdue inspections has been eliminated.

Enclosure 1 contains comments regarding the technical aspects of our review of the program. These comments were discussed with Mr. Godwin and his staff during our exit meeting with him. Mr. Godwin was advised at the time that a response to these findings would be requested by this office and you may wish to have Mr. Godwin address the Enclosure 1 comments.

An explanation of our policies and practices for reviewing Agreement State programs is attached as Enclosure 2. Also, a copy of this letter is included for placement in the State Public Document Room or otherwise to be made available for public review.

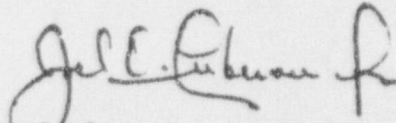
On April 12, 1987, NRC reorganized its staff. The State Agreement Program is now a part of the new Office of Governmental and Public Affairs, which reports to the Commission. One purpose of this organizational change was to provide an improved focus for NRC relationships with the States. Our regional offices will continue to administer and implement NRC's regulatory programs. We encourage you and your staff to continue to look to the Regional Administrator and his staff as the primary contact with NRC.

Claude Earl Fox, M.D.

2

I appreciate the courtesy and cooperation extended by your staff to Mr. Woodruff during the review.

Sincerely,



Carlton Kammerer, Director  
State, Local and Indian  
Tribe Programs

Enclosures:

1. Comments and Recommendations
2. Application of Guidelines

cc w/encs:

Chairman Zech  
Commissioner Roberts  
Commissioner Asselstine  
Commissioner Bernthal  
Commissioner Carr  
Victor Stello, Executive Director  
for Operations, NRC  
J. Nelson Grace, Regional Administrator,  
RII  
James W. Cooper, Director  
Bureau of Environmental and  
Health Services Standards  
Michael G. Cash, Director  
Division of Environmental Health  
Aubrey V. Godwin, Director  
Radiological Health Branch  
NRC Public Document Room



ENCLOSURE 1

COMMENTS AND RECOMMENDATIONS ON TECHNICAL ASPECTS  
OF THE ALABAMA RADIATION CONTROL PROGRAM FOR AGREEMENT MATERIALS

I. LEGISLATION AND REGULATIONS

Status of Regulations is a Category I Indicator. The following minor comment with our recommendation is made.

Comment

The State should adopt regulations to maintain a high degree of compatibility and uniformity with the NRC regulations.

A. The State proposed changes to the Alabama Radiation Control Regulations in August of 1986 that became effective on December 31, 1986. Due to administrative constraints of the rule adoption process, the State was unable to adopt certain minor changes as recommended by NRC in a comment letter dated October 3, 1986. These changes were as follows:

- ° Rule 420-3-26-.02(3)(c)2. should be modified to reflect the "elimination of exemption for glass enamel frit" wording that was adopted by NRC on September 11, 1984, in 10 CFR 40.13(c)(2)(iv).
- ° Rule 420-3-26-.02(3)(c)6. should be modified to reflect the "clarification of exemption for uranium shielding in shipping containers" wording adopted by NRC on December 24, 1981, in 10 CFR 40.13(c)(6).
- ° Rule 420-3-26-.02(4)(6)8. should be modified to reflect "addition of Americium-241 to the exemption for survey instrument calibration sources" wording that was adopted by NRC on September 23, 1981, in 10 CFR 30.15(a)(9)(iii).

B. We received a draft copy of proposed regulations that addresses the April 1, 1987 NRC rule changes to 10 CFR Part 35, and a copy of the State's proposed Radiation Control Act changes to adopt civil penalty provisions. As discussed, we will provide comments on these proposed regulations to Mr. Godwin by June 30, 1987.

Recommendation

We recommend that the State revise the radiation control regulations as discussed in paragraph A. above, as soon as possible.

## II. MANAGEMENT AND ADMINISTRATION

Administrative Procedures is a Category II Indicator. The following comment with our recommendation is made.

### Comment

The Radiation Control Program should establish written internal procedures to assure that the staff performs its duties as required and to provide a high degree of uniformity and continuity in regulatory practices for functions required of the program. Key information addressing licensing and enforcement issues are sent to the State as "All Agreement State" letters to enhance regulatory uniformity and continuity. It was noted that some of these "letters" are maintained by staff members in the Compliance Section, and some by the Licensing Section. Since many of these "letters" are applicable to both Sections, it would appear that these letters should be incorporated into the Radiological Health Branch file system, thus more readily available to all staff members.

### Recommendation

We recommend that the internal procedures be revised to incorporate the All Agreement State letters into the Radiological Health Branch file system.

## III. COMPLIANCE

Inspection Reports is a Category II Indicator. The following comment is made with our recommendation.

### Comment

Reports should uniformly and adequately document the result of inspections including confirmatory measurements.

- A. The State revised the Medical Inspection Report form in September 1986. It was noted that the new form does not provide for (1) identification of the equipment used for confirmatory or independent measurements, or (2) a determination of the need for bioassays.
- B. More documentation was needed in some reports to (1) record air flow rates measured with velometers at hoods and exhaust vents, (2) record locations where smears were taken and the results, and (3) record results of gamma radiation surveys performed on radiographic devices.



Recommendation

We recommend that inspection reports be revised to include the following information:

- A. Medical Inspection forms should identify the survey equipment used by the inspector during the inspection and document whether or not bioassays were being performed, and if not, whether or not bioassays were considered necessary.
- B. Additional documentation of inspection findings is needed regarding:
  - (1) air flow measurements;
  - (2) locations where confirmatory smears were taken; and
  - (3) results of surveys performed around radiographic devices.

## ENCLOSURE 2

### APPLICATION OF "GUIDELINES FOR NRC REVIEW OF AGREEMENT STATE RADIATION CONTROL PROGRAMS"

The "Guidelines for NRC Review of Agreement State Radiation Control Programs," were published in the Federal Register on June 4, 1987 as an NRC Policy Statement. The Guide provides 29 Indicators for evaluating Agreement State program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the Indicators into 2 categories.

Category I indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in one or more Category I indicator areas, then the need for improvements may be critical.

Category II indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e. those that fall under Category I indicators. Category II indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety and is compatible with the NRC's program. If one or more significant Category I comments are provided, the State will be notified that the program deficiencies may seriously affect the State's ability to protect the public health and safety and that the need of improvement in particular program areas is critical. If, following receipt and evaluation, the State's response appears satisfactory in addressing the significant Category I comments, the staff may offer findings of adequacy and compatibility as appropriate or defer such offering until the State's actions are examined and their effectiveness confirmed in a subsequent review. If additional information is needed to evaluate the State's actions, the staff may request the information through follow-up correspondence or perform a follow-up or special, limited review. NRC staff may hold a special meeting with appropriate State representatives. No significant items will be left unresolved over a prolonged period. The Commission will be informed of the results of the reviews of the individual Agreement State programs and copies of the review correspondence to the States will be placed in the NRC Public Document Room. If the State program does not improve or if additional significant Category I deficiencies have developed, a staff finding that the program is not adequate will be considered and the NRC may institute proceedings to suspend or revoke all or part of the Agreement in accordance with section 274j or the Act.