

## AGREEMENT STATE PERIODIC MEETING SUMMARY FOR ALABAMA

DATE OF MEETING: June 17, 1999

### ATTENDEES:

#### NRC

Richard L. Woodruff, RSAO, Region II  
Patricia Larkins, ASPO, OSP

#### STATE

Kirksey E. Whatley, Director, Office of Radiation Control  
James L. McNees, Director, Radioactive Materials Compliance  
David K. Walter, Radioactive Materials Licensing  
David Turberville, Radioactive Materials Compliance  
Ron Pass, Radioactive Materials Compliance  
Terry Williams, Environmental Monitoring and Emergency Planning

### DISCUSSION:

A meeting was held with the Alabama representatives on June 17, 1999, in Montgomery, Alabama. The topics listed in NRC letter dated March 30, 1999, to Mr. Whatley were discussed. Details for each area are discussed below.

#### Action on Previous Review Findings

The previous IMPEP review was conducted during the period of April 20-23, 1998. During this review, the following recommendations and suggestions (comments) were made to the State:

1. The review team recommends that Alabama adopt a procedure providing that follow-up and routine event reports to NMED be provided within 30 days of receipt of the report from the licensee. (Section 3.5)

#### Current Status

The State responded to the recommendation by letter dated June 16, 1999 that all reports had been submitted, and that the recommendation had been implemented. It is noted that Alabama has consistently been very responsive and timely in reporting events as recommended by the Office of State Programs in procedure SA-300, Handbook on Nuclear Material Reporting in Agreement States and there have been no performance issues with the reporting of incidents since the review. The specific procedure was not reviewed during this meeting.

We recommended that the procedure be reviewed at the next IMPEP review.

2. The review team suggests that the Alabama Office of Radiation Control (ORC) continue their efforts to find ways to increase the percentage of high priority reciprocity licensees, and out-of-State licensees working in Alabama, to be inspected each year. (Section 3.1)

Current Status

The State reiterated that every effort will be made to inspect reciprocity licenses and out of state licensees on an annual basis, and discussions during the meeting indicated that this suggestion was being met.

We recommend that this suggestion be closed.

3. The review team suggests that the ORC accompany all material inspectors on a yearly basis. (Section 3.2)

Current Status

The State reiterated during the meeting that all inspectors had been accompanied at least on an annual basis, and plans are to continue the practice.

We recommend that this suggestion be closed.

Program Strengths and/or Weaknesses

In general, the Program Director related that their program had adequate administrative support, legislative support, stable sources of funding, good legal support, and good laboratory support.

Specific areas were discussed as follows:

1. The Program Director related that Alabama had a comprehensive radiation control program that included not only agreement materials, but also NORM and NARM, electronic products, environmental surveillance, and emergency preparedness. The Program has a long term standing with the Environmental Laboratory for analysis of samples on an as needed basis.
2. The program has upgraded their computers and the system is utilized for tracking and communication purposes, e-mail and preparation of inspection reports and enforcement correspondence. The year 2000 compliant issue was also discussed and the Director related that the system computers utilized by the Radiation Control Program were year 2000 compliant.
3. The Materials Branch Chief related that the materials program had no inspection or licensing backlogs at this time.
4. All of the current materials compliance staff were reported to be fully trained and qualified to perform independent inspections for all types of licenses, and the licensing

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person also well trained and experienced. The technical staff has been very stable over recent years with only a few staff turnovers. The technical staff were complemented on their technical knowledge and their participation on working groups and committees associated with technical issues under discussion with the NRC and the Conference of Radiation Control Program Directors.

5. The Program has experienced stable funding in recent years do to the Alabama law that establishes fees at 75% of the fees charged by NRC materials licenses. We discussed the potential negative impact on Program funds should the NRC fees decline in future years. The Program has no current plans to seek any changes in the legislative authorization.
6. All of the IMPEP Indicators were discussed and there were no performance issues identified during the meeting.

#### Status of Program and/or Policy Changes

At the time of the meeting, there had been no significant changes in the organizational structure of the Office of Radiation Control since the 1998 IMPEP review. The Office is headed by the Director, Kirksey E. Whatley, and has 4 technical Branches: Radioactive Materials Compliance Branch; Radioactive Materials Licensing Branch; Emergency Planning and Environmental Monitoring Branch; and X-Ray Compliance Branch. All of the technical branches report to the Office Director and the Office is organized under the Department of Public Health. The Office Director reports directly to the State Health Officer, Donald E. Williamson, MD.

All materials licensing and inspections are performed out of the Montgomery, AL office.

The staffing has been very stable in recent years and no major changes in the staffing plan are planned at this point.

The Program currently has 406 specific licenses, of which 19 licenses are considered to be major licenses. There are no sealed source or device manufacturers in the State, and this number of licensees has been stable over the past several years.

#### Impact of NRC Program Changes

The NRC representatives discussed NRC program changes that could impact the State, such as the 10 CFR Part 35 revision, the current status of NRC's policies involving decommissioning of formerly licensed sites, NRC's training program, revision of licensing guides (NUREG 1556 Series), and ongoing work to revise the program for generally licensed devices.

#### Internal program audits and self-assessments.

The Program conducted a self-assessment utilizing the IMPEP indicator guidance criteria prior to the 1998 IMPEP, and the Management Review Board acknowledged that this was a good practice. The Materials Compliance Branch Director has participated on two IMPEP teams and

the Program Director related that this participation was helpful to them to better understand the IMPEP program and helpful in the assessment of their own program.

#### Status of Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives, including the need for protecting alleged's identity, written responses to the alleged to close out the allegation, and the State's allegation procedures. 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 II office indicated that there had been only two allegations referred to the State since the 1998 IMPEP review, and that both allegations had been closed at the NRC Regional Office. In general the State has been very responsive to the Regional requests when replies or actions were needed to close out the allegations.

#### Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system. Prior to this meeting, the RSAO prepared a report of events that had been placed in the NMED system, and the RSAO discussed the mechanism for reporting events, what events to report, the timeliness of reporting, and the revised Event Reporting Handbook that was developed. The RSPO discussed the NMED at length with the Materials Compliance Branch Director. No issues were identified in this area.

The ASPO also reviewed the printout of the last two years of events contained in NMED, and found that they were satisfactorily reporting events to NRC via NMED. The ASPO discussed changes in event reporting that will be included in the revised "Event Reporting Handbook." Note also that the State staff indicated they will notify the NRC Operations Center of the occurrence of a 24 hour reportable event after the State has responded and conducted a preliminary review of the event to determine what occurred. The State staff noted that the procedural change was implemented in response to NRC's practice of posting preliminary information provided to the NRC Operations Center within 8-24 hours of receipt, prior to the State having time to respond and conduct a preliminary review to determine what actually occurred. This practice can result in media publication of inaccurate information, strain limited State resources in responding to media and public inquiries, and could impact an investigation.

During the working lunch period, the Program Director received notification (pager) that a quantity of unknown radioactive material was found during an inventory of chemicals in a building located near Birmingham, AL. The local fire department, news media, and the Jefferson County Health Department officials were reported to be at the site. The Program Director and the two compliance inspectors responded to the event. The RSAO accompanied the team during the response and noted the promptness, efficiency, communication, preparedness, and experience demonstrated by the team. The material turned out to be an old vial of uranium chemical (exempt quantity) commonly used in school chemistry laboratories. There was no news media present at site, and the team discussed the appropriate control and disposition of the material with the local authorities responsible for the disposition of the

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chemicals.

#### Compatibility of State Regulations

The new compatibility policy was discussed in general with the State representatives, including the OSP's procedures for reviewing proposed State regulations. Regulation amendments needed for adequacy and compatibility were discussed.

In response to the issues, the State representatives related that the State would adopt regulations as needed after 10 CFR Part 35 has been revised.

The ASPO provided the State staff with a copy of the current status of State regulations contained in the RATS system. During the discussion of the States regulations we asked that the State review the status report and provide comments, as necessary.

The RSAO confirmed that the program is receiving NRC regulation changes as published and distributed, and the availability of the regulations on the NRC bulletin board was discussed. In addition, a current copy of OSP's Regulation Assessment Tracking System (RATS) data sheet was provided to Alabama on July 1, 1999 by electronic mail, for the State's information and use as needed.

#### Schedule for the Next IMPEP Review

The State was informed that the next Alabama IMPEP review is currently scheduled for the 2002 fiscal year, and that the State should consider the continued use of the IMPEP indicator criteria as a mechanism for self evaluation prior to the IMPEP.

The Program Director related that the last 1998 IMPEP report for Alabama was not on the NRC's Internet site.

#### CONCLUSION:

The Alabama program has good managers, 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, and NRC joint workshops.

#### ACTION ITEMS:

1. The Office of State Programs needs to document the 1998 Alabama IMPEP report and correspondence on the Internet.

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