

July 1, 2002

Donald E. Williamson, M.D.
State Health Officer
Alabama Department of Public Health
The RSA Tower
P. O. Box 303017
Montgomery, AL 36130-3017

Dear Dr. Williamson:

On June 24, 2002, the Management Review Board (MRB) met to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report on the Alabama Agreement State Program. The MRB found the Alabama program adequate to protect public health and safety and compatible with the Nuclear Regulatory Commission's program. No recommendations were made by the review team.

Based on the results of the current IMPEP review, the next full review will be in approximately four years.

I appreciate the courtesy and cooperation extended to the IMPEP team during the review. We appreciate your continued support for the Radiation Control Program and the excellence in program administration demonstrated by your staff as is reflected in the team's findings. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

/RA/

Carl J. Paperiello
Deputy Executive Director
for Materials, Research and State Programs

Enclosure:
As stated

cc: Kirksey E. Whatley, Director
Office of Radiation Control

William Sinclair, UT
OAS Liaison to MRB

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cc: Kirksey E. Whatley, Director
Office of Radiation Control
William Sinclair, UT
OAS Liaison to MRB
bcc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM
REVIEW OF ALABAMA AGREEMENT STATE PROGRAM

APRIL 8-12, 2002

FINAL REPORT

U.S. Nuclear Regulatory Commission

1.0 INTRODUCTION

This report presents the results of the review of the Alabama Agreement State program. The review was conducted during the period April 8-12, 2002, by a review team consisting of technical staff members from the Nuclear Regulatory Commission (NRC) and the Agreement State of Maine. Team members are identified in Appendix A. The review was conducted in accordance with the "Implementation of the Integrated Materials Performance Evaluation Program and Rescission of a Final General Statement of Policy," published in the Federal Register on October 16, 1997, and the November 5, 1999, NRC [Management Directive 5.6](#), "Integrated Materials Performance Evaluation Program (IMPEP)." Preliminary results of the review, which covered the period of April 24, 1998 to April 12, 2002, were discussed with Alabama management on April 12, 2002.

A draft of this report was issued to Alabama for factual comment on May 14, 2002. The State responded by electronic mail dated May 21, 2002. The Management Review Board (MRB) met on June 24, 2002 to consider the proposed final report. The MRB found the Alabama radiation control program was adequate to protect public health and safety and compatible with NRC's program.

The Alabama Agreement State program is administered by the Department of Public Health (the Department), Office of Radiation Control (the Office). The Director of the Office reports to the State Health Officer, who serves as the Director of the Department. The State Board of Health is the designated radiation control agency (See Section 3.3). Organization charts for the Department and the Office are included in Appendix B. At the time of the review, the Alabama Agreement State program regulated 369 specific licenses authorizing Agreement materials. The review focused on the materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of Alabama.

In preparation for the review, a questionnaire addressing the common and non-common performance indicators was sent to the Office on December 5, 2001. The Office provided a response to the questionnaire on March 7, 2002. During the review, the review team identified several areas in the questionnaire response that needed to be clarified or modified. The State provided an amended questionnaire response on April 15, 2002. A copy of the final questionnaire response can be found on NRC's Agencywide Document Access and Management System using the Accession Number ML021300269.

The review team's general approach for conduct of this review consisted of: (1) examination of Alabama's responses to the questionnaire; (2) review of applicable Alabama statutes and regulations; (3) analysis of quantitative information from the radiation control program licensing and inspection data base; (4) technical review of selected licensing and inspection actions; (5) field accompaniments of two Office inspectors; and (6) interviews with staff and management to answer questions or clarify issues. The review team evaluated the information that it gathered against the IMPEP performance criteria for each common and applicable non-common

performance indicator and made a preliminary assessment of the Alabama Agreement State program's performance.

Section 2 below discusses the State's actions in response to recommendations made following the previous IMPEP review. Results of the current review for the IMPEP common performance indicators are presented in Section 3. Section 4 discusses results of the applicable non-common performance indicators, and Section 5 summarizes the review team's findings.

2.0 STATUS OF ITEMS IDENTIFIED IN PREVIOUS REVIEWS

During the previous IMPEP review, which concluded on April 23, 1998, one recommendation was made and transmitted to Dr. Donald E. Williamson, State Health Officer, the Department of Public Health on July 21, 1998. The team's review of the current status of the recommendation is as follows:

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

Current Status: During the review, the review team found that information involving follow-up and routine events was reported to NMED within 30 days of receipt of a report. An event reporting procedure has been adopted and all the reportable events have been properly reported to NRC in a timely manner. This recommendation is closed.

During the 1998 review, two suggestions were made for the Office to consider. The review team determined that the Office considered the suggestions and took appropriate actions.

3.0 COMMON PERFORMANCE INDICATORS

IMPEP identifies five common performance indicators to be used in reviewing both NRC Regional and Agreement State programs. These indicators are: (1) Status of Materials Inspection Program; (2) Technical Quality of Inspections; (3) Technical Staffing and Training; (4) Technical Quality of Licensing Actions; and (5) Response to Incidents and Allegations.

3.1 Status of Materials Inspection Program

The review team focused on four factors in reviewing the status of the materials inspection program: inspection frequency, overdue inspections, initial inspections of new licensees, and timely dispatch of inspection findings to the licensees. The review team's evaluation is based on the Office's questionnaire responses relative to this indicator, data gathered from reports generated from the licensee database, examination of completed licensing and inspection casework, and interviews with the management and staff.

A Department memorandum dated April 16, 1998, entitled "License and Registration Inspections Priority" established that inspections should be conducted in accordance with the priority schedule in NRC Inspection Manual Chapter (IMC) 2800, with certain modifications. For example, all NRC

Priority 6 and 7 programs are considered Priority 5 by the Office. The April 16, 1998 memorandum further established a policy and procedure for extending inspection intervals on the basis of good licensee performance. The memorandum also established a policy and procedure for reducing inspection intervals, using a point system based on violation severity and frequency.

The inspection interval extension/reduction policy differs from NRC's in two aspects. In Alabama, the interval extension policy "may be applied" as compared to NRC's "shall be applied." Also, the decision to grant an extension is made at the time the licensee's next inspection is due, versus the IMC 2800 provision for the decision to be made at the time the current inspection is completed. The review team concluded that this approach is acceptable. The licensee database contains sufficient information for proper management of the inspection program. The Radioactive Materials Compliance Branch of the Office conducts an average of 124 inspections per year. There were no overdue inspections conducted during the review period.

The review team noted that the Office is performing inspections of materials licensees on an unannounced basis, except for initial inspections. Initial inspections of new licensees are scheduled for five months after the date the license is issued. If material is not acquired, the licensee is contacted again in five months. An inspection is performed before the end of the first year of license issuance independent of whether materials have been acquired or not. There were twenty-eight initial inspections performed from August 23, 2000 to February 13, 2002, all within the scheduled intervals for new licensees.

Alabama regulations currently allow only thirty days of possession of materials in State under reciprocity without payment of a fee. After thirty days, an out-of-State Alabama license, and fee payment, must be obtained. Holders of these out-of-State licenses are still required to give a notification in advance of any planned use of radioactive material at a temporary job site in Alabama in accordance with license conditions.

During the review, the review team noted that the actual inspections of Priority 1 and Priority 3 licensees granted reciprocity fell short of the goals indicated in IMC 1220. The review team would like to further note that although the actual inspections fell short some inspections were attempted. This was confirmed by reviewing the two reciprocity files and looking at the attempted inspection notes. Inspection of Priority 2 licensees met IMC 1220 goals.

The Office has only a thirty day period to make an inspection, unlike NRC and other Agreement States that have 180 day reciprocity periods. Office management indicated that the shorter reciprocity period and activities in remote locations combined with the costs of travel make conducting reciprocity inspections very difficult. The review team confirmed that many of the reciprocity licensees entered the State for one to two days throughout the year for jobs lasting only a few hours each trip. The Office identified the difficulty conducting reciprocity inspections in a 1998 self-audit. Nevertheless, Office management is committed to conducting reciprocity inspections whenever possible and will continue to do so. The review team discussed with the Office management and staff on how to increase the percentages of reciprocity inspections. The Office management indicated that increasing the number of reciprocity inspections remains a goal of the Office. The review team concluded that Office performance with respect to reciprocity inspections is acceptable.

Twenty-five inspection files were reviewed for report timeliness. All inspection reports are signed by the Director of the Compliance Branch. For the reports examined by the review team, all inspection reports were signed and transmitted within thirty days.

Based on the IMPEP evaluation criteria, the review team recommends that Alabama's performance with respect to the indicator, Status of Materials Inspection Program, be found satisfactory.

3.2 Technical Quality of Inspections

The team evaluated the inspection reports, enforcement documentation, and inspection field notes, and interviewed inspectors for 25 materials inspections conducted during the review period. The casework reviewed included inspections by four materials license inspectors, and covered inspections of various types including: industrial radiography, portable gauge, fixed gauge, academic broad scope, nuclear pharmacy, medical private practice, research and development, nuclear laundry, gauge services, and medical institution. Appendix C lists the inspection casework files reviewed for completeness and adequacy with case-specific comments.

Based on the casework file reviews, the review team found that routine inspections covered all aspects of a licensee's radiation protection program. Inspection reports were thorough, complete, consistent, and of high quality, with sufficient documentation to ensure acceptable performance with respect to health and safety by the licensee. The documentation adequately supported the cited violations, recommendations made to licensees, unresolved safety issues, and discussions held with the licensee during exit meetings. Team inspections were performed when appropriate and for training purposes.

During the review period, the Director of the Compliance Branch accompanied all individuals who performed materials inspections. The accompaniment reports contained sufficient details to document the areas covered. The accompanied inspector is provided a copy of the accompaniment report in his personnel file and receives an oral report of his performance. The review team noted that one inspector had retired since the last review.

The review team accompanied two materials inspectors during the period of February 27 - 28, 2002. One inspector was accompanied on inspections of a medical licensee with a gamma knife and an industrial radiography licensee. The second inspector was accompanied on inspections of a medical licensee and an industrial radiography licensee. The facilities inspected are identified in Appendix C. During the accompaniments, the inspectors demonstrated appropriate performance based inspection techniques and knowledge of the regulations. Both inspectors were well prepared and thorough in their reviews of the licensees' radiation safety programs. The review team noted that all technical staff members are equipped with a combination cell phone-two way radio for communication. Inspectors can contact the office immediately if there is a problem in the field. The inspectors can also be reached anywhere in the State of Alabama if the need arises. Overall, the technical performance of the inspectors was excellent, and their inspections were adequate to assess radiological health and safety at the licensed facilities.

The Office maintains a sufficient number and variety of survey instruments to perform radiological surveys of materials licensees. The review team examined the State's instrumentation and

observed that the survey instruments were calibrated and operable. Inspectors obtain calibrated instruments from the stock for each inspection. The Office performs its own calibration for survey meters at six-month intervals, with a source that is National Institute of Standards and Technology traceable.

The Office receives support from the Alabama Department of Environmental Management's radiation measurements laboratory, which performs sample counting and assay services. Discussions with Office staff established that the support is timely and dependable. It was noted that the U.S. Environmental Protection Agency's radiation measurements laboratory is located close to the Alabama Department of Environmental Management's laboratory, and is available for backup.

Based on the IMPEP evaluation criteria, the review team recommends that Alabama's performance with respect to the indicator, Technical Quality of Inspection, be found satisfactory.

3.3 Technical Staffing and Training

Issues central to the evaluation of this indicator include the Office's staffing level and staff turnover, as well as the technical qualifications and training histories of the staff. To evaluate these issues, the review team examined the Office's questionnaire responses relative to this indicator, interviewed Office management and staff, reviewed job descriptions and training records, and considered any possible workload backlogs.

Office staffing was relatively stable over the review period. There were five new hires, and only two staff members departed. One materials inspector retired in January 2000. An X-Ray inspector was terminated in October 2001.

Due to a historic low rate of turnover, the staff consists of experienced personnel. The minimum educational requirement for a new hire is a bachelor's degree. All current staff exceed the qualifications. The Office consists of four branches with 18 technical positions, including branch directors. As noted in Appendix B, the branches are the Radioactive Materials Compliance Branch, the Radioactive Materials Licensing Branch, the Emergency Planning & Environmental Monitoring Branch, and the X-Ray Compliance Branch. Currently, the Office has one vacant position in the X-Ray Compliance Branch.

In addition to the five technical staff members in the Radioactive Materials Licensing and Compliance Branches, the Office Director spends about 27% of his time in radioactive materials licensing and inspection activities. The review team noted that the Office has experienced stable funding during the review period due to the Alabama law that establishes fees at 75% of the fees charged by NRC to materials licenses. These fees also fund the X-Ray Compliance Branch and the environmental monitoring and emergency response activities.

Training and qualification requirements for licensing and inspection staff are established in a Department memorandum dated October 20, 1997. The memorandum sets forth essentially the same training and qualification recommendations developed by the NRC - Organization of Agreement States Joint Working Group. A lead inspector is required to obtain specialized training appropriate for the type of licensee being inspected. Inspector requirements include NRC, or

equivalent, training courses when available. Inspectors are also required to be accompanied by a senior staff member on an inspection prior to authorizing the inspector to perform an independent inspection. Prior experience in inspecting in a specialized area is required to be a license reviewer or writer.

All technical staff members have taken the NRC courses deemed appropriate for their tasks. In addition, the review team noted that new licensing and inspection staff members usually attend three to four NRC training courses, including the five week health physics course, in their first two years with the Office. The training records demonstrate that Office management is committed to a high degree of training for the staff. Office management indicated that upper level management has been very supportive of training opportunities. The review team concluded that the Office has a well balanced staff, and a sufficient number of trained personnel to carry out regulatory duties.

The review team noted the apparent benefits to the Office from staff participation in the nationwide materials regulatory program outside their regular work. The Director of the Licensing Branch has served on committees and working groups including the joint working group on 10 CFR Part 35. The Director of the Compliance Branch has participated on two IMPEP review teams. Office management and other staff members have participated in activities of the Conference of Radiation Control Program Directors (CRCPD). In particular, it was noted that one inspection staff member served as Chair of the CRCPD Suggested State Regulations Committee, Part E, on Industrial Radiography. The review team noted that the knowledge and experience gained from these activities have been reflected back to the Office.

It was noted that three X-Ray inspectors have also completed the five week health physics course and have been accompanying materials inspectors on a monthly rotation basis since February of 2002. Office management indicated that these three inspectors can be transferred to the radioactive materials program if the need arises in the future. The review team noted that the Office currently has not only sufficient and well trained technical staff but also has a succession staffing plan that has factored in the potential future need.

The Medical Association of the State of Alabama, as constituted under the laws, is the State Board of Health. The State Committee of Public Health is composed of 12 members of the board of censors of the Medical Association of the State of Alabama and the chairman of four councils. The medical doctor members of the committee are selected by the State Board of Health, one from each of the United States congressional districts and the remainder from the State at large. When the State Board of Health is not in session, the State Committee of Public Health acts for the State Board of Health. Duties of the State Committee of Public Health include the adoption and promulgation of rules and regulations. Meetings of the State Committee of Public Health are held monthly.

The State Committee of Public Health elects an executive officer who is a physician licensed in Alabama to be known as the State Health Officer. The State Health Officer is designated as the Director of the Department. The Department carries out the day-to-day responsibility for the State Board of Health. As indicated in Chapter 25 of Title 36, Alabama Code of Ethics for Public Officials, Employees, etc., unless expressly provided otherwise by law, no person shall serve as a member or employee of a State, county, or municipal regulatory board or commission or other body that regulates any business with which the person is associated. In addition, the Code also

prohibits public officials or public employees to use his or her official position or office from obtaining personal gain.

Based on the IMPEP evaluation criteria, the review team recommends that Alabama's performance with respect to the indicator, Technical Staffing and Training, be found satisfactory.

3.4 Technical Quality of Licensing Actions

The review team interviewed license reviewers, evaluated the licensing process, and examined licensing casework for 22 specific licenses. Licensing actions were reviewed for completeness, consistency, proper radioisotopes and quantities, qualifications of authorized users, adequate facilities and equipment, adherence to good health physics practices, financial assurance, operating and emergency procedures, appropriateness of the license conditions, and overall technical quality. The casework files were also reviewed for timeliness, use of appropriate deficiency letters and cover letters, reference to appropriate regulations, product certifications, supporting documentation, consideration of enforcement history, pre-licensing visits, supervisory review as indicated, and proper signatures. The files were checked for retention of necessary documents and supporting data.

The licensing casework was selected to provide a representative sample of licensing actions which were completed during the review period. The cross-section sampling focused on the State's new licenses, amendments, renewals, and licenses terminated during the review period. The sampling included the following types: academic, broad medical, research and development, special nuclear material, a nuclear laundry, industrial radiography, portable gauges, institutional nuclear medicine, private clinics, mobile nuclear medicine, radioisotope and sealed source radiotherapy; and nuclear pharmacies. Licensing actions reviewed included nine new, one renewal, nine amendments and three termination files. A listing of the casework licenses evaluated with case specific comments can be found in Appendix D.

Overall, the review team found that the licensing actions were thorough, complete, consistent, and of acceptable quality with health and safety issues properly addressed. License tie-down conditions were stated clearly, backed by information contained in the file, and inspectable. The licensee's compliance history was taken into account when reviewing renewal applications and amendments. The exemptions noted in the questionnaire responses were determined to be appropriate and well documented by license conditions.

Licenses are reviewed by one license reviewer, and the Director of the Licensing Branch. The Director of the Licensing Branch performs a technical review on all licensing actions, and the Office Director performs a supervisory review before each licensing action is issued. All licenses are signed by the Office Director and the State Health Officer. The State issues licenses for a five year period under a timely renewal system, utilizes NRC licensing guides and policies as appropriate, uses standard licensing conditions, and issues a complete license for each licensing action.

A review of the termination actions taken over the review period showed that all of the terminations were for licensees possessing only sealed sources and/or for uses of radiopharmaceuticals with short half lives. The review team found that terminated licensing

actions were well documented, showing appropriate transfer records or appropriate disposal methods and records, confirmatory surveys, and survey records.

In discussions with the Office management, the review team noted that there were no major decommissioning efforts underway with regard to Agreement material in Alabama. The Office is also participating in the CRCPCD program for certifying industrial radiographers.

Based on the IMPEP evaluation criteria, the review team recommends that Alabama's performance with respect to the indicator, Technical Quality of Licensing Actions, be found satisfactory.

3.5 Response to Incidents and Allegations

In evaluating the effectiveness of the Office's actions in responding to incidents, the review team examined the Office's responses to the questionnaire relative to this indicator, reviewed the incident reports for Alabama in NMED against those contained in the Office's files, and evaluated reports and supporting documentation for ten incidents. A list of the incident casework examined with case-specific comments is included in Appendix E. The review team also reviewed the Office's response to 16 allegations involving radioactive material, including four allegations referred to the Office by the NRC during the review period.

The incidents selected for review included the following categories: misadministrations, stolen gauges, overexposures, improper disposal of radioactive material, equipment failure, and damaged equipment. The review team found that the Office's response to incidents was generally complete and comprehensive. Initial responses were prompt and well-coordinated, and the level of effort was commensurate with the health and safety significance. The Office dispatched inspectors for onsite investigations when appropriate, and took suitable enforcement and follow-up actions.

The responsibility for initial response and follow-up actions to materials incidents may be assigned to any member of the materials program. Upon receipt, Office staff reviews a report, decides on the appropriate response, and gives the report a unique Office number and logs it into the incident log. Documentation related to an incident is placed both in an incident file and in the appropriate license file.

The review team identified 71 incidents in NMED for Alabama during the review period. As noted in Section 2.0, the Office adopted a procedure providing that reports of incidents that require immediate notification to the State be provided to the NRC within 24 hours of notification, and that reports of incidents that require notification to the State within 30 days be provided to the NRC monthly. The review team noted that all significant events (requiring 24 hour notification) and routine and/or event updates (requiring 30-day notification) were reported to the NMED on a monthly basis since the previous IMPEP review. The review team noted that the Office was responsive in providing the requested information to the NMED contractor by way of email with attachments.

It was noted that the Office received and was using the latest NMED software by two Office staff members who had recently completed the new NMED software training. The Office staff member

indicated that the NMED training was very helpful and that the latest version of the NMED software is very user-friendly. The Office uses the NMED software to track all radioactive material incidents.

In evaluating the effectiveness of Alabama's actions responding to allegations, the review team examined the Office's questionnaire responses relative to this indicator. The casework for the four allegations referred by the NRC was reviewed as well as the case work for 12 additional allegations reported directly to the State. The Office evaluates each allegation and determines the proper level of response. The review of the casework and the Office files indicated that the Office took prompt and appropriate action in response to the concerns raised. All of the allegations reviewed were appropriately closed and the review team noted that allegations were treated and documented internally in the same manner as incidents. There were no performance issues identified from the review of the casework documentation.

The review team noted that Alabama law requires that all public documents be made available for inspection and copying unless specifically exempted from disclosure under the State's Open Records Act. The State makes every effort to protect an alleged's identity, but it cannot be guaranteed. During the initial telephone contact, the alleged is advised that their anonymity cannot be guaranteed.

Based on the IMPEP evaluation criteria, the review team recommends that Alabama's performance with respect to the indicator, Response to Incidents and Allegations, be found satisfactory.

4.0 NON-COMMON PERFORMANCE INDICATORS

IMPEP identifies four non-common performance indicators to be used in reviewing Agreement State Programs: (1) Legislation and Program Elements Required for Compatibility; (2) Sealed Source and Device Evaluation Program; (3) Low-Level Radioactive Waste Disposal Program; and (4) Uranium Recovery Program. Alabama's Agreement does not authorize regulation of uranium recovery activities, so only the first three non-common performance indicators were applicable to this review.

4.1 Legislation and Program Elements Required for Compatibility

4.1.1 Legislation

Along with the Office's response to the questionnaire, the staff provided the review team with the opportunity to review copies of legislation that affects the radiation control program. Legislative authority to create the program and enter into an Agreement with the NRC was granted in 1963 (Acts of 1963, No. 582). The State Board of Health is designated as the State's radiation control agency. The authority to enter the Southeast Interstate Low-Level Radioactive Waste Compact was granted in 1982 (Acts of 1982, No. 328). The review team noted that the legislation had not changed since the previous IMPEP review.

4.1.2 Program Elements Required for Compatibility

The State regulations for 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 radioactive materials, including naturally occurring and accelerator-produced radionuclides. A copy of the effective Alabama regulations, including the last amendments which became effective as of August 6, 2001, was given to the review team.

The review team examined the procedures used in the State's rule-making process and found that the public and other interested parties are offered an opportunity to comment on proposed regulation changes. Rule-making responsibility is assigned to the Office Director. It was noted that draft regulations were sent to the NRC for review and comment, and when necessary, the NRC comments were incorporated. The package of proposed regulations prepared by the Office requires review by the Alabama Office of General Counsel and approval from the State Committee of Public Health. The State has Emergency Rule capability, if public health and safety is at risk. It was noted that the State's rules and regulations are not subjected to "sunset" laws.

The review team evaluated the Office responses to the questionnaire, 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 with data obtained from the Office of State and Tribal Program's (STP) State Regulation Status Data Sheet. Since the previous IMPEP review, the Department adopted 12 regulation amendments in two rule packages that became effective in May 2000 and August 2001. In addition, the following regulation amendment is currently under NRC review. NRC staff has provided preliminary comments to the Office for consideration. The final rules are expected to be approved by the State Committee of Public Health on April 17, 2002.

- ! "Respiratory Protection and Controls to Restrict Internal Exposures," 10 CFR Part 20 amendment (64 FR 54543; 64 FR 55524) that became effective February 2, 2000.

The State has no overdue regulations required for compatibility. The Office will need to address the following five regulations in upcoming rule makings or by adopting alternate legally binding requirements:

- ! "Energy Compensation Sources for Well Logging and Other Regulatory Clarifications," 10 CFR Part 39 amendment (65 FR 20337) that became effective May 17, 2000.
- ! "New Dosimetry Technology," 10 CFR Parts 34, 36, and 39 amendments (65 FR 63749) that became effective January 8, 2001.
- ! "Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material," 10 CFR Parts 30, 31, and 32 amendments (65 FR 79162) that became effective February 16, 2001.
- ! "Revision of the Skin Dose Limit," 10 CFR Part 20 amendment (67 FR 16298) that became effective April 5, 2002.

- ! "Medical Use of Byproduct Material," 10 CFR 20, 32, and 35 amendments (67 FR 20249) that became effective April 24, 2002.

Based on IMPEP evaluation criteria, the review team recommends that Alabama's performance with respect to the indicator, Legislation and Program Elements Required for Compatibility, be found satisfactory.

4.2 Sealed Source and Device (SS&D) Evaluation Program

During the review period, no SS&D certificates were issued by the Office. Although the Office does not have a branch dedicated to conducting reviews, it does have the authority to collect the full cost of an evaluation, and to contract for a review by qualified persons. The review team did not evaluate this indicator further.

4.3 Low-Level Radioactive Waste (LLRW) Disposal Program

In 1981, the NRC amended its Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement" to allow a State to seek an amendment for the regulation of LLRW as a separate category. Those States with existing Agreements prior to 1981 were determined to have continued LLRW disposal authority without the need of an amendment. Although the Alabama Agreement State program has LLRW disposal authority, NRC has not required States to have a program for licensing a LLRW disposal facility until such time as the State has been designated as a host State for a LLRW disposal facility. When an Agreement State has been notified or becomes aware of the need to regulate a LLRW disposal facility, they are expected to put in place a regulatory program which will meet the criteria for an adequate and compatible LLRW disposal program. There are no plans for a LLRW disposal facility in Alabama. Accordingly, the review team did not review this indicator.

5.0 SUMMARY

As noted in Sections 3 and 4 above, the review team found Alabama's performance to be satisfactory for all six performance indicators. Accordingly, the review team recommended and the MRB concurred in finding the Alabama Agreement State program to be adequate and compatible with NRC's program. Based on the results of the current IMPEP review, the review team recommends that the next full review should be in approximately four years. No recommendations were made by the review team.

LIST OF APPENDICES AND ATTACHMENTS

Appendix A	IMPEP Review Team Members
Appendix B	Alabama Organization Charts
Appendix C	Inspection Casework Reviews
Appendix D	License Casework Reviews
Appendix E	Incident Casework Reviews
Attachment	May 21, 2002 E-mail from Kirksey Whatley to Kevin Hsueh - Alabama's Response to Draft IMPEP Report

APPENDIX A

IMPEP REVIEW TEAM MEMBERS

Name	Area of Responsibility
Kevin Hsueh, STP	Team Leader Technical Staffing and Training Legislation and Program Elements Required for Compatibility
Shawn Seeley, Maine	Status of Materials Inspection Program Technical Quality of Inspections Inspection Accompaniments
Richard Woodruff, Region II	Technical Quality of Licensing Actions
Richard Leonardi, Region IV	Response to Incidents and Allegations

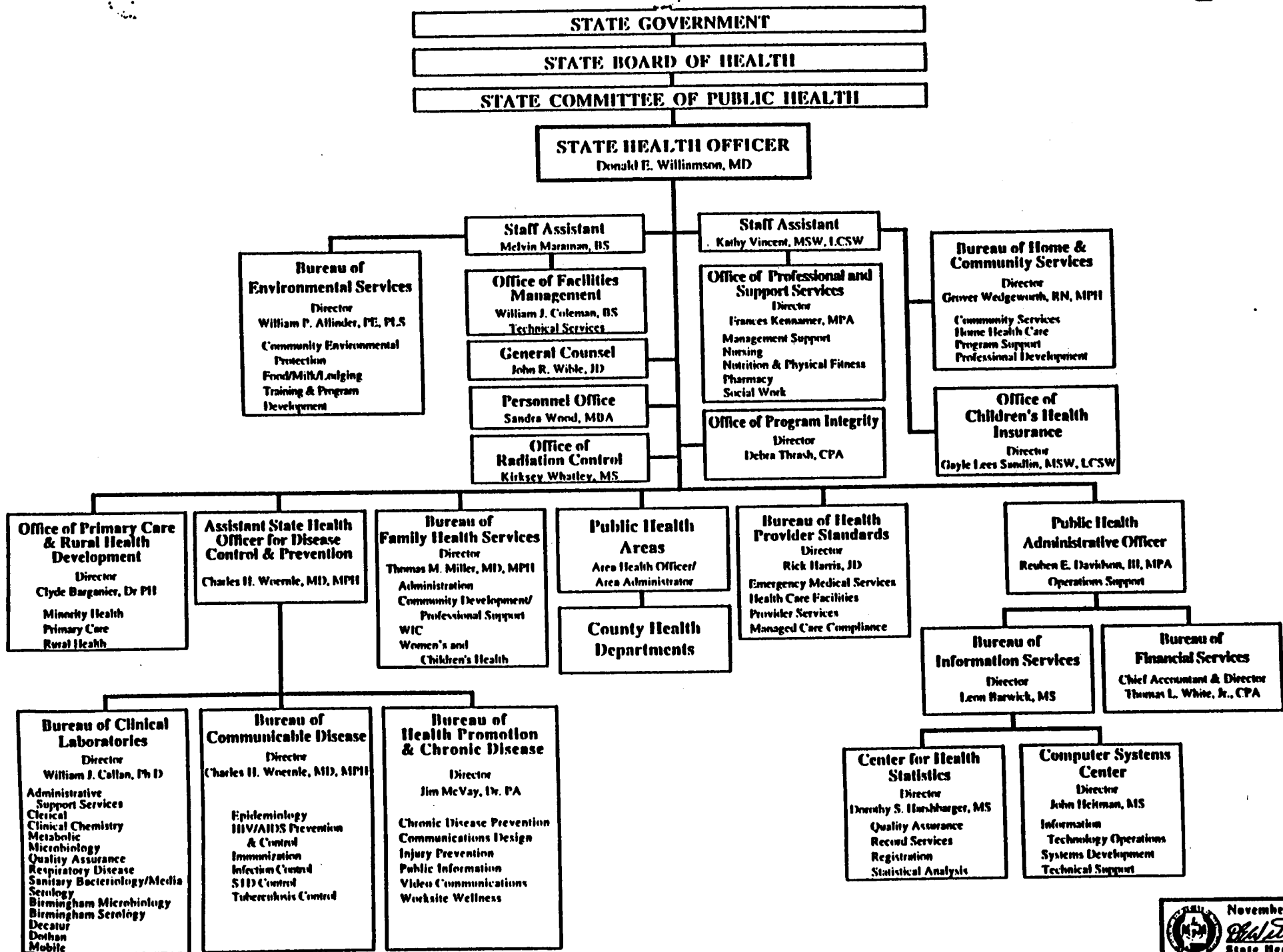
APPENDIX B

ALABAMA OFFICE OF RADIATION CONTROL

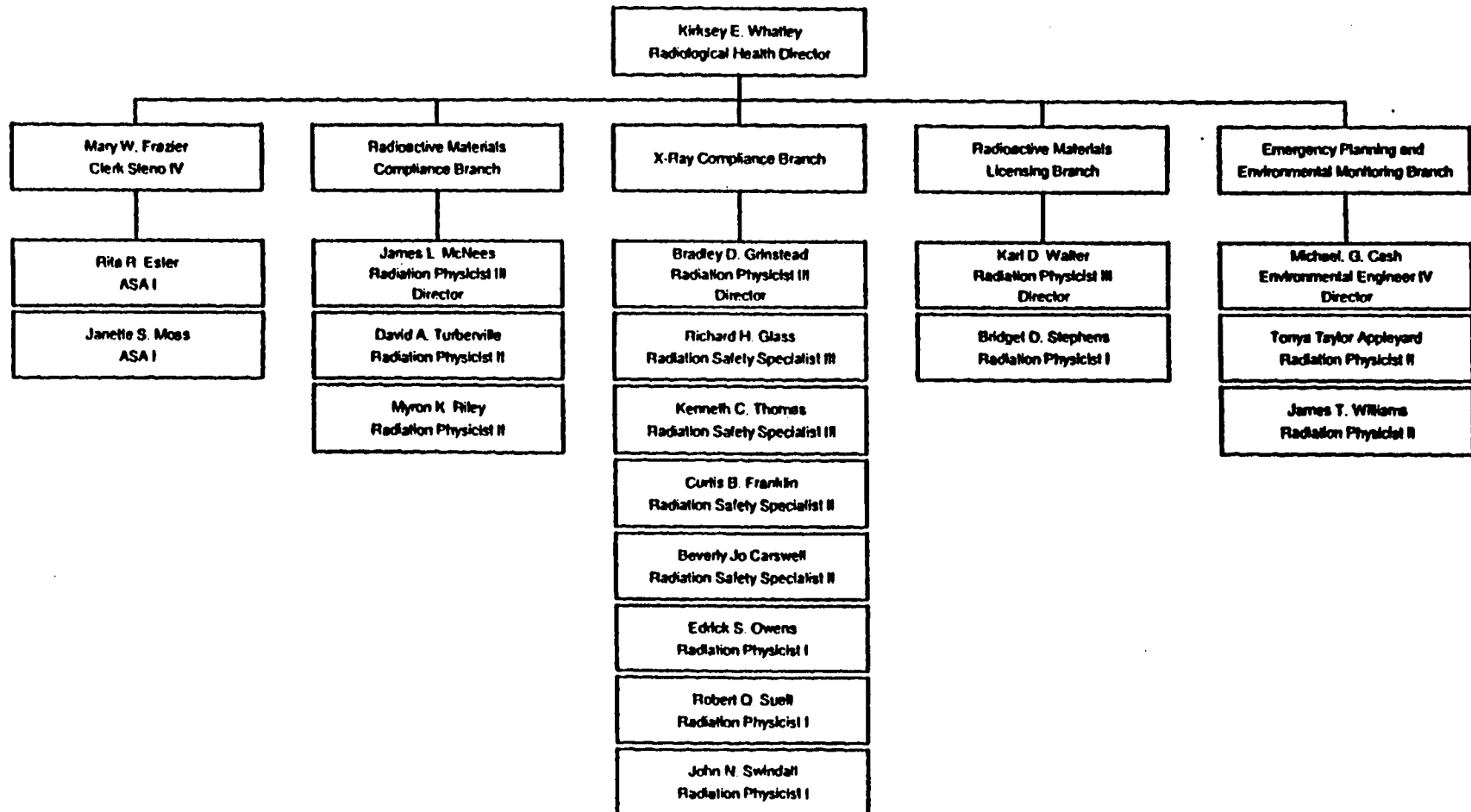
ORGANIZATION CHARTS

ML021330373

ORGANIZATION OF THE ALABAMA DEPARTMENT OF PUBLIC HEALTH



Office of Radiation Control



ATTACHMENT

May 21, 2002 E-mail from Kirksey Whatley to Kevin Hsueh
Alabama's Response to Draft IMPEP Report

ML021570384

From: <kwhatley@adph.state.al.us>
To: <kph@nrc.gov>
Date: 5/21/02 11:17AM
Subject: 2002 Alabama Draft IMPEP Report

Staff have reviewed the draft IMPEP report and offer the following comments:

1. Refer to page 3 of the draft report, 3rd. paragraph, last sentence:

We do not require out-of-state licensees, who hold an Alabama license, to provide a 3-day notification prior to each entry. They are required to notify us prior to each entry, but the 3-day restriction is not imposed. They can simply call the same day of work if necessary.

2. Refer to page 5 of the draft report. Under "Technical Staffing and Training", refer to the 4th. paragraph, last sentence:

Fees do not fund emergency planning activities. Most all of the emergency response planning activities are directly related to activities associated with Browns Ferry and Farley Nuclear Facilities. We contract with the Tennessee Valley Authority and Alabama Power Company to fund these activities. Funds from fees are not used for emergency planning and activities associated with either of these facilities. Fees from funds are used for our environmental monitoring activities and emergency response activities related to responding to needs of licensees, landfills, transportation, etc.

3. Refer to page 6, 2nd. paragraph:

Suggest that you include in the paragraph that David Turberville served as Chair of the CRCPD Suggested State Regulations Committee, Part E, on Industrial Radiography (NRC Part 34).

Thanks for the opportunity to review the draft report. I assume that this response by e-mail will be sufficient. If you need a formal letter of response, please advise me.