UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

March 20, 2013

Donald E. Williamson, MD
State Health Officer
Alabama Department of Public Health
201 Monroe Street
P.O. Box 303017
Montgomery, AL 36130-3017

Dear Dr. Williamson:

A periodic meeting with your State was held on February 20, 2013. The purpose of this meeting was to review and discuss the status of the Alabama Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Daniel Collins, Lisa Dimmick and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (610) 337-5214 or via e-mail at Monica.Orendi@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Monica Lynn Orendi
Regional State Agreements Officer
Division of Nuclear Materials Safety
U.S. NRC Region I

Enclosure:
Periodic Meeting Summary for Alabama

cc w/encl.: Thomas Miller, MD
Alabama Department of Public Health

James McNees, Director
Alabama Department of Public Health
Office of Radiation Control

David Walter, Assistant Director
Alabama Department of Public Health
Office of Radiation Control

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
ALABAMA STATE DEPARTMENT OF PUBLIC HEALTH'S
OFFICE OF RADIATION CONTROL

DATE OF MEETING: February 20, 2013

Nuclear Regulatory Commission (NRC) Attendees	**Alabama State Department of Public Health Attendees**
Monica Orendi, Region I RSAO	James McNees, Director
Daniel Collins, Deputy Director, DNMS Region I	David Walter, Assistant Director
Lisa Dimmick, IMPEP Project Manager, Office of Federal and State Materials and Environmental Management Programs	David Turberville, Radiation Physicist Supervisor, Environmental Radioactivity and Special Projects
	Myron Riley, Supervisor, Radioactive Materials Inspection
	Neil Maryland, Supervisor, Radioactive Materials Licensing
	Cason Coan, Radiation Physicist Senior
	Roger Cleckler, Radiation Physicist

DISCUSSION:

During the 2010 Integrated Materials Performance Evaluation Program (IMPEP) review of the Alabama Agreement State Program (the Program), the review team found the State's performance satisfactory for all performance indicators reviewed. The review team made no recommendations. On July 19, 2010, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Alabama Agreement State Program. The MRB found the Program adequate to protect public health and safety and compatible with NRC's program. The MRB recognized that the 2010 review marked the fourth consecutive IMPEP review of the Program in which the program was found adequate to protect health and safety, compatible with the NRC's program, and satisfactory for all performance indicators reviewed. Based on the results of the IMPEP review, the review team recommended, and the MRB agreed, that the next full IMPEP review take place in four years and that a periodic meeting be held in approximately two years from the date of the November 2010 IMPEP.

On September 13 and October 5, 2010, the MRB reviewed and endorsed the recommendations of the IMPEP Self-Assessment Working Group report dated August 17, 2010. Recommendation 3 of the Working Group's report recommends that consistently high performing organizations that have two consecutive IMPEP reviews with findings of satisfactory on all performance indicators are recognized for its achievements. Alabama was identified as meeting the high standard for sustained performance and subsequently had its IMPEP review period extended to five years.

Enclosure

TOPICS COVERED DURING THE MEETING INCLUDED:

Program Strengths

The Program noted several strengths. The Program charges 75 percent of NRC's fees which provides for a well-funded program. These fees are ear marked for the Radiation Control Program and placed into a dedicated fund. The Program has an experienced and well-trained staff. Only one staff person has been with the Program for less than five years resulting in a large institutional knowledge base for the Program. Camaraderie and open communication among the staff and between staff and management are also strengths of the Program. Last, the Program discussed access to NRC training courses as a strength. The Program utilizes the NRC training courses when available and believes that knowledge learned from these courses is a valuable tool for staff.

Program Weaknesses

Under strengths, the Program mentioned its very experienced staff. However this is also considered by the Program to be a weakness. There is a potential for several staff to retire in the next eight to ten years. The current director is planning on retiring before the next IMPEP after 38 years with the radiation control program. The Program also considers its large workload to be a weakness. In some circumstances preparatory time can be limited due to other incoming work items needing attention.

Feedback on the NRC's Program

The Program commented that both the overall relationship and communications with the NRC are good. In the past, it could take one to two weeks to get an answer to a question posed to the NRC staff and now the turnaround time is one to two days. The Program did mention that the NRC makes too many changes to its regulations, especially to regulations of high compatibility (compatibility categories A and B). Multiple regulation changes that occur each year can place a strain on Agreement State staff in not only the adoption of the changes but the implementation. The Program also expressed its appreciation for the NRC training classes but did mention that an increase in slots for Agreement State staff would be appreciated. Last, the Program staff discussed their fondness for the IMPEP. The Program feels that before IMPEP Agreement States were held to different standards and favoritism occurred. Since the institution of IMPEP, the review of Agreement State programs has been very fair and consistent.

Agreement State Program Staffing and Training

The Program currently consists of seven staff, which includes the Program Director and Assistant Director, comprising approximately 5.75 full time equivalents (FTE). Currently the Program has a request in to obtain an additional 0.5 FTE which would be used to help with radioactive materials licensing and inspection. No staff turnover has occurred since the 2010 IMPEP review and there are no vacancies in the Program. One technical staff is still in the qualification process but is qualified to do all inspection types except for Increased Controls inspections. Support for staff training exists in the Program. Program staff has attended the NRC and other training courses. The Program also does in house training and has junior staff accompany senior staff to aid in the learning process. A documented training plan for technical staff exists and has not been changed since the 2010 IMPEP which determined that is was consistent with the requirements in the NRC/Organization of Agreement States Training

Working Group Report and NRC's Inspection Manual Chapter 1246, "Formal Qualification Programs in the Nuclear Material Safety and Safeguards Program Area."

Organization

The Alabama Agreement State Program is located in the Office of Radiation Control which is located within the Alabama Department of Public Health.

Program Budget/Funding

The Program is 100 percent fee funded. Alabama charges 75 percent of NRC fees. The funds are placed into a dedicated fund for the Radioactive Materials Program. Although the money is placed into a dedicated fund, the Program has a $100,000 cap on money allowed to be carried over to the next fiscal year. Any money in excess of the cap goes into the general fund. Despite being 100 percent fee funded, the Program still needs to obtain approval to fill positions, travel outside the State, and order certain supplies.

Inspection and Licensing Programs

All but one of the Program's inspection frequencies are performed at the same as the NRC's. Alabama inspects nuclear pharmacies at a more frequent interval than the NRC. At the time of the periodic meeting, the Program reported it had no overdue inspections and had performed no inspections overdue by more than 25 percent of the inspection frequency since the last IMPEP review. The Program had performed one initial inspection greater than one year after the license issuance. The Program had performed 346 total inspections (all priorities) since the last IMPEP review. Alabama allows for reciprocity for 30 days in any calendar year. After 30 days the entity must obtain an Alabama license. The Program indicated performing reciprocity inspections on twenty percent of candidate licensees can prove to be a challenge for the program. In calendar year 2012, the Program performed no reciprocity inspections of the 49 priority 1, 2, and 3 licensee reciprocity requests received. In calendar year 2013, the Program has performed two inspections of the 17 priority 1, 2, and 3 licensee reciprocity requests received. The Program issues inspection reports to licensees within thirty days of the inspection. All inspectors have been accompanied annually since the last IMPEP.

The Program currently has approximately 415 specific licenses. The Program completes between 450 and 500 licensing actions each fiscal year. The Program hand delivers all new licenses. All licensing actions are reviewed by one management level higher than the individual performing the action.

Regulations and Legislative Changes

The Program is subject to sunset requirements. The regulations and program are reviewed by a committee in the legislature on an approximately four year basis. The Program was last reviewed in 2009. The review also involves letters to regulated entities from the committee asking about the program. When the Program comes under review the possibility always exists for the legislature to sunset the program however this is not likely due to the good working relationship with the licensees. At the time of the periodic meeting, the Program had no overdue regulations due for adoption. The rulemaking process generally takes approximately 12 months and expedited or emergency rulemaking can be completed in as little as five to six months. The Program is currently working on addressing outstanding comments on final regulations and adopting regulations coming due for adoption. There was one legislative

change since the 2010 IMPEP review which affected the Program. The Bill involved licenses in the name of a person and not in the name of a company and stated that they would need to show that the person named on the license is in the country legally.

Event Reporting

The Program had 46 events in 2010, 51 events in 2011, 79 events in 2012 and three events so far in 2013. These events include radioactive material, x-ray, and scrap. Follow-up information for all events reported by the Program are included in the State's NMED entries. It was noted that there were two NMED entries that are listed as the record being complete but have not yet been closed by the Program. This was brought to the Program's attention during the periodic meeting and the Program staff stated that they would either update the items or close the records.

Response to Incidents and Allegations

The Program continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their effect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Program is aware of the need to maintain an effective response to incidents and allegations. NRC referred one allegation to the Program and the Program directly received ten additional allegations between January 2010 and January 2013.

Sealed Source and Device Evaluation

Although the Program has authority to conduct sealed source and device evaluations for byproduct, source, and certain nuclear materials, this indicator was not reviewed during the 2010 IMPEP review since the Program has no licensees that fall under this indicator and therefore did not conduct any evaluations during that review period. The Program has not conducted any evaluations since the 2010 IMPEP and does not expect any actions during this IMPEP review period.

Low-Level Radioactive Waste Disposal Program

In 1981, the NRC amended its Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Authority and Assumption Thereof by States Through Agreement," to allow a State to seek an amendment for the regulation of low-level radioactive waste as a separate category. Those States with existing Agreements prior to 1981 were determined to have continued disposal authority without the need of an amendment. Although the Program has authority to regulate a low level waste facility, the NRC has not required States to have a program for licensing a disposal facility until such time as the State has been designated as a host State for a disposal facility. There are no plans for a commercial low-level radioactive waste disposal facility in Alabama.

Emerging Technologies

The Program has licensees using radium-223 as part of an investigational new drug protocol.

State's Mechanisms to Evaluate Performance

The Program has used the IMPEP questionnaire in between IMPEP reviews to evaluate program performance. The Office of Radiation Control has a supervisors retreat every year to discuss performance and brain storm ideas to improve performance. The most recent retreat was held in January 2013. The Program has monthly supervisor meetings and weekly staff meetings.

CONCLUSIONS:

The Alabama Radioactive Materials Program continues to be an effective well maintained Agreement State program with an experienced and well-trained staff. There are no vacancies in the Program at this time. The Program is effectively managing its licensing and inspection activities.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in fiscal year 2015.