

## **AGREEMENT STATE PERIODIC MEETING SUMMARY FOR ALABAMA STATE DEPARTMENT OF HEALTH (DOH)**

DATE OF MEETING: April 29, 2008

### ATTENDEES:

#### NRC

Monica Orendi, Health Physicist, FSME  
James Kottan, RSAO, Region I

#### Alabama DOH

Kirksey Whatley, Radiological Health Director  
James McNees, Radiological Health Assistant Director  
David Turberville, Director, Radioactive Materials Compliance  
David Walter, Director, Radioactive Materials Licensing  
Cason Coan, Senior Radiation Physicist  
Myron Riley, Senior Radiation Physicist

### DISCUSSION:

#### Previous IMPEP Review

In April 2006, the Integrated Materials Performance Evaluation Program (IMPEP) review team found the Alabama Agreement State Program's (the Program) performance to be satisfactory for all common and non-common performance indicators with no recommendations. On June 29, 2006, the Management Review Board (MRB) met to consider the IMPEP review team's proposed findings regarding the Program. The MRB found the Program adequate to protect public health and safety and compatible with the NRC's program. Accordingly, the MRB determined that the next full review of the Program should take place in 4 years and that a periodic meeting should take place in April 2008.

#### Organization

The Program is administered by the Office of Radiation Control within the Alabama Department of Public Health. There have been no changes to the Program's organization since the previous IMPEP. Mr. Kirksey Whatley remains the Radiological Health Director. Mr. Whatley reports to the State Health Officer who is the Director of the Alabama Department of Public Health.

There are four technical branches within the Office of Radiation Control. Two branches, the Inspection Branch and the Licensing Branch make up the Program. The Program administers 456 licenses.

#### Agreement State Program Staffing

A well-trained, stable, and experienced staff is the strength of the Program. The staff is the same as that seen during the last IMPEP review. Mr. Whatley stated that funding, which is fee based, is adequate for the current organization.

The staff is fully engaged due to the current emphasis on increasing the security of radioactive materials and implementation of NRC regulations. The State commented that NRC regulations, especially those that require compatibility, change too frequently, and these changes place a burden on the State. The State is able to fulfill its Program responsibilities in this area because of individual staff's "pride of ownership" in the Program.

### Training

Support for staff training exists in the Program. Alabama welcomed the NRC's revised policy on funding training for Agreement States. Program staff has attended NRC and other training courses, including the NRC's Security Systems and Principles Course.

Staff that has not completed all required training is given interim qualification in those categories for which training has been completed. This is done in order to make these staff available to perform inspections in support of the Program.

An example of the Program's efforts in the area of training, the Program is in the process of expanding its radiological monitoring capability for emergencies by training local (State Health Department) employees.

### Inspections

Alabama's inspection frequencies are at least as frequent as NRC's. No inspections were overdue with respect to NRC inspection priorities. The Program maintains a monthly list of inspections due for management of the inspection program.

The Program maintains a sufficient number and variety of calibrated radiological survey instrumentation for use during inspections. Additionally, the Program has access to the State radioanalytical laboratory for sample analyses.

### Licensing

The Program had no pending licensing actions greater than 30 days. Initial licensing reviews are conducted within 2 weeks. New licenses are now hand-delivered in response to the requirement for "pre-licensing" visits. The Licensing Branch Supervisor performs a review of all licensing actions. The licenses are signed by the Program Director and the State Health Officer.

### Regulations

The Program continues to maintain compatibility-required regulations up to date. RATS ID 2005-1, "Security Requirements for Portable Gauges Containing Byproduct Material", Part 30 amendment (70 FR 2001) that became effective July 11, 2005, was provided to the NRC staff during this periodic meeting. The amendment will be implemented by license condition. The other amendment that the Program plans to address is "Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendment", 10 CFR Part 71 amendment (69 FR 3697) that became effective October 1, 2004. The Program will reference 10 CFR 71 to implement this requirement. There are no other overdue regulations.

There is no legislation pending in the State legislature that would affect the Program. The Program undergoes a "sunset" review every 4 years.

## Security

The current security climate and potential future security measures were discussed in detail, particularly regarding fingerprinting and security of self-shielded irradiators. The Program is aware of relevant security issues.

## Incidents/Allegations

Program staff communicates reportable incidents to the NRC Operations Center and Region I. The supervisor of the Inspection Branch is responsible for the input of incident information into the Nuclear Materials Events Database (NMED), as incidents occur. Since the last IMPEP review in April 2006, 49 events were reported to NMED. Of these 49 events, 13 were reportable and the remainder were informational, for example, events at scrap yards and landfills. The Program averages about one incident per week.

There were no allegations referred to the Program since the last IMPEP. The Program currently has two open allegations. Approximately two to three allegations per year are received by the Program.

## Feedback on the NRC's Program

As previously stated, the Program feels that the frequent and sometimes minor NRC rules changes and other NRC requirements place a burden on the Program. The Program would like better communications with the NRC and feels that States have no individual voice before the Commission except via the petition process since working groups do not represent all States. However, the Program commented that the overall relationship with the NRC is good, and the Program commended Commissioner attendance at the Conference of Radiation Control Program Directors and Organization of Agreement States Annual Meetings.

## Action Items Resulting From the Meeting

NRC will provide an updated FSME organization chart to the Program. Also NRC will provide information to the Program regarding Department of Energy/National Nuclear Safety Administration efforts to review the security programs of State Increased Controls licensees

## CONCLUSIONS:

The overall performance of the Program continues to be good. The Program staff is experienced, well trained, and remains stable. Fee-based funding provides a stable financial base for the Program. The continued support for staff training and the "pride of ownership" by Program staff also contributes to the overall good performance.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2010 (tentatively April 2010).