



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

April 22, 2016

K. David Walter, Director
Office of Radiation Control
State Department of Public Health
201 Monroe Street
P.O. Box 303017
Montgomery, AL 36130-3017

Dear Mr. Walter:

A periodic meeting with you and your staff was held on March 15, 2016. 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 James Trapp, Lisa Dimmick, and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions. A Management Review Board (MRB) meeting to discuss the outcome of the periodic meeting will be scheduled for a future date. Date, time, and call in information for the MRB will be provided in a separate transmission.

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.Ford@nrc.gov to discuss your concerns.

Sincerely,

/RA/

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

Enclosure:
Periodic Meeting Summary for Alabama

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

DATE OF MEETING: March 15, 2016

U.S. Nuclear Regulatory Commission (NRC) Attendees	Alabama Office of Radiation Control Attendees
Monica Ford, State Agreements Officer, Region I	David Walter, Director, Office of Radiation Control
James Trapp, Director, Division of Nuclear Materials Safety, Region I	David Turberville, Assistant Director, Office of Radiation Control
Lisa Dimmick, Senior Health Physicist, Agreement State Programs Branch, Office of Nuclear Material Safety and Safeguards	Myron Riley, Radiation Physicist Supervisor, Radioactive Materials Compliance
	Neil Maryland, Radiation Physicist Supervisor, Radioactive Materials Licensing

DISCUSSION:

During the 2015 Integrated Materials Performance Evaluation Program (IMPEP) review of the Alabama Agreement State Program (Program), the review team found the State's performance satisfactory but needs improvement for the indicator Technical Staffing and Training and satisfactory for all other performance indicators reviewed. The review team made one recommendation regarding program performance. On July 27, 2015, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Program. The MRB found the Program adequate to protect public health and safety and compatible with the NRC's program. The MRB determined that the next IMPEP review should be held in approximately four years with a periodic meeting to be held in one year.

As directed by the MRB a periodic meeting was held, approximately one year after the IMPEP review, on March 15, 2016. This summary is a reflection of that periodic meeting.

Enclosure

TOPICS COVERED DURING THE MEETING INCLUDED:Feedback on the NRC's Program

The Program provided feedback regarding the NRC's re-baselining effort associated with Project AIM 2020 (SECY-16-0009, ML16028A189).

- 1) The Program agrees with item number 5 which recommends to terminate the current rulemaking effort to make changes to 10 CFR Part 20.
- 2) The Program recognizes that the planned reduction in Agreement State travel and training as proposed in item 75 would be offset by the use of online training, however the Program hopes that this effort does not also result in some reduction to Agreement State participation in NRC working groups and the Organization of Agreement States annual meeting.
- 3) The Program does not believe that extending license expiration dates will lessen the work load but instead will just delay it and may result in increased lost time and cost due to training of new individuals five years after the extensions. Additionally the Program stated concern over changes to Inspection Manual 2800 to allow for extensions to inspections. The Program believes extensions to inspections could cause an increase in radiation safety related incidents. Items 37, 110, and 124
- 4) The Program disagrees with item 73. The Program feels that this reduction could result in an increased use of 10 CFR 35.1000 for medical uses that do not fall into our current regulations and then subsequently those uses placed under 35.1000 never coming out. In turn this could result in issues that could be avoided in training, licensing and use.
- 5) The Program disagrees with item #129. While the Program agrees with the increase in the use of technology, the Program also feels that this technology can have its problems that only face to face, hands on meetings can avoid. As an example people on the phone are not as effective and are easily forgotten when working with others who are in the same room together.

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 the NRC's fees. The funds are placed into a dedicated fund for the Office of Radiation Control. 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.

Technical Staffing and Training (2015 IMPEP: Satisfactory but Needs Improvement)

The Program currently consists of seven staff, which includes the Program Director and Assistant Director. Additionally two more staff who currently do x-ray registrations are beginning to be trained to do radioactive materials licensing as well. The Program comprises approximately 5.5 to 6 FTE and hopes to gain another 0.75 FTE with the hiring of an individual who will be assigned as a radioactive materials inspector. There has been no staff turnover since the last IMPEP review. 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. Two technical staff are currently going through the qualification process to become qualified inspectors.

The 2015 IMPEP review team generated one recommendation for this performance indicator. The recommendation is listed below along with its status.

Recommendation 1: The review team recommends that the State 1) create a formal training qualification program equivalent to IMC 1248 and apply it to staff going through the qualification process; 2) require 24 hours of refresher training every two years for currently qualified staff; and 3) re-evaluate the qualifications of the two newest inspection staff to determine if additional training is needed.

Status: Since the 2015 IMPEP review the Program has revised Office Policy 417 "Training Program for Radioactive Materials Staff" to make it equivalent to the NRC's Inspection Manual Chapter 1248. Additionally the Program restarted the qualification process for the two newest inspectors using the revised Office Policy 417. Once the Radiation Physicist Supervisor feels the inspector is ready, a memo is sent to the Office Director for a request to have the individual accompanied for approval to perform a specified type of inspection independently. These accompaniments are performed by either the Director or Assistant Director. Lastly, the Program Office Policy 417 specifies that all qualified staff are expected to maintain their qualification by completing 24 hours of refresher training every 24 months.

Status of Materials Inspection Program (2015 IMPEP: Satisfactory)/ Technical Quality of Inspections (2015 IMPEP: Satisfactory)

Alabama's inspection frequency is as frequent as or more frequent than similar license types found in the NRC's Inspection Manual Chapter (IMC) 2800, except for SIR-Spheres, TheraSpheres, and the Gliasite Radiation Therapy System. In IMC 2800, these modalities are assigned a program code of 2240 (Medical Therapy - Other Emerging Technology) which requires a two-year inspection frequency. However, the State chose to assign a program code of 2120

(Medical Institution - Written Directive Required) for these modalities and apply the three-year inspection frequency. During the 2015 IMPEP review the Program provided written justification for the less frequent assignments based on its determination that these modalities are brachytherapy in nature and do not warrant a two-year frequency. The Program determined there was no effect on health and safety with these assignments.

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 performed one initial inspection within one year after the license issuance since the last IMPEP review and has performed no initial inspections overdue. The Program had performed 63 priority 1, 2, and 3 inspections 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. In calendar year 2015, the Program performed four reciprocity inspections of priority 1, 2, and 3 licensee reciprocity requests received.

The Program issues inspection reports to licensees within thirty days of the inspection. The Program does not have an equivalent form to the NRC's 591 and does not issue inspection findings in the field. All inspection reports are brought back to the Program office to be signed

by the Radiation Physicist Supervisor (unless the Supervisor performed the inspection, in which case the findings are signed by the Office Director) before being issued.

Technical Quality of Licensing Actions (2015 IMPEP: Satisfactory)

The Program currently has approximately 415 specific licenses. The Program completes between 450 and 500 licensing actions each fiscal year. All licensing actions are reviewed by one management level higher than the individual performing the action. The Program has pre-licensing guidance procedures that are used for licensing actions that the Program receives.

Technical Quality of Incidents and Allegations (2015 IMPEP: Satisfactory)

The Program continues to be sensitive to notifications of incidents and allegations. The Program has had 27 events since the last IMPEP review. Of those events received, six required reporting to the NRC. The Program reported those events timely and they were quickly reviewed for their effect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. No allegations have been received by the Program since the last IMPEP review.

Regulations and Legislative Changes (2015 IMPEP: Satisfactory)

The State's administrative rulemaking process takes approximately six months to one year from drafting to finalizing a rule. The public, NRC, other agencies, and potentially impacted licensees and registrants are offered an opportunity to comment during the process. Comments are considered and incorporated, as appropriate, before the regulations are finalized and approved by the State Committee of Public Health. The State's rules and regulations are not subject to "sunset" laws. At the time of the periodic meeting, there was one amendment overdue for adoption. Regulation Amendment Tracking Sheet (RATS) ID 2012-2 involves changes to 10 CFR Part 71. The Program's regulations adopt 10 CFR 71 by reference. The Program did not realize that they needed to submit a letter regarding this amendment since the section is adopted by reference. The Program submitted the final regulations to the NRC for review on March 16, 2016.

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 2015 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 2015 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.

State's Mechanisms to Evaluate Performance

The Program performs a self-audit once a year. The Program has utilized the IMPEP questionnaire in between IMPEP reviews to evaluate program performance. Additionally each section provides monthly reports to the Office Director of their sections performance.

CONCLUSIONS:

The Program continues to be an effective well maintained Agreement State program. The Program has taken steps since the 2015 IMPEP review to address the recommendation made under the indicator Technical Staffing and Training. The Program is effectively managing its licensing and inspection activities. The Program is responding to incidents and allegations as appropriate and has one regulation overdue for adoption which has been submitted to the NRC for review.

The NRC staff recommends that a periodic meeting be held in approximately 18 months and the next IMPEP review be conducted as scheduled in May 2019.