

DATED: OCTOBER 24, 1995

SIGNED BY: RICHARD L. BANGART

Donald E. Williamson, M.D.
State Health Officer
Department of Public Health
434 Monroe Street
Montgomery, AL 36130-3017

Dear Dr. Williamson:

My letter to you dated September 18, 1995, transmitted the results of the NRC review and evaluation of the Alabama Agreement State radiation control program. The letter indicated that the Alabama program was fully adequate to protect public health and safety, but also stated that NRC was withholding a finding of compatibility because Alabama had not adopted a rule that was compatible with NRC's Quality Management Program and Misadministrations rule (QM rule). The QM rule was due for adoption by Agreement States by January 27, 1995.

Subsequent to my September 18, 1995 letter, NRC reinitiated its evaluation of when, and under what circumstances, the QM rule should be used as a basis for the determination of an Agreement State program's compatibility. The staff recommendation is under review by the Commission.

Therefore, given this current reevaluation, the absence of a compatible QM rule will not be used as a basis for the withholding of a finding of compatibility at this time. NRC's position on compatibility determinations involving QM rule promulgation will be communicated to you when it is final; any impacts on Alabama program compatibility will also be noted at that time.

Additionally, it has been brought to my attention that a statement in my September 18, 1995, letter conveys an incorrect impression. We stated in the next to last paragraph that improvements have been made to your program since the last review, and note the current lack of licensing or inspection backlog. I agree that this statement can be interpreted to imply that such a backlog existed at the time of the last Alabama program review. We recognize that any such implication is incorrect, and in fact, that the Alabama program has had no such backlog, at least at the time of the last three program reviews. This statement was intended as a positive comment to recognize that the Alabama program has been effective in keeping pace with the licensing and inspection workload. I apologize for any inconvenience resulting from that misimpression.

Donald E. Williamson, M.D.

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I have discussed these issues by telephone conversation with Mr. Kirksey E. Whatley, Director, Division of Radiation Control, on October 12, 1995. If further discussion is necessary, upon your request, I will be pleased to meet with you or Mr. Whatley.

Sincerely,

Richard L. Bangart, Director
Office of State Programs

cc: K. E. Whatley

Donald E. Williamson, M.D.

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Sincerely,

Richard L. Bangart, Director
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