



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931

August 15, 2000

Mr. William A. Passetti, Chief
Bureau of Radiation Control
Department of Health
4052 Bald Cypress Way, Bin C21
Tallahassee, FL 32399-1741

SUBJECT: PERIODIC MEETING

Dear Mr. Passetti:

A periodic meeting with Florida was held on June 1, 2000. The purpose of this meeting was to review and discuss the status of the Florida Agreement State program. Specific topics and issues of importance discussed at the meeting included actions on previous 1999 IMPEP review findings, program strengths, staffing and training, performance of licensing and inspection activities, and the updating of regulations for compatibility. No changes were made to the draft summary report that was sent to you on June 6, 2000, for comment.

I have completed and enclosed a general meeting summary, and I am not aware of any actions needed as a result of our meeting.

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 404-562-4704, or e-mail to rlw@nrc.gov to discuss your concerns.

Sincerely,

/RA/
Richard L. Woodruff
Regional State Agreement Officer

Enclosure: Periodic Meeting Summary

cc w/encl:
R.E. Trojanowski
K. Schneider, STP
D. Sollenberger, STP

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR FLORIDA

DATE OF MEETING: JUNE 1, 2000

ATTENDEES:

NRC

Richard L. Woodruff, RSAO, Region II
Dennis L. Sollenberger, ASPO, STP

STATE

William A. Passetti, Chief, Bureau of Radiation Control
Michael N. Stevens, Administrator, Radioactive Materials
Cynthia L. Becker, Administrator, Field Operations

DISCUSSION:

A meeting was held with the Florida representatives on June 1, 2000, at the Program's new office location in Tallahassee, FL. The topics listed in NRC letter dated April 18, 2000 to Mr. Passetti were discussed. Details for each area are discussed below.

Action on Previous Review Findings

The previous review was an Integrated Materials Performance Evaluation Program (IMPEP) review conducted during the period of February 22-26, 1999 and a draft report with five recommendations were provided to the State on March 19, 1999. The State responded in a letter dated April 6, 1999, outlining the steps being taken in response to the draft recommendations. The final IMPEP report was issued on May 25, 1999 with three recommendations and no additional information was requested. The status of the three recommendations are as follows:

1. The review team recommends that BRC incorporate the field notes for the inspection of waste processing and panoramic irradiator licensees in their inspection procedures manual. (Section 3.2)

Current Status

Program managers indicated that the waste processing and panoramic irradiator inspection field notes had been incorporated into the computerized procedures. It is recommended that the procedures be reviewed for closure at the next IMPEP.

2. The review team recommends that BRC revise their incident and allegation procedures to document all existing State practices and to incorporate appropriate elements of STP Procedure SA-300 "Handbook on Nuclear Event Reporting in the Agreement States" and NRC Management Directive 8.8, "Management of Allegations," particularly the required documentation and management approval for closing out incidents and allegations. (Section 3.5)

Current Status

Program managers related that the Program's procedures had been expanded to include appropriate elements of STP Procedure SA-300, and required documentation and management approval for closing out incidents and allegations. It is recommended that the Program's procedures be reviewed

for closure at the next IMPEP.

3. The review team recommends that the State complete adoption of the revisions to Part 20 to correct discrepancies identified in NRC letter dated November 24, 1997. (Section 4.1.2)

Current Status

Program managers related that the Part 20 corrections and other regulations needed for compatibility had been drafted and that a Rule Development hearing was scheduled for June 27, 2000. Manager's related that the rule adoption takes four to six months and that the proposed amendments would be provided to STP for comment in accordance with STP procedure SA-201. It is recommended that the amendments be reviewed for compatibility, tracked under STP's RATS data system, and for closure at the next IMPEP.

Program Strengths and/or Weaknesses

In general, the Florida representatives related that their programs were strong with adequate support from the Department of Health, legislative support, stable sources of funding, adequate administrative support, legal support, good laboratory and field equipment, and well trained staff. No performance type weaknesses were identified by NRC during this meeting.

The Program has a history of providing a good training program for the staff members. All new staff are provided a home study course on health physics for study during the first six months of employment. Staff are provided opportunities to obtain college level courses from State Universities on a tuition free basis, and professional certification in Health Physics is encouraged and awarded with pay incentives. The Program is hosting NRC courses on Inspecting for Performance on June 6-8, 2000 and the Inspection Procedures Course is scheduled for September 11-15, 2000 in Orlando, FL.

The Licensing and Registration program also conducts a program for generally licensed devices. The program utilizes one staff person to register GL devices, and an inventory is sent to each GL licensee annually and the licensee is assessed \$25.00 for each device. This assessment allows the licensee to update any inventory discrepancies noted on the inventory at the time of payment. The State reported having about 500 general licensees, and that approximately 10% of these are inspected annually.

There were no weaknesses identified during the meeting.

Status of Program and/or Policy Changes

The Florida Department of Health and Rehabilitative Services was dissolved in 1996 and the Radiation Control Program was moved to a newly created Department of Health. The Secretary of the Department of Health is the State Health Officer and a cabinet level position. The Bureau of Radiation Control reports through the Division of Environmental Health to the Deputy State Health Officer.

There have been no significant changes in the organizational structure of the Bureau of Radiation Control (BRC) since the 1999 IMPEP. The Bureau is headed by the Chief, Mr. William A. Passetti, and has five major technical areas: Radioactive Materials, Field Operations, Environmental Radiation Laboratory, Radiologic Technology, and X-Ray Machines. The Administrator, Radioactive Materials is located in the Tallahassee office which coordinates the agreement materials program, and the licensing and enforcement functions. The Administrator, Field Operations, is located in Tallahassee and is responsible for coordinating all inspections (materials and x-ray) and the training program. Inspections are performed out of the Tallahassee office and seven Field Operations offices located in Miami, Lantana, Ft. Myers, Tampa, Orlando, Pensacola, and Jacksonville. In addition, the Health Department has agreements with Broward County and Polk County that allows these County programs to conduct materials inspections and x-ray inspections under their respective jurisdictions. The Environmental Radiation Laboratory is located in Orlando, and is responsible for radiological analysis of samples; emergency response actions; and coordination of materials event actions, documentation and reporting.

The Materials Program Administrator reported that the State currently has 1134 specific licenses of which approximately 50 are considered to be major licenses. The Materials Program reported having no licensing, inspection, or enforcement backlogs.

Impact of NRC Program Changes

The NRC representatives discussed NRC program changes that could impact the State, such as the 10 CFR Part 35 revision, the clearance rule, decommissioning policies, and NRC's training program. In response to the discussions, the State representatives related that the State would adopt regulations as needed after 10 CFR Part 35 has been revised and other rules needed for compatibility, and that currently there were no issues with decommissioning of facilities.

Internal program audits and self-assessments.

The managers reported that self-assessments were being accomplished through the use of the IMPEP training information provided and it was noted that the Program Chief and the Materials Administrator had both participated on several IMPEP teams. Peer reviews are conducted on all licenses issued, and all inspection reports are reviewed by the supervisor and the enforcement letters are issued out of the central office in Tallahassee. Feedback is also being

provided to the inspectors through the Field Operations managers, and during training and inspector accompaniments. The Program focuses on quality management and also generates internal reports on a monthly basis. Program managers related that there had been fewer staff turnovers and more employee satisfaction since the job classifications had been upgraded to Environmental Specialist.

Status of Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives. The Manager related that their agency had very few allegations, that allegations were processed on a case-by-case basis, and that follow-ups were conducted as needed. A review of the allegations referred to the State by the NRC Region II office indicated that there were no outstanding NRC issues related to the referrals, and that the State had been very responsive to the Regional requests when replies were needed to close out the allegations. The Program operates under open records statutes, and alleger's identities can't be protected. A copy of the allegations (sanitized) referred to the Program from NRC since the last review was provided to the Program under separate cover.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system. The State tracks all events on their own "Access" system, that includes non-AEA materials. During the meeting, the Materials Administrator indicated that all reports of events were coordinated out of the Orlando laboratory including the notification to NRC, and that the Tallahassee office would be involved in any licensing or inspection and enforcement actions needed following the event investigation. A discussion was held concerning a recently reported misadministration and the managers related that the event was investigated the previous week and a report was being prepared. Routine events are provided to the NRC contractor on a monthly frequency.

Compatibility of State Regulations

The status of the adoption of regulations for compatibility was discussed in general along with STP's procedure (SA-201) for reviewing regulations. Specifically, NRC representatives noted that a revision of Florida Administrative Code (FAC), 64E-5, was provided to NRC by letter dated February 12, 1998. No compatibility or health and safety comments were developed during NRC's review of the proposed regulations as noted in Mr. Lohaus's letter dated March 12, 1998; however, a letter with the final amendment was never received by NRC. On June 5, 2000, a letter (electronic copy) was received from the Program, stating that the proposed regulations were adopted effective May 18, 1998 and without any changes. The final regulations (Amendment R1) were reviewed by the RSAO and verified to be the same as the proposed regulations previously reviewed. An acknowledgment letter concerning the receipt and review of these final regulation amendments is being prepared by STP.

As noted earlier under the status of the IMPEP comments, another package of regulation amendments containing amendments to FAC 64E-5, Part III, Standards for Protection (10 CFR 20 equivalent) and other regulation amendments needed for compatibility is being developed for adoption. A RATS Data Sheet (Appendix E), from the SA-201 procedure was provided to the Program by e-mail on June 7, 2000 for the Program's review.

Schedule for the Next IMPEP Review

The State was informed that the next Florida IMPEP review is currently scheduled for the winter of 2003. The NRC representative expressed his appreciation to the Program managers for their participation in the IMPEP Program and the IMPEP teams. The BRC Chief expressed his opinion that the participation had helped their program in preparation for the IMPEP review, that their program had benefitted from the exchange of information received from other IMPEP team members and interactions with other programs during the reviews.

CONCLUSION:

The Florida program has good support from the Department of Health, good managers, and trained, experienced staff. By all indications (performance), the Florida program has the resources to be adequate to protect public health and safety, and compatible under the IMPEP criteria.

ACTION ITEMS: None