



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8931**

February 26, 2002

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

SUBJECT: PERIODIC MEETING

Dear Mr. Passetti:

A periodic meeting with Florida was held on January 28, 2002. 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.

I have completed and enclosed a 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: January 28, 2002

ATTENDEES:

NRC

Richard L. Woodruff, RSAO, Region II
Dennis L. Sollenberger, ASPO, STP
Roberto Torres, STP (on rotational assignment to STP)
Douglas M. Collins, Director, DNMS, RII

STATE

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

DISCUSSION:

A meeting was held with the Florida representatives on January 28, 2002, at the Program's office location in Tallahassee, FL. The topics listed in NRC letter dated December 14, 2001, to Mr. Passetti were discussed. Details for each area are discussed below.

Status of 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 were updated during the June 1, 2000 periodic meeting and during this periodic meeting 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 recommend that the procedures be reviewed for closure at the next IMPEP.

Enclosure

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

Part 20 corrections and other regulations needed for compatibility were provided to STP for review, STP comments were provided to the State on November 8, 2001, and the rules were adopted. The State related that additional amendments were adopted to remain current with the chronology of amendments of regulations needed for compatibility, and that these regulations would be provided to STP for review. We recommend that this comment be reviewed at the next IMPEP and closed.

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 (100% from fees), 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 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, of which approximately 10% are inspected annually under an independent GL inspection program. GLs are also inspected during the routine inspections of specific licenses.

Feedback on NRC's Program and Status of NRC Program Changes

The Director, Division of NMSS, RII discussed NRC program changes that could impact the State, such as the status of the 10 CFR Part 35 revision, the control of radioactive material (accountability, orphan sources, physical protection), doses to the public, clearance, evolving material processes (risk assessment, resources, management reviews, priorities, safety goals), and the need for more input from the Agreement States.

The Bureau Chief related that the States are requested to provide comments on many issues, and they may not have the resources to respond to all issues in a timely fashion, so the States must establish priorities and comment on issues most important to them.

The State noted that changes in some regulatory areas such as intravascular brachytherapy were changing very rapidly, and reminded NRC to provide information and guidance as soon as possible to the States so that consistency could be maintained in all jurisdictions. The State also is interested in any policy changes regarding the release of animals following treatment with radioisotopes.

The State noted that information like NUREG guidance documents, preliminary notices, event notices, and training courses are needed and hopefully will be placed back on the internet or made available as soon as possible.

The potassium iodide (KI) issue was also briefly discussed as provided in the January 15, 2002 letter from the Commission to Governor Bush. On February 12, 2002, the Bureau provided NRC with a copy of a Department of Health press release that Governor Bush had directed the Secretary, Florida Department of Health to accept KI to protect the public's health and safety.

Status of Program and/or Policy Changes

There have been no changes in the organization since the 1999 IMPEP. 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. The Deputy State Health Officer is Bonnie Sorenson, M.D.

There have been no significant changes in the organizational structure of the 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 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 1314 specific licenses of which approximately 781 are considered to be core licenses (based on NRC inspection priorities 1, 2, and 3). The Materials Program reported having no licensing, inspection, or enforcement backlogs.

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 Bureau Chief and the Materials Administrator had both participated on several IMPEP teams. Peer reviews are conducted on all licenses issued which are issued out of the headquarters (Tallahassee) office. All inspection reports are reviewed by the supervisor, sent to headquarters, and the enforcement letters are issued out of the headquarters office in Tallahassee. An inspection letter is prepared for every inspection and the program does not utilize the NRC's 591 type forms. Feedback is being provided to the inspectors through the Field Operations managers, during training, and inspector accompaniments. Inspection due lists are generated on a yearly and quarterly basis for planning purposes and tracked from the headquarters office. Quarterly reports on performance measures are prepared and the program conducts monthly conference calls with the field offices and conducts quarterly staff meetings with field managers. A strategic plan has been prepared for the 2001 - 2004 period and the Bureau has an Operational Plan. All indications point to a quality management focus on the program.

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 RII 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 any allegations. The Program operates under open records statutes; however, security issues can be protected as needed. The allegation files referred to the State since the June 2000 periodic meeting agreed with the Regional records, and contained documentation on the allegation, actions taken, and correspondence to the allegor as appropriate. Specific details in each file were not reviewed, but deferred to the next IMPEP. The State was informed that the allegation files would be sampled during the next IMPEP in accordance with the IMPEP guidance.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system, event updates, and close out documentation. A printout of the NMED data base was briefly discussed and shows that the State reported 154 events since the last periodic meeting in June of 2001. The State tracks all events on their own "Access" system, and also includes non-AEA material events. 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 headquarters 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 involving a strontium-90 therapy treatment, and the Materials Administrator related that the event would be investigated in the near future and reported as

appropriate. During a telephone discussion on February 12, 2002, the Materials Administrator related that the investigation had been completed and was being reported as an abnormal occurrence. Routine events are provided to the NRC contractor on a monthly frequency, and the State was complemented on their efforts to report significant events to the NRC Operations Center. A brief discussion was also held concerning regulatory actions that could be taken to secure portable gauges during transportation and at temporary job sites.

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. Based upon the NRC's Regulation Assessment Tracking System (RATS), it was noted that the Florida Administrative Code (FAC), Chapter 64E-5, was amended effective October 8, 2000, and as acknowledged by a letter from STP to the Bureau Chief dated February 8, 2001. Program managers related that the FAC was amended on October 6, 2001 (Revision 3), September 11, 2001 (Revision 4), and on December 19, 2001 (Revision 5). The NRC representatives requested these amendments be provided to STP for review in accordance with the SA-201 procedure. Following the meeting, the program provided the amendments to NRC electronically and by letter dated February 4, 2002. These amendments are currently under review for compatibility and adequacy. Following the regulation review, the RATS system will be updated to reflect the State Regulation Status (SRS) sheet, that replaced the RATS tracking system in the SA-201 procedure.

Schedule for the Next IMPEP Review

The State was informed that the next Florida IMPEP review is currently scheduled for the winter/spring 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:

Several issues were discussed and commented on during the meeting; however, the issues were either resolved since the meeting, or are being tracked by other systems, such as the State Regulation Status system.