

From: Duncan White
Sent: Friday, March 20, 2009 3:34 PM
To: 'mrg2001pr@gmail.com'
Cc: Karen Meyer; Kathleen Schneider
Subject: Re: Agreement State Compatibility for Training and Experience Requirements

Please contact Mr. Passetti regarding your question.

From: Miguel Rodriguez
To: Duncan White
Sent: Fri Mar 20 12:58:32 2009
Subject: Re: Agreement State Compatibility for Training and Experience Requirements
Mr. White,

Could you explain what you mean by "mechanism for regulatory relieve"?

On Mar 20, 2009, at 9:59 AM, Duncan White wrote:

Dr. Rodriguez:

There is no federal regulation with regard to a specific time for the Agreement State to comply. It is NRC policy for the States to adopt compatible regulations within 3 years of NRC's final rule. We understand that the State of Florida has a mechanism for regulatory relieve in this matter. Please contact Bill Passetti, Chief of the Bureau of Radiation Control at 850-245-4266 or bill_passetti@doh.state.fl.us .

Duncan White

From: Miguel Rodriguez [<mailto:mrg2001pr@gmail.com>]
Sent: Thursday, March 19, 2009 5:20 PM
To: Duncan White
Subject: Re: Agreement State Compatibility for Training and Experience Requirements

Dear Mr. White,

Thank you for the information about the process. The reason for my concern is that I as many other physicians expect the state agencies to comply with the federal regulations in the required time. God knows that if a regular citizen doesn't follow them he/she would get in a lot of trouble. Not to mention the inability to practice nuclear cardiology for those of us who completed the NRC requirements to do so simply because of the state noncompliance. If this is a federal regulation and the NRC gave the Agreement States 3 years to comply why haven't they?

Miguel Rodriguez

On Mar 19, 2009, at 8:06 AM, Duncan White wrote:

Dear Dr. Rodriguez:

I am responding to your email of March 4, 2009 to Gloria Caton and Marilyn Langston regarding Agreement State Compatibility for Training and Experience Requirements. You have raised concerns about the adoption of the revision to the medical regulations by the State of Florida and if there is anything that NRC can do to ensure that the State adopts NRC's requirements by the middle of 2009.

Florida became an Agreement State on July 1, 1964. NRC conducts periodic reviews of Agreement State programs to ensure that public health and safety are adequately protected from the potential hazards associated with the use of radioactive materials and that Agreement State programs are compatible with NRC's program. The process, titled Integrated Materials Performance Evaluation Program (IMPEP), employs a team of NRC and Agreement State staff to assess Agreement State and NRC Regional radioactive materials programs. All reviews use common criteria in the assessment and place primary emphasis on performance. The last IMPEP review was conducted during the week of February 12-16, 2007. The final report can be found at http://nrc-stp.ornl.gov/reviews/07fl_imp.pdf.

As noted in the 2007 IMPEP report, the current effective statutory authority is contained in the Florida Radiation Protection Act in Title XXIX, Chapter 404, of the Florida Statutes. Florida's rulemaking process is governed by the Administrative Procedure Act in Title X, Chapter 120, of the Florida Statutes. The administrative process for regulation adoption is provided in Chapter 1S-1 of the Florida Administrative Code. The State's administrative rulemaking process takes approximately 6 months from drafting to finalizing a rule. After the Bureau of Radiation Control (Bureau) drafts a proposed regulation, they must publish a notice of proposed rule development in the Florida Administrative Weekly, which includes an offer to hold a workshop. After the workshop, if held, the Bureau publishes another notice in the Florida Administrative Weekly of proposed rulemaking, including an offer to conduct a public hearing. Concurrently, the Bureau must prepare and send an initial rule review file to the Joint Administrative Procedures Committee, which is a legislative committee that oversees rulemaking by all State agencies. If there are no objections or changes needed, the Bureau prepares the final regulation and files it with the Florida Secretary of State. A rule becomes effective 20 days after filing with the Secretary of State.

NRC's review team noted that, at the time of the 2007 review, there were a number of NRC amendments that had not been submitted to the NRC for a compatibility review, although final effective regulations were in place. The Bureau also did self-identify that a number of regulations were overdue and redirected staff to ensure adequate resources were dedicated to rulemaking and associated activities, but not until late in the review period, including the Medical regulations. NRC will continue to assess Florida's performance under the IMPEP program which was identified as satisfactory, but needs improvement; however, the State will need to follow the Florida Administrative Code to complete the ongoing rulemaking.

If you have any addition questions, please contact me at 301-415-2598
(email: duncan.white@nrc.gov).

Duncan White, Branch Chief
Agreement State Programs Branch