

April 14, 2009

MEMORANDUM TO: Martin J. Virgilio
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

Karen D. Cyr, General Counsel

Steven A. Reynolds, Deputy Director
Division of Nuclear Materials Safety, Region III

FROM: Aaron T. McCraw, IMPEP Project Manager */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MAY 4, 2009 SPECIAL MRB MEETING

A Special Management Review Board (MRB) meeting to discuss the results of periodic meetings held with the Florida and Nebraska Agreement State Programs and an orientation meeting held with the Pennsylvania Agreement State Program has been scheduled for **Monday, May 4, 2009, from 11:00 a.m. to 12:30 p.m. EDT, in One White Flint North, Room 3-B4**. The summaries for each of the meetings held with the Agreement State agencies are enclosed (Enclosures 1, 2, and 3).

In accordance with Management Directive 5.6, the meeting is open to the public. The agenda for this meeting is enclosed (Enclosure 4).

If you have any questions or need additional information, please feel free to contact me at (630) 829-9650 or Aaron.McCraw@nrc.gov.

Enclosures:
As stated

cc: Cindy Cardwell, Texas
Organization of Agreement States
Liaison to the MRB

MRB Members

Distribution: DCD (SP01)

DMSSA RF

RLewis, FSME

TReis, FSME

DWhite, FSME

ARivera, OEDO

DJanda, Region I

RErickson, Region IV

MBeardsley, FSME

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MOrendi, FSME

WRautzen, FSME

Bill Passetti, Florida

Julia Schmitt, Nebraska

David Allard, Pennsylvania

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

December 2, 2008

MarySue Semerena, Administrator
Environmental Health Unit
Department of Health and Human Services
301 Centennial Mall South
P.O. Box 95026
Lincoln, Nebraska 68509-5026

Dear Ms. Semerena:

A periodic meeting with Nebraska was held on November 4, 2008. The purpose of this meeting was to review and discuss the status of the Nebraska Agreement State Program. I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you feel that my conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8143 or email Randy.Erickson@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Randy Erickson

Enclosure:
Periodic Meeting Summary for Nebraska

cc w/enclosure:

Julia A. Schmitt, Program Manager
Office of Radiological Health
Department of Health and Human Services
301 Centennial Mall South
P.O. Box 95026
Lincoln, Nebraska 68509-5026

Enclosure 1

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR NEBRASKA

DATE OF MEETING: NOVEMBER 4, 2008

NRC Attendees	Nebraska Attendees
Randy Erickson, RSAO	Julia A. Schmitt, Program Manager
	Bryan Miller, Health Physicist
	Howard Schuman, Health Physicist
	Trudy Hill, Health Specialist
	Beverly Spang, Staff Assistant

DISCUSSION:

The Nebraska Agreement State program (the Program) is administered by the Office of Radiological Health consisting of four program areas all under the direction of the Program Manager. These include Radioactive Materials, Materials Security, X-Ray and Emergency Response. The Program reports to the Environmental Health Unit of the Health Licensure and Investigations Section of the Division of Public Health (Division). The Chief Medical Officer leads the Division and reports to the Chief Executive Officer of the Department of Health and Human Services. At the time of the meeting, the Nebraska program regulated approximately 150 specific licenses.

The previous IMPEP review was conducted the week of September 18-21, 2006. At the conclusion of the review, the team recommended that Nebraska's performance for all performance indicators reviewed be found satisfactory, and made no recommendations regarding the performance of the Program. Additionally, the review team recommended, and on December 14, 2006, the Management Review Board agreed, that the Nebraska Agreement State Program was adequate to protect public health and safety and was compatible with NRC's program.

Other topics covered at the meeting included.

Program Strengths: The Nebraska Program is a stable program that has not experienced any staff losses since 2000. Their dedicated staff is very experienced and works together cohesively. Both the Program Manager and the Unit Administrator are supportive of the staff's activities, and the staff is supportive of each other. The Program is very proactive in addressing health, safety and security of radioactive materials within the State. As an example, while searching for generally licensed devices, the Nebraska Program initially identified the tritium exit sign losses involving a major retailer and has worked together with that retailer to close those issues within their borders. The staff meets bi-weekly where a comprehensive review of all licensing, inspection, and incident and allegation activities are conducted. They also assign new work at these meetings based on the current workload of the staff. Goals are discussed and benchmarked, and schedules are adjusted as necessary. Peer reviews are conducted on all licensing actions and inspection reports which as resulted in a high degree of consistency within the Program.

Program Weaknesses: The Program noted they are behind on one regulation that will come due on January 31, 2009. It is currently out for a public comment period. However, the program does not believe that the regulation will be in effect by January 31, 2009, so they will issue Orders to those licensees that are subject to the NSTS requirements. The Program also cited restrictions on out of state travel as something that has hindered their ability to attend training classes and participate in other activities such as participating on IMPEP reviews or NRC working groups.

Feedback on NRC's Program

The Program noted that very few individuals in Agreement States have security clearances. Those with security clearances have been issued by agencies within the Federal government other than the NRC. States believe that the expansion of these clearances is important to their efforts to work cohesively with an agency that is becoming ever more security conscious. The lack of a clearance limits a State's ability to participate in certain NRC working groups or to be made aware of credible threats that exist within their borders. They are requesting that NRC consider sponsoring the issuance of security clearances to Agreement State management personnel.

The Program believes that NRC should consider the impacts on the Agreement State programs of the Inspection Manual Chapter 2800 revision in regards to the addition of a secondary priority code (Priority 2) for all facilities subject to Additional Security Requirements. Current NRC policy requires the inspection of facilities with multiple priority codes to be performed at the more restrictive frequency. This would result in all licensees subject to Additional Security Requirements to be inspected at either a one or two year inspection frequency. Requiring this could have a significant negative effect on Agreement State programs, especially smaller programs or programs struggling to retain staff.

The Program also requested that NRC consider revising the Inspection Manual Chapter 1220 requirement that States and Regional Offices conduct reciprocity inspections on a minimum of 20 percent of candidate licensees annually. Many programs struggle under normal conditions to meet this requirement, and it becomes even more difficult to meet this requirement in today's environment of increased security as well as other requests of Agreement States.

The Program noted that the disposal of low level radioactive wastes is a concern that will begin to negatively affect licensees across the nation and ultimately become a problem for Agreement States and the NRC. They requested that NRC begin to look into the issue and work to develop a method for long term low level waste disposal for licensees in all States.

The Program would like to commend NRC for their openness and free access to NRC management and staff, and for their willingness to earnestly listen to the concerns of the Agreement State Programs. The Program wanted to reiterate their appreciation for NRC support for Agreement State staff training.

Staffing and training

The Program has a total of three Health Physicists dedicated to the radioactive materials program. They are supported by one Health Specialist and one Staff Assistant. The Program is managed by the Program Manager. Currently the Program has no vacant technical positions; however, a continued increase in NRC requirements could result in a need to expand the staff which they believe would cause a hardship for the Program.

Program reorganizations

The Department underwent reorganization effective July 1, 2007. This change in structure had little effect on the Program. The name was changed and changes were made in the reporting structure.

Changes in Program budget/funding

The Program has not experienced problems with budgeting or funding. The Program recently published a revised fee schedule sufficient to remove them from any general revenue funding and make them a 100 percent fee funded program. The increased fee rule is currently out for public comment.

Materials Inspection Program

The Program reported that they currently have no overdue inspections. Routine inspections are generally performed by the due date and initial inspections are typically performed within 12 months of issuance. They have identified and located approximately 350 general licensees and issue annual certifications of possession to each of them.

The Program previously experienced difficulty in performing inspections on at least 20 percent of candidate reciprocity licensees; however, they are currently keeping up with these inspections. The Program initially identified 12 licensees who were required to implement Increased Controls. The Program reported that they only have one Increased Controls inspection left to be performed by the due date of May 14, 2009. They also reported that fingerprinting orders have been issued to all affected licensees.

Annual supervisory accompaniments were defined by the Program Manager as performance based accompaniments. Because the three health physicists are all long term, seasoned inspectors; the Program Manager will either accompany each inspector through the year on investigations or special inspections then evaluate their performance on this work, or an accompaniment is performed by a peer. They also perform peer reviews on all inspection reports generated. They believe this model is a more effective way to comprehensively evaluate staff performance rather than one supervisor accompaniment each year.

Regulations and Legislative changes

The Program's rules and regulations are mostly up to date. One regulation will be due on January 31, 2009, and it is out for a public comment period. When the public comment period has been completed, they will forward it to NRC for review.

As noted above, the program does not believe that the regulation will be in effect by January 31, 2009, so they will issue Orders to those licensees that are subject to the NSTS requirements.

Event reporting, including follow-up and closure information in NMED

The Program reported that all NMED information is up to date. All items are closed.

Response to incidents and allegations

The Program continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their affect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Program Manager has placed a high emphasis on maintaining an effective response to incidents and allegations.

Status of allegations and concerns referred by the NRC for action

One allegation was referred by NRC to the Program since the 2006 review. That allegation was addressed but is not yet closed.

Significant events and generic implications

The Program reported one event with potential generic implications. This involved smoke detectors with pre-filters located in pool irradiators. The significance of the issue is currently being evaluated.

Current State Initiatives

None noted.

Emerging Technologies

None noted.

Large, complicated, or unusual authorizations for use of radioactive materials

None noted.

State's mechanisms to evaluate performance

As noted above the Program identified their process for performing peer reviews on 100 percent of all licensing and inspection activities as one mechanism for evaluating performance. They also noted their biweekly staff meetings as another method for ensuring that performance is continuously evaluated.

Current NRC initiatives

NRC staff discussed ongoing initiatives with the Program. These included pre-licensing guidance, fingerprint orders, national source tracking, web based licensing, generally licensed devices, and the issues associated with tritium exit signs.

Schedule for the next IMPEP review

It is recommended that the next IMPEP review to be held in two years, as currently scheduled.



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

February 25, 2009

David J. Allard, CHP, Director
Bureau of Radiation Protection
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469

Dear Mr. Allard:

An orientation meeting with Pennsylvania was held on December 17, 2008. The purpose of this meeting was to review and discuss the implementation of Pennsylvania's Agreement State program. The U.S. Nuclear Regulatory Commission was represented by Daniel S. Collins, Deputy Director of the Region I Division of Nuclear Materials Safety, Michelle Beardsley of the Office of Federal and State Materials and Environmental Programs, and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you feel that our comments, conclusions, or actions to be taken do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (610) 337-5371, or email to Donna.Janda@nrc.gov to discuss your comments.

Sincerely,

/RA J. J. Kottan for/

Donna M. Janda
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

cc w/encl:
Michelle Beardsley, FSME
Daniel Collins, RI DNMS

Enclosure 2

**ORIENTATION MEETING SUMMARY FOR
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF RADIATION PROTECTION**

DATE OF MEETING: December 17, 2008

ATTENDEES:

NRC

Daniel Collins, Deputy Director, Region I DNMS

Donna Janda, RSAO, Region I

Michelle Beardsley, Health Physicist, FSME

Pennsylvania DEP

David Allard, CHP, Director, Bureau of Radiation Protection

L. Ray Urciolo, Chief, Radiation Control Division

Robert Maiers, Chief, Decommissioning & Surveillance Division

Rich Janati, Chief, Nuclear Safety Division

Benjamin Seiber, Program Analyst

Ronald Hamm, Chief, Radioactive Materials Section

Rusty Diamond, Regional Director, Radiation Protection Program Liaison

Richard Morrison, Bureau of Regulatory Counsel

Terry Derstine, Radiation Protection Program Manager, SERO

Scott Wilson, Radiation Protection Program Manager, SCRO

Steve Acker, Radiation Protection Program Supervisor, SCRO

James Yusko, Radiation Protection Program Manager, SWRO (via telephone)

John Chippo, Radioactive Materials Section

Jennifer Kelly, Radon Certification Section

Martin Siegel, Bureau of Radiation Protection

Frank Costello, Radiation Protection Program, SERO

DISCUSSION:

Agreement

Pennsylvania became the 35th Agreement State on March 31, 2008. The Agreement discontinued NRC regulatory authority in the Commonwealth for: a) byproduct materials as defined in Section 11e.(1), 11e.(3), and 11e.(4) of the Act; b) source materials; c) special nuclear materials not sufficient to form a critical mass; and d) land disposal of all waste for such materials. The Agreement does not cover safety evaluations of sealed sources and devices or regulation of 11e.(2) byproduct material resulting from the extraction or concentration of source material from ore processed primarily for its source material content or its management or disposal.

Organization

The Pennsylvania Agreement State Program (Program) is administered by the Bureau of Radiation Protection (BRP), which is located within the Deputate of Waste, Air, and Radiation Management, which is located in the Pennsylvania Department of Environmental Protection.

David Allard is the Bureau Director. The licensing of radioactive materials resides primarily in the BRP Radiation Control Division but the Regional Offices also perform some licensing activities. Regional Office staff members perform inspection and compliance activities. Pennsylvania administers approximately 925 specific licenses, including naturally-occurring and accelerator-produced radioactive material (NARM).

Agreement State Program Staffing

The Program has 14 staff members in the three Regional Offices performing inspections. Four of these staff members also perform limited licensing duties. In addition, the Program has 3 staff members in the Central Office performing licensing duties. Each Regional Office has a Radiation Protection Program Manager (RPPM) who directly supervises the radioactive materials section in each Region. The Program currently has 4 staff vacancies in the Regional Offices and 2 supervisor vacancies, one in the Southwest Regional Office (RPPM position) and one in the Central Office (Licensing Supervisor position). Although the Program is managed from a Restricted Fund which carries over between fiscal years, due to Commonwealth budget issues and a hiring freeze, the vacant positions were not allowed to be filled until recently. The Bureau Director is actively seeking to fill the vacant positions. The Chief of the Radiation Control Division will perform the functions of the Licensing Supervisor until a qualified acting Section Chief can be identified.

Training

Formal training requirements have been developed for inspectors and license reviewers. Support for staff training exists in the Program. The Program appreciates the NRC's policy on funding training for Agreement States. Several staff members have attended the NRC Security Systems and Principles Training Course for Materials Inspectors. The Program has sponsored NRC training courses in the past and anticipates sponsoring additional courses in the future. In addition, because of the high demand for attendance at NRC qualification courses, the Program anticipates sponsoring courses which are equivalent to NRC courses in scope in order to meet the demands of staff training and qualification.

Inspections

At the time of the Agreement, NRC Region I provided an approximate three-month "cushion" of completed inspections to allow Pennsylvania to concentrate on structuring its program without concern about overdue inspections. Only two inspections were completed overdue since the Agreement. Both of these resulted from an incorrect due date being listed for the inspections prior to the Agreement. There is no backlog of routine inspections. Regional Program Managers are conducting inspection accompaniments on at least an annual basis.

The Program has completed 10 reciprocity inspections of 23 candidate licensees that have entered the Commonwealth. Program staff identified an issue with reciprocity inspections not being assigned a priority code and is working with the Commonwealth's IT department to address the issue. This did not impact the inspections of reciprocity licensees.

The Program has several out-of-state licensees which has created a challenge in the most effective approach to conduct inspections as the licensees do not maintain an office in Pennsylvania and only work in the Commonwealth on an occasional basis. The Program placed legally binding requirements in the form of license conditions to require the licensees to notify the Program 36 hours prior to performing work in the Commonwealth.

The Program maintains a sufficient number and variety of calibrated radiological survey instrumentation for use during inspections. Additionally, the Program has a radioanalytical laboratory available for sample analyses.

Licensing

No significant licensing backlog exists. A considerable number of licensing actions have been completed since the Agreement was signed. Most of the licenses have been converted to Pennsylvania licenses and some licenses have been merged with NARM licenses as appropriate.

A total of 38 licenses had active financial assurance instruments at the time of the Agreement. Since then, a total of 16 instruments were converted to change the beneficiary from NRC to Pennsylvania. Of the remaining licenses, thirteen are in the process of being converted and 9 licenses have not yet been converted due to the unresponsiveness of the licensees. The Program's legal counsel is following up with these licensees.

All licensing actions are reviewed by the Radioactive Materials Section Chief. The individual occupying this position at the time of the orientation meeting retired from the Commonwealth and a replacement is being sought to fill the position as soon as possible. In the interim, licensing actions will be signed by a qualified license reviewer such as the Division Chief or the Program Director.

Program staff did not anticipate the volume of reciprocity requests received beginning on the effective date of the Agreement, which required much effort by the licensing staff to review and act on the requests. NRC has shared this information with other prospective Agreement States to assist in their planning activities.

Status of Decommissioning Sites

Seven decommissioning sites were transferred to Pennsylvania on the effective date of the Agreement. Four of these sites are actively undergoing decommissioning. The Program has contracted with Oak Ridge Institute for Science and Education for technical assistance with these four complex decommissioning sites.

Regulations

At the time of the meeting, the Commonwealth's regulations were up-to-date and fully compatible. There are currently no outstanding NRC amendments to be addressed. The Commonwealth adopts NRC regulations by reference and uses license conditions or Orders as

appropriate. If rulemaking is required, the Pennsylvania regulatory process typically takes approximately 16 months to complete.

Generally Licensed Devices

Pennsylvania has a very active program for generally licensed devices and plans to track NRC-registered devices in the Commonwealth's database system known as eFACTS. The Program mailed postcards to general licensees regarding requirements for tritium exit signs and contacted local municipalities' building codes offices regarding requirements for proper disposal of these signs prior to remodeling or demolition of buildings. The Program is working with Air Quality Regional Inspectors to conduct walk-downs for tritium exit signs and other generally licensed devices at facilities before issuing permits.

Security

The current security climate and potential future security measures were discussed in detail, including discussions on fingerprinting requirements and security of self-shielded irradiators. The Program is aware of relevant security issues.

The Program has completed the initial round of inspections of licensees subject to the Increased Controls Order.

Incidents/Allegations

Pennsylvania responded to 21 incidents since the Agreement signing. Program staff communicates reportable incidents to the NRC Operations Center and Region I. The Nuclear Materials Events Database (NMED) Event Coordinator is responsible for ensuring all information regarding incidents is entered into NMED in a timely manner. A review of NMED identified timely and quality input of incidents.

Allegations are handled by the Regional field operations staff. Six allegations have been investigated since the Agreement signing, none of which were referred by the NRC. Four of these allegations have been closed and two allegations remain under investigation.

Conclusions

The Pennsylvania Radiation Protection Program appears to be a capable, stable Agreement State program. Staffing has remained consistent since the Agreement and the training level for staff members is good. Management support for the program is excellent.

The initial IMPEP review of the Pennsylvania Radiation Protection Program is tentatively scheduled for October 2009.



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

April 14, 2009

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

Dear Mr. Passetti:

A periodic meeting with Florida was held on February 18, 2009. The purpose of the meeting was to review and discuss the status of Florida's Agreement State program. The NRC was represented by Michelle Beardsley and me.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the 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 (610) 337-5371, or email to Donna.Janda@nrc.gov to discuss your comments.

Sincerely,

/RA/

Donna M. Janda,
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

cc w/encl.: Paul Vause, FL DOH
Cynthia Becker, FL DOH

Enclosure 3

April 14, 2009

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

Dear Mr. Passetti:

A periodic meeting with Florida was held on February 18, 2009. The purpose of the meeting was to review and discuss the status of Florida's Agreement State program. The NRC was represented by Michelle Beardsley and me.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the 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 (610) 337-5371, or email to Donna.Janda@nrc.gov to discuss your comments.

Sincerely,

/RA/

Donna M. Janda,
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

cc w/encl.: Paul Vause, FL DOH
Cynthia Becker, FL DOH

Distribution:

Aaron McCraw, FSME
Michelle Beardsley, FSME
Monica Orendi, FSME
John Kinneman, RI DNMS
Daniel Collins, RI DNMS

SUNSI Review Complete: DMJ (Reviewer's Initials)

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NAME	DJanda/DMJ		MBeardsley/MB				
DATE	4/8/09		4-8-09				

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
FLORIDA DEPARTMENT OF HEALTH (DOH)

DATE OF MEETING: February 18, 2009

ATTENDEES:

NRC

Michelle Beardsley, Health Physicist, FSME
Donna Janda, RSAO, Region I

Florida DOH

William Passetti, Radiation Control Program Director
Paul Vause, Administrator, Radioactive Materials Program
Cynthia Becker, Administrator, Field Operations

DISCUSSION:

Previous IMPEP Review

In February 2007, the Integrated Materials Performance Evaluation Program (IMPEP) review team found the Florida Agreement State Program's (the Program) performance to be satisfactory for six of the performance indicators reviewed. The review team found Florida's performance to be satisfactory, but needs improvement, for the indicator, Compatibility Requirements. In addition, the review team made one recommendation regarding the Program.

On April 30, 2007, the Management Review Board (MRB) met to consider the IMPEP review team's proposed findings regarding the Program. The MRB found the Program adequate to protect public health and safety and compatible with the NRC's program. Accordingly, the MRB determined that the next full review of the Program should take place in 4 years and that a periodic meeting should be tentatively scheduled for February 2009.

The status of the State's actions to address all open previous IMPEP review findings and/or open recommendations follows:

Recommendation 1: The review team recommends that the State evaluate the effectiveness of their existing procedures and policies for marking and handling sensitive information and modify the existing procedures or policies, if needed, to ensure that the documents containing sensitive information are appropriately marked in a consistent manner.

Status:

The Bureau of Radiation Control (Bureau), which administers the radioactive materials program, has implemented a procedure to ensure that all outgoing documents containing sensitive information are appropriately marked. Internal documents were already being appropriately marked prior to the IMPEP review. The limitation on this procedure is that, in accordance with the State's Sunshine Law, only security-related information pertaining to physical security systems (e.g., alarm systems, room diagrams) can be withheld from the public. Documents containing sensitive information pertaining to the Increased Controls (IC) cannot be marked as

such if they do not meet the Sunshine Law definition (e.g., licenses listing radioactive materials in quantities of concern exceeding IC threshold limits).

It is recommended that this item be reviewed and closed at the next IMPEP review.

Organization

The Program is administered by the Bureau, which is located within the Division of Environmental Health (the Division). The Division is located within the Department of Health (the Department). There have been no changes to the Bureau's organization since the previous IMPEP. Mr. William Passetti remains the Bureau Chief. The Bureau, which is managed from the Central Office located in Tallahassee, consists of five Sections, three of which have responsibilities for radioactive materials under the Agreement: the Radioactive Materials Section, the Field Operations Section, and the Environmental Radiation Labs Section. All Sections are headed by an Administrator. The Radioactive Materials Administrator is responsible for materials licensing and compliance activities. The Field Operations Administrator is responsible for coordinating the inspection activities, which are conducted primarily by the six field offices and two counties under contract. The Environmental Labs Administrator, stationed in Orlando, is responsible for the Bureau's laboratory and emergency response activities.

Agreement State Program Staffing

A well-trained, stable, and experienced staff is the strength of the Program. The Bureau has approximately 60 technical staff members, totaling about 20 full-time equivalents, with varying degrees of involvement in the radioactive materials program. Since the IMPEP review, the Bureau has had six vacant technical positions and one vacant support position. Five of the technical positions have been filled. The Broward County field office has one open inspection position. The Bureau is fully funded by licensee fees and machine registration fees and does not receive funding from general revenue. Due to budget issues during the last fiscal year, the Bureau reduced their budget by approximately 4 percent. This did not impact licensing and inspection activities. In August 2007, the Bureau implemented an increase in the radioactive materials license fee schedule; however, due to the budget cuts imposed on the Program, this change did not appreciably increase the budget.

Training

A comprehensive in-house training program is a major strength of the Bureau. The Bureau has sponsored several NRC training courses since the most recent IMPEP and will continue to sponsor courses when possible. The Bureau welcomed the NRC's revised policy on funding training for Agreement States. Program staff has attended NRC and other training courses, including the NRC's Security Systems and Principles Course. Program staff members continue to participate on various NRC Working Groups and on IMPEP review teams.

Inspections

Florida's inspection priorities are at least as frequent as NRC's. No inspections are currently overdue with respect to NRC policies. There is a backlog in radiation machine inspections due

to the higher prioritization of completing radioactive materials inspections within the allotted timeframe.

The Bureau staff's use of tablet PCs for inspectors has improved the turnaround time for inspection report completion. In addition, use of the tablet PCs enables inspectors to have reference material immediately available electronically while the inspectors are in the field.

The Bureau maintains a sufficient number and variety of calibrated radiological survey instrumentation for use during inspections and has a radioanalytical laboratory available for sample analyses.

Licensing

The Bureau has no licensing actions pending greater than 90 days. Most licensing actions are completed within 30 to 60 days of receipt. Pre-licensing visits are conducted for all new license applicants, including change of control/ownership requests. Each licensing action is given a technical review by a license evaluator and a technical and supervisory review by either the Radioactive Materials Administrator, a Radioactive Materials Licensing Manager, or a senior License Evaluator before issuance to the licensee.

Regulations

There have been no legislative changes since the last IMPEP review.

The Bureau is currently addressing NRC comments to the following regulation:

- "Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations," 10 CFR Part 30, 40, 71, and 150 amendments (62 FR 28947) that became effective on June 27, 1997, and was due for Agreement State adoption by June 27, 2000.

The Bureau is addressing the following overdue regulations and plans to submit a package with these regulations to NRC shortly:

- "Medical Use of Byproduct Material," 10 CFR Parts 20, 32, and 35 amendments (67 FR 20249) that became effective October 24, 2002, and was due for Agreement State adoption by October 24, 2005.
- "Medical Use of Byproduct Material - Recognition of Specialty Boards," 10 CFR 35 amendments (70 FR 16336; 71 FR 1926) that became effective April 29, 2005, and was due for Agreement State adoption by April 29, 2008.
- "Minor Amendments," 10 CFR Parts 20, 30, 32, 35, 40, and 70 amendments (71 FR 15005) that became effective March 27, 2006, and was due for Agreement State adoption by March 27, 2009.

The Bureau is also addressing the following regulation and plans to submit this regulation with the package described above:

- “Medical Use of Byproduct Material – Minor Corrections and Clarifications,” 10 CFR Parts 32 and 35 amendments (72 FR 45147; 72 FR 54207) that became effective on October 29, 2007, and is due for Agreement State adoption by October 29, 2010.

NRC staff identified the following regulation changes and adoptions that will be needed in the future:

- “Requirements for Expanded Definition of Byproduct Material,” 10 CFR Parts 20, 30, 31, 32, 33, 35, 61, and 150 amendments (72 FR 55864) that is due for Agreement State adoption by November 30, 2010.
- “Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements,” 10 CFR Parts 30, 31, 32 and 150 amendments (72 FR 58473) that are due for Agreement State adoption by December 17, 2010.
- “Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent,” 10 CFR Parts 19 and 20 amendments (72 FR 68043) that are due for Agreement State adoption by February 15, 2011.

Security

The current security climate and potential future security measures were discussed in detail, including discussions on fingerprinting requirements and security of self-shielded irradiators. The Bureau is aware of relevant security issues. The State entered into 274i Agreements with NRC to inspect materials licensee compliance with NRC-ordered security measures and with RAMQC.

Incidents/Allegations

Program staff communicates reportable incidents to the NRC Operations Center and Region I. The Event Coordinator is responsible for ensuring all incidents and allegations are handled properly. Staff members are responsible for sending incident information to the Nuclear Materials Event Database (NMED) contractor on a periodic basis. Since the last IMPEP review in February 2007, a total of 129 events were reported to NMED. A review of NMED identified timely and quality input of incidents; however, follow up information regarding actions taken by the State (e.g., inspections conducted, violations cited, etc.) was not always indicated in the NMED report upon closure of the event.

Sealed Sources and Devices

The State has an active SS&D program. No changes in staffing have occurred since the last IMPEP.

Emerging Technologies

The Bureau has identified PET/CT, electronic brachytherapy, and handheld dental X-Ray units as areas involving emerging technologies which will need to be addressed in their Program.

Feedback on the NRC's Program

Items discussed included current NRC initiatives for the National Source Tracking System, Web-based Licensing, fingerprinting, pre-licensing checklists, NARM rulemaking, the prioritization process for Agreement State personnel to attend NRC training classes, and upcoming regulations to be adopted.

The Bureau staff indicated a need to be informed and involved early with NRC initiatives. The Bureau staff also indicated that a strength of their program is meeting NRC requests for information in a timely manner and supporting NRC initiatives such as Increased Controls inspections and NSTS requirements.

CONCLUSIONS:

The Florida Radioactive Materials Program continues to be a strong, stable Agreement State program. The Program staff is experienced and well trained. Salary and budget issues continue to be a concern. With the increased focus on the safety and security of radioactive material, adequate program resources have become much more critical.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2011 (tentatively February 2011).

**Agenda for Management Review Board Meeting
May 4, 2009, 11:00 a.m. - 12:30 p.m. EDT, O-3-B4**

1. Announcement of Public Meeting to all attendees and request for identification of any members of the public participating in this meeting.
2. MRB Chair convenes meeting. Introduction of MRB members, Agreement State representatives, and other participants. (OAS Liaison is Cindy Cardwell of Texas.)
3. Discussion of Periodic Meetings:
 - a. Nebraska
(November 4, 2008) – ML083370244 – Erickson
 - b. Pennsylvania
(December 17, 2008) – ML090560598 – Janda/Beardsley
 - c. Florida
(February 18, 2009) – ML090990398 – Janda/Beardsley
4. Establishment of Precedents/Lessons Learned
5. Adjournment

Invitees:	Martin Virgilio, OEDO	Donna Janda, Region
	Charles Miller, FSME	Randy Erickson, Region IV
	Karen Cyr, OGC	Michelle Beardsley, FSME
	Steven Reynolds, Region III	Janine Katanic, FSME
	Cindy Cardwell, TX	Monica Orendi, FSME
	Bill Passetti, FL	William Rautzen, FSME
	Julia Schmitt, NE	Aaron McCraw, FSME
	David Allard, PA	Karen Meyer, FSME
	Robert Lewis, FSME	Duncan White, FSME
	Terrence Reis, FSME	Alison Rivera, OEDO