



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I**
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

May 16, 2013

Cynthia L. Becker, Chief
Bureau of Radiation Control
Department of Health
4052 Bald Cypress Way, Bin C21
Tallahassee, FL 32399-1741

Dear Ms. Becker:

A periodic meeting was held with you and your staff on March 21, 2013. The purpose of the meeting was to review and discuss the status of the Florida Department of Health's Agreement State Program. The NRC was represented by Daniel Collins, Duncan White, and me.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of this 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

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
FLORIDA DEPARTMENT OF HEALTH
BUREAU OF RADIATION CONTROL

DATE OF MEETING: March 21, 2013

NRC Attendees	Florida Bureau of Radiation Control (BRC) Attendees
Daniel Collins, Deputy Director, DNMS, Region I	Cynthia Becker, Chief
Duncan White, Branch Chief, DMSSA, FSME	Paul Vause, Administrator, Radioactive Materials Program
Donna Janda, RSAO, Region I	Michael Stephens, Environmental Health Program Consultant
	Mike Phillips, Manager
	Janet Cooksey, Management Review Specialist

DISCUSSION:

During the 2011 Integrated Materials Performance Evaluation Program (IMPEP) review of the Florida Agreement State Program (the Program), the review team found the State's performance satisfactory for six performance indicators reviewed and satisfactory, but needs improvement, for the indicator, Compatibility Requirements. The review team made no recommendations. On June 7, 2011, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Florida Agreement State Program. The MRB found the Program adequate to protect public health and safety and compatible with NRC's program. Based on the results of the IMPEP review, the review team recommended, and the MRB agreed, that the next full IMPEP review take place in four years and that a periodic meeting be held in approximately two years from the date of the March 2011 IMPEP.

TOPICS COVERED DURING THE MEETING INCLUDED:

Program Strengths

The Program has a dedicated, experienced, and well-trained staff. There is an active in-house training program with three staff members dedicated to training and quality assurance activities. The Program is 100% user fee supported. The Program utilizes the NRC training courses when available and believes that knowledge learned from these courses is a valuable tool for staff.

The large size of the BRC provides flexibility and a comprehensive approach for program implementation. The size of the staff can accommodate some turnover without affecting Program performance. Inspectors are based out of Regional offices and primarily telework for their day-to-day duties. The Program is fairly aggressive in implementing work process changes. For example, the inspection program is almost entirely paperless which has resulted in an average turnaround time of 7 days for inspection letters to be completed and mailed out. In addition, the BRC uses a laserfiche system for recordkeeping which makes search and/or retrieval of information very easy.

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The BRC's Health Physics Laboratory performs the analytical services for the Program. The Program has a dedicated rulemaking staff and a very active radiological response volunteer program. Staff members actively participate in nuclear power plant exercises. The Program has an active general licensing registration program and inspects general licensees on a routine basis.

Program Weaknesses

Program managers have identified that having such an experienced staff could lead to a decrease in knowledge management if retirements start within the next 5 years. Low salary rates continue to be a challenge to obtaining qualified staff.

The Program is experiencing some challenges due to multiple turnovers and reorganization of the legal department. Some outstanding administrative complaints have been held up due to the turnovers and reorganization. The Program noted that another challenge is a change in the rulemaking statute. New steps have been added to the rulemaking process, which could lead to additional time required for some rulemaking actions.

Feedback on the NRC's Program

The Program commented that both the overall relationship and communications with the NRC are good. The Program would appreciate more Agreement State representation on working groups.

Agreement State Program Staffing and Training

The Program currently consists of 62 staff positions, which includes Program management, totaling approximately 21 full-time equivalents. Since the 2011 IMPEP, the Program lost three technical staff members, promoted four individuals and hired five technical staff members, including one new position. The Program currently has two vacant positions in the Broward County Office (which operates under a contract with the Program), one vacant manager position in the Orlando Regional Office and one vacant licensing position in the Central Office in Tallahassee.

Support for staff training exists in the Program. Program staff has attended the NRC and other training courses. The Program has a strong, active in-house training program. The Program offers a five-day health physics training class and works with stakeholders to conduct onsite device-specific training when the need is identified. For example, the Program is working with a hospital in Pensacola to conduct gamma knife training for inspectors. The Program maintains a clearinghouse which they have named "BRCpedia" which contains training materials, standard operating procedures, and other forms that staff can access in house and remotely.

Organization

The Florida Agreement State Program is located in the Bureau of Radiation Control which is located within the Emergency Preparedness and Community Support Division of the Florida Department of Health. The Radioactive Materials Program, based at the Central Office in Tallahassee, is responsible for materials licensing and compliance activities. The Field Operations Program is responsible for coordinating inspection activities, which are conducted primarily by the six field offices and two counties under contract with the BRC. The

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Environmental Radiation Labs Program, based in Orlando, is responsible for the BRC's laboratory and emergency response activities.

Since the 2011 IMPEP, the Bureau Chief retired and the Field Operations Administrator was promoted to the Bureau Chief position. This personnel change resulted in several other promotions throughout the Bureau.

Program Budget/Funding

The Program is 100 percent fee funded. Florida generally charges about 25-35 percent of NRC fees depending on the program code. In addition to new application and annual fees, the Program charges a reclamation fee amounting to 5 percent of the annual fee. This fee is for disaster response and cleanup and disposal of radioactive materials. All funds are placed into a dedicated account for the Radiation Control Program.

Inspection and Licensing Programs

All but one of the Program's inspection frequencies are performed at a higher frequency than those established in Inspection Manual Chapter 2800. At the time of the periodic meeting, the Program reported it had no overdue inspections and had performed no routine or initial inspections overdue since the last IMPEP review. Between April 2011 and February 2013, the Program performed 1550 inspections (all priorities). Program managers stated that the Program successfully transitioned to using electronic forms for inspection and licensing documentation. All inspection findings are reviewed by the respective Regional Manager.

The Program currently has approximately 1,660 specific licenses. Between April 2011 and February 2013, the Program completed approximately 3700 licensing actions. The Radioactive Materials Administrator or a Radioactive Materials Licensing Manager performs a technical and supervisory review on all licensing actions before issuance to the licensee. Licenses are issued for a five-year period under a timely renewal system.

Regulations

Florida's rulemaking process was changed prior to the 2011 IMPEP review. With the changes now in effect, the State's administrative rulemaking process takes approximately 12 months from drafting to finalizing a rule.

Since the 2011 IMPEP review, the Program submitted four proposed regulation amendments to NRC for review. Three of these amendments were overdue for adoption at the time they were submitted to NRC. The Program is currently working on addressing outstanding comments on final regulations and adopting regulations coming due for adoption. At the time of the periodic meeting, the Program had no additional overdue regulation amendments due for adoption.

Event Reporting

Since the 2011 IMPEP review, the Program reported 86 events to the Nuclear Material Events Database (NMED), of which 25 were reportable to the NRC. Follow-up information for all events reported by the Program is included in the State's NMED entries.

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Response to Incidents and Allegations

The Program continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their effect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Program is aware of the need to maintain an effective response to incidents and allegations. Since the 2011 IMPEP review, NRC referred three allegations to the Program. All allegations referred by NRC to the Program become part of their incident follow up system. The BRC does not have the authority to protect an alleged's identity.

A significant event in Florida involved the follow up to the rubidium-86 (Rb-86) generator issue. The Program dedicated significant resources on follow up actions, including data collection and onsite inspections, as part of the nationwide effort to address the breakthrough issue. Once FDA reapproved use of the Rb-86 generators, the Program initiated the use of a unique license condition requiring licensees to follow the instructions for use in the product insert.

Sealed Source and Device (SS&D) Evaluation Program

The BRC currently has four qualified reviewers, although one individual has not completed any SS&D evaluations. Program managers have indicated the need for three additional individuals to receive SS&D training when it is offered by NRC in 2014.

Low-Level Radioactive Waste Disposal Program

In 1981, the NRC amended its Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Authority and Assumption Thereof by States Through Agreement," to allow a State to seek an amendment for the regulation of low-level radioactive waste (LLRW) as a separate category. Although Florida has authority to regulate a LLRW facility, the NRC has not required States to have a program for licensing a LLRW facility until such time as the State has been designated as a host State for a LLRW disposal facility. There are currently no plans for a LLRW disposal facility in Florida.

Current State Initiatives

The Program continues its ongoing paperless project for inspection and licensing documents. The Program has no plans to use Web-Based Licensing as it has its own process in place.

Emerging Technologies

None noted.

State's Mechanisms to Evaluate Performance

All reports are reviewed by the Bureau Chief. Supervisors access the BRC's database as needed to monitor the status of inspection and licensing actions. Staff meetings are held weekly for licensing and support staff. Meeting minutes are available on a SharePoint site for all staff to access and review. The Bureau Chief has biweekly meetings with all Programs under her supervision. The inspection staff from all field offices meets approximately twice per year. Supervisory accompaniments are performed annually for each inspector. Newsletters with "hot spots" items of interest are distributed on a routine basis.

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SUMMARY:

The Florida Radioactive Materials Program continues to be an effective, well-maintained Agreement State program with an experienced and well-trained staff. There are four vacancies in the Program at this time; however, the Program is effectively managing its licensing and inspection activities.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in fiscal year 2015.

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