



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 25, 2015

Celeste Philip, M.D., MPH  
Deputy Secretary for Health  
Florida Department of Health  
4025 Esplanade Way  
Room 110A, Bin A-06  
Tallahassee, FL 32399-1722

Dear Dr. Phillip:

On June 4, 2015, the Management Review Board (MRB) met to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report on the Florida Agreement State Program. The MRB found the Florida program adequate to protect public health and safety, and compatible with the U.S. Nuclear Regulatory Commission's program.

Section 5.0, page 14, of the enclosed final report contains a summary of the IMPEP team's findings. Based on the results of the current IMPEP review, the next full review of the Florida Agreement State Program will take place in approximately 4 years, with a periodic meeting tentatively scheduled for March 2017.

I appreciate the courtesy and cooperation extended to the IMPEP team during the review. I also wish to acknowledge your continued support for the Agreement State program. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

*/RA/*

Michael F. Weber  
Deputy Executive Director for Materials,  
Waste, Research, State, Tribal and  
Compliance Programs  
Office of the Executive Director for Operations

Enclosure:  
Florida Final IMPEP Report

cc: See next page

cc:

Debra Shults, TN  
Organization of Agreement States  
Liaison to the MRB

Cindy E. Dick, MBA, EFO, Director  
Division of Emergency Preparedness  
and Community Support

Cynthia Becker, MPH, Chief  
Bureau of Radiation Control

June 25, 2015

Celeste Philip, M.D., MPH  
Deputy Secretary for Health  
Florida Department of Health  
4025 Esplanade Way  
Room 110A, Bin A-06  
Tallahassee, FL 32399-1722

Dear Dr. Phillip:

On June 4, 2015, the Management Review Board (MRB) met to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report on the Florida Agreement State Program. The MRB found the Florida program adequate to protect public health and safety, and compatible with the U.S. Nuclear Regulatory Commission's program.

Section 5.0, page 9, of the enclosed final report contains a summary of the IMPEP team's findings. Based on the results of the current IMPEP review, the next full review of the Florida Agreement State Program will take place in approximately 4 years, with a periodic meeting tentatively scheduled for March 2017.

I appreciate the courtesy and cooperation extended to the IMPEP team during the review. I also wish to acknowledge your continued support for the Agreement State program. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

*/RA/*

Michael F. Weber  
Deputy Executive Director for Materials,  
Waste, Research, State, Tribal and  
Compliance Programs  
Office of the Executive Director for Operations

Enclosure:  
Florida Final IMPEP Report

cc: see next page  
Distribution: (SP05) see next page

**ML15159B035**

OFC	MSTR/ASPB	MSTR/ASPB	RIV:TL	NMSS/MSTR	Tech Ed	NMSS	EDO
NAME	LDimmick	CEinberg	RErickson <i>via email</i>	JPiconne / PJH for	CPoland	CHaney	MWeber
DATE	06/09/15	06/11/15	06/11/15	06/12/15	06/12/15	06/19/15	06/ 25 /15

**OFFICIAL RECORD COPY**

Letter to C. Phillip from M. Weber dated: June 25, 2015

SUBJECT: FLORIDA FY2015 FINAL IMPEP REPORT

DISTRIBUTION: (SP05)

RidsEdoMailCenter  
JFoster, OEDO  
RidsOgcMailCenter  
JOImstead, OGC  
RidsRgn3MailCenter  
DRoberts, RIII  
RidsRgn1MailCenter  
DCollins, RI  
JNick, RI  
RidsNmmsOd  
RidsSecyCorrespondenceMailCenter  
JPiccone, MSTR  
PHenderson, MSTR  
DJanda, RI/RSAO  
KLambert, RIII  
MArribas-Colon, NMSS  
AWilbers, KY  
JBai, FL  
MStephens, FL  
OAS Board  
JWeil, OCA

Chairman Burns  
Commissioner Svinicki  
Commissioner Ostendorff  
Commissioner Baran  
SECY



INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM  
REVIEW OF THE FLORIDA AGREEMENT STATE PROGRAM

MARCH 9–13, 2015

**FINAL REPORT**

Enclosure

## **EXECUTIVE SUMMARY**

This report presents the results of the Integrated Materials Performance Evaluation Program (IMPEP) review of the Florida Agreement State Program. The review was conducted during the period of March 9–13, 2015, by a review team composed of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the Commonwealth of Kentucky.

Based on the results of this review, Florida's performance was found satisfactory for all indicators reviewed. The review team did not make any recommendations for the State.

Accordingly, the review team recommended, and the Management Review Board (MRB) agreed, that the Florida Agreement State Program is adequate to protect public health and safety and is compatible with the NRC's Program. The review team recommended, and the MRB agreed, that the next IMPEP review take place in approximately 4 years and that a periodic meeting be held in 2 years.

## 1.0 INTRODUCTION

This report presents the results of the review of the Florida Agreement State Program. The review was conducted during the period of March 9-13, 2015, by a review team composed of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the Commonwealth of Kentucky. Team members are identified in Appendix A. The review was conducted in accordance with the "Implementation of the Integrated Materials Performance Evaluation Program and Rescission of Final General Statement of Policy," published in the *Federal Register* on October 16, 1997, and NRC Management Directive 5.6 (MD 5.6), "Integrated Materials Performance Evaluation Program (IMPEP)," dated February 26, 2004. Preliminary results of the review, which covered the period of April 2, 2011– March 13, 2015, were discussed with Florida managers on the last day of the review.

In preparation for the review, a questionnaire addressing the common and applicable non-common performance indicators was sent to the State on December 1, 2014. The State provided its response to the questionnaire by electronic mail on February 23, 2015. A copy of the questionnaire response can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) using the Accession Number ML15056A122.

A draft of this report was issued to Florida on April 9, 2015, for factual comment. Florida responded to the findings and conclusions of the review by electronic mail dated May 11, 2015. A copy of the State's response can be found in ADAMS using the Accession Number ML15131A383. The Management Review Board (MRB) met on June 4, 2015, to consider the proposed final report. The MRB found the Florida Agreement State Program adequate to protect public health and safety, and compatible with the NRC's program.

The Florida Agreement State Program is administered by the Bureau of Radiation Control (the Bureau) which is located within the Division of Emergency Preparedness and Community Support (the Division). The Division is part of the Department of Health (the Department). Organization charts for the State can be found in ADAMS using the Accession Number ML15097A299.

At the time of the review, the Florida Agreement State Program regulated 1,659 specific licenses authorizing possession and use of radioactive materials. The review focused on the radioactive materials program as it is carried out under the Section 274b (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of Florida.

The review team evaluated the information gathered against the established criteria for each common and the applicable non-common performance indicators and made a preliminary assessment of the Florida Agreement State Program's performance.

## 2.0 PREVIOUS IMPEP REVIEW AND STATUS OF RECOMMENDATIONS

The previous IMPEP review concluded on April 1, 2011. The final report is available in ADAMS using the Accession Number ML111661400. The results of that review were as follows:

Technical Staffing and Training: Satisfactory  
Recommendation: None

Status of Materials Inspection Program: Satisfactory  
Recommendation: None

Technical Quality of Inspections: Satisfactory  
Recommendation: None

Technical Quality of Licensing Actions: Satisfactory  
Recommendation: None

Technical Quality of Incident and Allegation Activities: Satisfactory  
Recommendation: None

Compatibility Requirements: Satisfactory, but needs Improvement  
Recommendation: None

Sealed Source and Device Evaluation Program: Satisfactory  
Recommendation: None

Overall finding: Adequate to protect public health and safety and Compatible with the NRC's program.

## 3.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC regional and Agreement State radioactive materials programs. These indicators are (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

### 3.1 Technical Staffing and Training

The ability to conduct effective licensing and inspection programs is largely dependent on having a sufficient number of experienced, knowledgeable, and well-trained technical personnel. Under certain conditions, staff turnover could have an adverse effect on the implementation of these programs, and thus could affect public health and safety. Apparent trends in staffing must be explored. Review of this indicator also requires a consideration and evaluation of the levels of training and qualification. The evaluation standard measures the overall quality of training available to, and taken by, materials program personnel.



a. Scope

The review team used the guidance in State Agreements procedure SA-103, "Reviewing the Common Performance Indicator: Technical Staffing and Training," and evaluated Florida's performance with respect to the following performance indicator objectives:

- A well-conceived and balanced staffing strategy has been implemented throughout the review period.
- Agreement State training and qualification program is equivalent to Inspection Manual Chapter (IMC) 1248.
- Qualification criteria for new technical staff are established and are being followed.
- Any vacancies, especially senior-level positions, are filled in a timely manner.
- There is a balance in staffing of the licensing and inspection programs.
- Management is committed to training and staff qualification.
- Individuals performing materials licensing and inspection activities are adequately qualified and trained to perform their duties.
- License reviewers and inspectors are trained and qualified in a reasonable period of time.

b. Discussion

The Florida Agreement State Program is composed of 68 staff members with 20 full-time equivalents (FTE) allocated to the radioactive materials program. There are currently three vacancies. During the review period, 15 staff members left the Bureau and 12 staff members were hired. On average, each vacancy was only open for two months. The review team found that Florida's training and qualification program is equivalent to the NRC's training program.

c. Evaluation

The review team determined that during the review period the Florida program met the performance indicator objectives listed in Section 3.1.a.

The review team discussed the staff turnover rate with Bureau management, including management's view regarding the causes for the turnover, any impacts resulting from the staff losses, and measures which were implemented to deal with the losses. Based on the discussion, the review team found that at least half of those who left the Bureau had reached retirement age and left the Bureau for that reason. Given the age of the current staff, the Bureau expects a trend of attrition due to retirements continuing for the next few years. The Department is working on strategies to address these upcoming anticipated losses. The other staff, who departed, left for various reasons. Bureau management believes that, in large part, low salaries were a contributing factor to some of the staff departures. To compensate for low salaries, both the Department and Bureau have been implementing strategies to retain staff with incentives such as full-time home basing, electronic work submission, flexibility in work schedules, and providing State vehicles.

The review team determined that the staff losses had minimal impact on the Bureau's performance over the review period. This is due in large part to the Bureau's in-house training program. The Bureau developed its own comprehensive training program. With this program, the Bureau is able to quickly train newly hired new staff instead of waiting on NRC course availability. The training program focuses on those modalities that comprise the bulk of Florida's licensee base. This training includes self-directed modules, and on the job training overseen by the new employee's supervisor. The NRC training courses are also attended as the classes become available. This training program shortens the time in which new inspection staff can be qualified and work independently. While the impact of the staff turnover on licensing, inspection and incident response activities was minimal, the review team did observe a lapse in the timely reporting of events which was attributed to staff losses in the emergency response program (Section 3.5 of this report). The Bureau took action to address this oversight.

d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the review team recommended, and the MRB agreed, that Florida's performance with respect to the indicator, Technical Staffing and Training, be found satisfactory.

3.2 Status of Materials Inspection Program

Periodic inspections of licensed operations are essential to ensure that activities are being conducted in compliance with regulatory requirements and consistent with good safety practices. The frequency of inspections is specified in NRC Inspection Manual Chapter (IMC) 2800, "Materials Inspection Program," and is dependent on the amount and kind of material, the type of operation licensed, and the results of previous inspections. There must be a capability for maintaining and retrieving statistical data on the status of the inspection program.

a. Scope

The review team used the guidance in State Agreements procedure SA-101, "Reviewing the Common Performance Indicator: Status of Materials Inspection Program," and evaluated Florida's performance with respect to the following performance indicator objectives:

- Initial inspections and inspections of Priority 1, 2, and 3 licensees are performed at the frequency prescribed in NRC IMC 2800.
- Candidate licensees working under reciprocity are inspected in accordance with the criteria prescribed in IMC 1220, "Processing of NRC Form 241, Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, and Offshore Waters, and Inspection of Agreement State Licensees Operating Under 10 CFR 150.20."
- Deviations from inspection schedules are coordinated between technical staff and management.

- There is a plan to perform any overdue inspections and reschedule any missed or deferred inspections; or a basis has been established for not performing any overdue inspections or rescheduling any missed or deferred inspections.
- Inspection findings are communicated to licensees in a timely manner (30 calendar days, or 45 days for a team inspection, as specified in IMC 0610, “Nuclear Material Safety and Safeguards Inspection Reports”).

b. Discussion

Florida’s inspection frequency is more frequent than similar license types found in IMC 2800. The Bureau performed a total of 2,944 Priority 1, 2, 3 and initial inspections over the review period of which none were conducted overdue. Initial inspections of new licenses were performed within 12 months of license issuance. A sampling of 28 inspection reports indicated that none of the inspection findings were communicated to the licensees beyond Florida’s goal of 30 days following the inspection exit. In each year of the review period, Florida performed more than 20 percent of candidate reciprocity inspections.

c. Evaluation

The team determined that during the review period Florida met the performance indicator objectives listed in Section 3.2.a.

d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the review team recommended, and the MRB agreed, that Florida’s performance with respect to the indicator, Status of Materials Inspection Program, be found satisfactory.

3.3 Technical Quality of Inspections

Inspections, both routine and reactive, provide assurance that licensee activities are carried out in a safe and secure manner. Accompaniments of inspectors performing inspections, and the critical evaluation of inspection records are used to assess the technical quality of a program’s inspection capability.

a. Scope

The review team used the guidance in State Agreements procedure SA-102, “Reviewing the Common Performance Indicator: Technical Quality of Inspections,” and evaluated Florida’s performance with respect to the following performance indicator objectives:

- Inspections of licensed activities focus on health, safety, and security.
- Inspection findings are well-founded and properly documented in reports.
- Management promptly reviews inspection results.
- Procedures are in place and used to help identify root causes and poor licensee performance.

- Inspections address previously identified open items and violations.
- Inspection findings lead to appropriate and prompt regulatory action.
- Supervisors conduct annual accompaniments of each inspector to assess performance and assure consistent application of inspection policies.
- For programs with separate licensing and inspection staffs, to verify that procedures are established and followed to provide feedback information to license reviewers.
- For Agreement States, to determine if inspection guides are consistent with NRC guidance.
- An adequate supply of calibrated survey instruments is available to support the inspection program.

b. Discussion

The review team interviewed inspectors and evaluated a sampling of inspection reports and enforcement documentation for 28 of the 2,944 Priority 1, 2, 3 and initial inspections conducted during the review period. The casework reviewed included inspections conducted by 23 of Florida's 32 inspectors and covered medical, industrial, commercial, academic, research, and service provider licenses.

Accompaniments of 17 inspectors were conducted by two review team members in January and February 2015. The inspectors were found to be well-prepared, thorough, and conducted performance-based inspections. The inspections were adequate to assess radiological health, safety and security.

The review team noted that the Bureau has a policy of performing annual supervisory accompaniments for each of the materials inspectors. The review team found that over the review period a total of 193 inspector accompaniments had been performed with only two being missed. The review team noted that in these two instances, during the year when the inspector was not accompanied, they had been accompanied the preceding and following years. The Bureau believed the oversight occurred due to the manner in which it was tracking accompaniments. To correct this, in 2014 the Bureau developed a new spreadsheet to ensure that supervisory accompaniments of all inspectors were performed annually.

c. Evaluation

The team determined that during the review period Florida met the performance indicator objectives listed in Section 3.3.a.

d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the review team recommended, and the MRB agreed, that Florida's performance with respect to the indicator, Technical Quality of Inspections, be found satisfactory.

### 3.4 Technical Quality of Licensing Actions

The quality, thoroughness, and timeliness of licensing actions can have a direct bearing on public health and safety, and security. An assessment of licensing procedures, actual implementation of these procedures, and documentation of communications and associated actions between the State licensing staff and the regulated community will be a significant indicator of the overall quality of the program.

#### a. Scope

The review team used the guidance in State Agreements procedure SA-104, "Reviewing the Common Performance Indicator: Technical Quality of Licensing Actions," and evaluated Florida's performance with respect to the following performance indicator objectives:

- Licensing action reviews are thorough, complete, consistent, and of acceptable technical quality with health, safety, and security issues properly addressed.
- Essential elements of license applications have been submitted and elements meet current regulatory guidance (e.g. financial assurance, increased controls, pre-licensing guidance).
- License reviewers, if applicable, have the proper signature authority for the cases they review independently.
- License conditions are stated clearly and are inspectable.
- Deficiency letters clearly state regulatory positions and are used at the proper time.
- Reviews of renewal applications demonstrate a thorough analysis of a licensee's inspection and enforcement history.
- Applicable guidance documents are available to reviewers and are followed (e.g., NUREG-1556 series, pre-licensing guidance, regulatory guides, etc.).
- Licensing practices for risk significant radioactive materials are appropriately implemented including increased controls and fingerprinting orders (Part 37 equivalent).
- Documents containing sensitive security information are properly marked, handled, controlled and secured.

#### b. Discussion

During the review period, Florida performed 7,820 licensing actions. The review team evaluated 26 of these licensing actions which included casework for eight current and former license reviewers. The casework reviewed included new applications, amendments, renewals and terminations. The review team evaluated casework for the following license types and actions: broad scope, medical diagnostic and therapy, veterinary, research and development, academic, gauges, panoramic and self-shielded irradiators, service providers, waste brokers, decommissioning actions, financial assurance, and bankruptcies.

c. Evaluation

The team determined that during the review period Florida met the performance indicator objectives listed in Section 3.4.a.

d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the review team recommended, and the MRB agreed, that Florida's performance with respect to the indicator, Technical Quality of Licensing Actions, be found satisfactory.

3.5 Technical Quality of Incident and Allegation Activities

The quality, thoroughness, and timeliness of response to incidents and allegations of safety concerns can have a direct bearing on public health and safety. An assessment of incident response and allegation investigation procedures, actual implementation of these procedures, internal and external coordination, and investigative and follow-up procedures and actions will be a significant indicator of the overall quality of the program.

a. Scope

The review team used the guidance in State Agreements procedure SA-105, "Reviewing the Common Performance Indicator: Technical Quality of Incident and Allegation Activities," and evaluated Florida's performance with respect to the following performance indicator objectives:

- Incident response, investigation, and allegation procedures are in place and followed.
- Response actions are appropriate, well-coordinated, and timely.
- On-site responses are performed when incidents have potential health, safety or security significance.
- Appropriate follow-up actions are taken to ensure prompt compliance by licensees.
- Follow-up inspections are scheduled and completed, as necessary.
- Notifications are made to the NRC Headquarters Operations Center for incidents requiring a 24-hour or immediate notification to the Agreement State or NRC.
- Incidents are reported to the Nuclear Material Events Database (NMED).
- Allegations are investigated in a prompt, appropriate manner.
- Concerned individuals are notified of investigation conclusions.
- Concerned individuals' identities are protected, as allowed by law.

b. Discussion

During the review period, a total of 226 incidents were reported to Florida which in turn the Bureau reported to NMED. The review team screened the incidents reported to NMED and noted that 125 of these incidents were waste/scrap alarms that would not need to be reported to the NRC. Of the remainder reported to NMED, the review team

evaluated the casework for 21 radioactive materials incidents which included 5 lost/stolen radioactive materials events, 2 potential overexposures, 9 medical events, and 5 damaged equipment incidents. Florida dispatched inspectors for onsite follow-up for 16 of the cases reviewed.

During the review period, Florida received 19 allegations. The review team evaluated 10 allegations, including 5 allegations that the NRC referred to the State during the review period.

c. Evaluation

The team determined that during the review period Florida met the performance indicator objectives listed in Section 3.5.a. with the exception of the requirement for timely notification of incidents to the NRC.

The review team identified seven incidents that were reported to NMED but were not reported to the NRC Headquarters Operations Center as required (i.e., the incidents required a 24-hour or immediate notification to the NRC). In August 2014, the Bureau participated in the NRC-sponsored NMED training course and subsequently determined that reporting of incidents was not being performed as established in State Agreements procedure SA-300, "Reporting Material Events." In October 2014, the Bureau reported 29 materials events to NMED including 6 of the 7 incidents that had not been reported to the NRC Headquarters Operations Center. The remaining incident had been previously reported to NMED in August 2011. The Bureau determined that the reporting lapse was due to staff turnover in the emergency response program. Based on a review of the events reported in October 2014, the review team determined that, although the reporting requirements were inadvertently overlooked, the Bureau responded to the incidents in an effective manner. Florida has since been reporting events to the NRC in a timely manner.

d. Results

Although Florida did not report some events to the NRC in accordance with the timeliness guidelines established in SA-300 the review team determined that the Bureau responded to each incident in a manner commensurate with its health and safety significance.

Based on the IMPEP evaluation criteria in MD 5.6, the review team recommended, and the MRB agreed, that Florida's performance with respect to the indicator, Technical Quality of Incident and Allegation Activities, be found satisfactory.

#### 4.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State programs: (1) Compatibility Requirements, (2) Sealed Source and Device Evaluation Program, (3) Low-Level Radioactive Waste Disposal Program, and (4) Uranium Recovery Program. The NRC's Agreement with Florida does not relinquish regulatory authority for uranium recovery programs, and Florida does not have an active low-level

waste disposal program. Only the first two non-common performance indicators applied to this review.

#### 4.1 Compatibility Requirements

State statutes should authorize the State to establish a program for the regulation of agreement material and provide authority for the assumption of regulatory responsibility under the agreement. The statutes must authorize the State to promulgate regulatory requirements necessary to provide reasonable assurance of protection of public health, safety, and security. The State must be authorized through its legal authority to license, inspect, and enforce legally binding requirements, such as regulations and licenses. NRC regulations that should be adopted by an Agreement State for purposes of compatibility or health and safety should be adopted in a time frame so that the effective date of the State requirement is not later than 3 years after the effective date of NRC's final rule. Other program elements, as defined in Appendix A of State Agreements procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements," that have been designated as necessary for maintenance of an adequate and compatible program should be adopted and implemented by an Agreement State within 6 months following NRC designation.

##### a. Scope

The review team used the guidance in State Agreements procedure SA-107, "Reviewing the Non-Common Performance Indicator: Compatibility Requirements," and evaluated Florida's performance with respect to the following performance indicator objectives

- The Agreement State program does not create conflicts, duplications, gaps, or other conditions that jeopardize an orderly pattern in the regulation of radioactive materials under the Atomic Energy Act, as amended.
- Regulations adopted by the Agreement State for purposes of compatibility or health and safety were adopted no later than 3 years after the effective date of the NRC regulation.
- Other program elements, as defined in SA-200 that have been designated as necessary for maintenance of an adequate and compatible program have been adopted and implemented within 6 months of NRC designation.
- The State statutes authorize the State to establish a program for the regulation of agreement material and provide authority for the assumption of regulatory responsibility under the agreement.
- The State is authorized through its legal authority to license, inspect, and enforce legally binding requirements such as regulations and licenses.
- Impact of sunset requirements, if any, on the State's regulations.

A complete list of regulation amendments can be found on the NRC website at the following address: [http://nrc-stp.ornl.gov/rss\\_regamendments.html](http://nrc-stp.ornl.gov/rss_regamendments.html).



b. Discussion

Florida became an Agreement State on July 1, 1964. The Florida Agreement State Program's current effective statutory authority is contained in the Florida Radiation Protection Act in Title XXIX, Chapter 404 of the Florida Statutes. The Bureau's rulemaking process is governed by the Administrative Procedure Act in Title X, Chapter 120, of the Florida Statutes. The Department is designated as the State's radiation control agency and the Bureau implements the radiation control program. No legislation affecting the radiation control program was passed during the review period.

The State's administrative rulemaking process takes approximately 12 months from drafting to finalizing a rule. The public, the NRC, other agencies, and potentially impacted licensees and registrants are offered an opportunity to comment during the process. Comments are considered and incorporated, as appropriate, before the regulations are finalized and approved by the agency. The review team noted that the State's rules and regulations are not subject to "sunset" laws.

During the review period, Florida submitted revisions to five final regulation amendments to the NRC for compatibility review. These revisions were in response to the NRC generated comments on these previously submitted final regulation amendments. In addition, Florida submitted three proposed regulation amendments for a compatibility review. The three regulation amendments were overdue for State adoption at the time of submission. The Bureau addressed the NRC generated comments and finalized these proposed regulation amendments, but did not send them to the NRC for review. On March 11, 2015, while the review team was on site, the Bureau sent the final regulations to the NRC for review.

c. Evaluation

The team determined that during the review period Florida met the performance indicator objectives listed in Section 3.4.1.a.

d. Results

The review team compared the status of the Compatibility indicator in the 2011 IMPEP review with its current status and evaluated the progress made in completing the outstanding amendments. Using the evaluation criteria in MD 5.6, the review team recommended, and the MRB agreed, that Florida's performance with respect to the indicator, Compatibility Requirements, be found satisfactory.

4.2 Sealed Source and Device (SS&D) Evaluation Program

Adequate technical evaluations of SS&D designs are essential to ensure that SS&Ds will maintain their integrity and that the design is adequate to protect public health and safety. NUREG-1556, Volume 3, "Consolidated Guidance about Materials Licenses: Applications for Sealed Source and Device Evaluation and Registration," provides information on conducting SS&D reviews and establishes useful guidance for review teams. Three sub elements, technical staffing and training, technical quality of the

product evaluation program, and evaluation of defects and incidents regarding SS&D's, will be evaluated to determine if the SS&D program is satisfactory. Agreement States with authority for SS&D evaluation programs, who are not performing SS&D reviews, are required to commit in writing to having an SS&D evaluation program in place before performing evaluations.

a. Scope

The review team used the guidance in State Agreements procedure SA-108, "Reviewing the Non-Common Performance Indicator: Sealed Source and Device Evaluation Program," and evaluated Florida's performance with respect to the following performance indicator objectives:

Technical Staffing and Training

- A well-conceived and balanced staffing strategy has been implemented throughout the review period.
- Qualification criteria for new technical staff are established and are being followed.
- Any vacancies are filled in a timely manner.
- Management is committed to training and staff qualification.
- Individuals performing SS&D evaluation activities are adequately qualified and trained to perform their duties.
- SS&D reviewers are trained and qualified in a reasonable period of time.

Technical Quality of the Product Evaluation Program

- SS&D evaluations are adequate, accurate, complete, clear, specific, and consistent with NUREG 1556, Volume 3.

Evaluation of Defects and Incidents

- SS&D incidents are reviewed to detect possible manufacturing defects and the root causes of these incidents.
- Incidents are evaluated to determine if other products may be affected by similar problems. Appropriate action and notifications to NRC, Agreement States, and others, as appropriate, should occur in a timely manner.

b. Discussion

Technical Staffing and Training

The Bureau had six qualified reviewers over the review period. Two reviewers retired, one reviewer left the Bureau, and one new reviewer was qualified. The Bureau currently has four individuals qualified as SS&D reviewers. There are no vacancies at the present time. The review team determined that current staffing levels are adequate for the Bureau's SS&D program. The Bureau's training program is equivalent to the training requirements identified in Appendix D to IMC 1248 which includes attending NRC's

SS&D Workshop. Due to the small number of applications and amendment requests received, the Bureau primarily uses on-the-job training for new reviewers with oversight from a senior SS&D reviewer.

#### Technical Quality of the Product Evaluation

Florida has 6 SS&D licensees and processed 10 SS&D actions over the review period. The review team evaluated each of the 10 actions which included 9 amendments and 1 transfer from the State of Maryland.

#### Evaluation of Defects and Incidents Regarding SS&Ds

The review team did not identify any incidents involving SS&D registered products during the review period. There were also no incidents identified which related to manufacturing or design of the sources/devices manufactured or distributed by a licensee with an SS&D registered by Florida.

#### c. Evaluation

The team determined that during the review period Florida met the performance indicator objectives listed in Section 4.2.a.

#### d. Results

Based on the IMPEP evaluation criteria in MD 5.6, the review team recommended, and the MRB agreed, that Florida's performance with respect to the indicator, Sealed Source and Device Evaluation Program, be found satisfactory.

### 4.3 Low-level Radioactive Waste (LLRW) Disposal Program

In 1981, the NRC amended its Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement," to allow a State to seek an amendment for the regulation of LLRW as a separate category. Although the Florida Agreement State Program has LLRW disposal authority, NRC has not required States to have a program for licensing a LLRW disposal facility until such time as the State has been designated as a host State for a LLRW disposal facility. When an Agreement State has been notified or becomes aware of the need to regulate a LLRW disposal facility, they are expected to put in place a regulatory program which will meet the criteria for an adequate and compatible LLRW disposal program. There are no plans for a LLRW disposal facility in Florida. Accordingly, the review team did not review this indicator.

5.0 SUMMARY

As noted in Sections 3.0 and 4.0 above, Florida's performance was found satisfactory for all the performance indicators reviewed. The review team did not make any recommendations regarding program performance by the State.

Accordingly, the review team recommended, and the MRB agreed, that the Florida Agreement State Program be found adequate to protect public health and safety and compatible with the NRC's program. Based on the results of the current IMPEP review, the review team recommended, and the MRB agreed, that the next full IMPEP review take place in approximately 4 years.

## LIST OF APPENDICES

Appendix A	IMPEP Review Team Members
Appendix B	Inspection Accompaniments

APPENDIX A

IMPEP REVIEW TEAM MEMBERS

<b>Name</b>	<b>Area of Responsibility</b>
Randy Erickson, Region IV	Team Leader Technical Staffing and Training Compatibility Requirements Inspector Accompaniments
Donna Janda, Region I	Technical Quality of Incident and Allegation Activities
Kenneth Lambert, Region III	Technical Quality of Inspections Inspector Accompaniments
Maria Arribas-Colon, NMSS	Status of Materials Inspection Program Sealed Source and Device Evaluation Program
Angela Wilbers, Commonwealth of Kentucky	Technical Quality of Licensing Actions

## APPENDIX B

### INSPECTION ACCOMPANIMENTS

The following inspection accompaniments were performed prior to the on-site IMPEP review:

Accompaniment No.: 1 License Type: Gamma Knife & HDR Inspection Date: 1/20/15	License No.: 1319-3 Priority: 2 Inspector: EK
Accompaniment No.: 2 License Type: Self Shielded & Panoramic Irradiator Inspection Date: 1/20/15	License No.: 1319-2 Priority: 1 Inspector: FN
Accompaniment No.: 3 License Type: Industrial Radiography Inspection Date: 1/21/15	License No.: 2941-1 Priority: 1 Inspector: JS
Accompaniment No.: 4 License Type: HDR Inspection Date: 1/22/15	License No.: 3279-2 Priority: 2 Inspector: RL
Accompaniment No.: 5 License Type: HDR Inspection Date: 1/23/15	License No.: 3825-22 Priority: 2 Inspector: LP
Accompaniment No.: 6 License Type: Diagnostic Nuclear Medicine Inspection Date: 1/26/15	License No.: 4332-1 Priority: 5 Inspector: HS
Accompaniment No.: 7 License Type: Teletherapy Inspection Date: 1/27/15	License No.: 1669-1 Priority: 2 Inspector: LB
Accompaniment No.: 8 License Type: HDR Inspection Date: 1/28/15	License No.: 4162-2 Priority: 2 Inspector: RC
Accompaniment No.: 9 License Type: HDR Inspection Date: 1/29/15	License No.: 4220-2 Priority: 2 Inspector: DD
Accompaniment No.: 10 License Type: Nuclear Pharmacy Inspection Date: 1/30/15	License No.: 3287-1 Priority: 2 Inspector: MV
Accompaniment No.: 11 License Type: Diagnostic & Therapeutic Nuclear Medicine Inspection Date: 2/3/15	License No.: 1367-1 Priority: 3 Inspector: BC

Florida Final IMPEP Report  
Inspection Accompaniments

Page B.2

Accompaniment No.: 12  
License Type: Nuclear Pharmacy  
Inspection Date: 2/4/15

License No.: 4432-1  
Priority: 2  
Inspector: JJ

Accompaniment No.: 13  
License Type: Nuclear Pharmacy  
Inspection Date: 2/5/15

License No.: 3453-13  
Priority: 2  
Inspector: RL

Accompaniment No.: 14  
License Type: Self Shielded Irradiator  
Inspection Date: 2/6/15

License No.: 0319-8  
Priority: 5  
Inspector: KB

Accompaniment No.: 15  
License Type: HDR  
Inspection Date: 2/6/15

License No.: 4071-1  
Priority: 2  
Inspector: SR

Accompaniment No.: 16  
License Type: Diagnostic & Therapeutic Nuclear Medicine  
Inspection Date: 2/9/15

License No.: 1275-1  
Priority: 3  
Inspector: GH

Accompaniment No.: 17  
License Type: Diagnostic & Therapeutic Nuclear Medicine  
Inspection Date: 2/10/15

License No.: 3362-2  
Priority: 3  
Inspector: DB