



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

MAY 5 1980

Mr. Ulray Clark, Administrator
Radiological Health Services
Department of Health
and Rehabilitative Services
1317 Winewood Boulevard
Tallahassee, Florida 32301

Dear Mr. Clark:

This will confirm the discussion Mr. Joel Lubenau held with you on April 18, 1980, concerning the results of our partial review and evaluation of the Florida radiation control program. There has been a high turnover in the inspection staff, and therefore there are a large number of new inspectors. For this reason, we believe it is important that the review include as many field evaluations of the inspection staff as possible. We plan to complete this part of the review later this year when many of the inspectors have completed their training.

Since the review is not complete, we are not prepared to make recommendations of adequacy and compatibility at this time. Several comments and recommendations were developed, however, relating to the operation of the agreement materials program and these are enclosed. I would appreciate receiving your comments on these.

Enclosed is a copy of our letter to Secretary Pingree in which we express our concern over the need to take steps to strengthen and stabilize the radiological health program staff.

I appreciate the courtesy and assistance extended to Mr. Lubenau, Dr. Walker, and Mr. Brown during the review meeting.

Sincerely,

A handwritten signature in cursive script that reads "G. Wayne Kerr".

G. Wayne Kerr, Assistant Director
for State Agreements Program
Office of State Programs

Enclosures:
As stated

cc: D. Pingree
A. Taylor
J. Howell, MD
T. Gardner
O. Boorde
NRC Public Document Room
State Public Document Room

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COMMENTS AND RECOMMENDATIONS
ON THE OPERATION OF THE FLORIDA PROGRAM

I. Management and Administration

1. The licensing and compliance staffs would benefit from regular staff meetings. This is especially important to programs where the two functions are separated not only administratively but physically as well. Licensing staff should be encouraged to accompany State inspectors to obtain feedback in the field on the effectiveness of licensing actions, practices and policies.
2. Clerical assistance needs to be provided to the Orlando office. Professional personnel should not need to perform their own filing.

II. Personnel

We recommend priority be given to having the licensing staff complete their training in the NRC "core" training courses: Orientation to Regulatory Practices, and the radiation safety courses for nuclear medicine and industrial radiography. NRC will support the training by reimbursement of travel and per diem expenses.

III. Licensing

1. Improvements can be made in licensing actions, especially in nuclear medicine licenses to reflect current NRC licensing practices and changes. Comments on Florida licensing actions were discussed with the licensing staff. We expect to provide to all the Agreement States, in the near future, improved draft guidance for evaluating medical and academic license applications. These guides, the additional training recommended (above) for the licensing staff, regular staff meetings, and encouraging license reviewers to accompany inspectors should aid in enacting improvements in licensing.
2. We endorse the current practice of the licensing supervisor of reviewing selected licensing cases completed by the license reviewers. Continuation and expansion of this practice is an important ingredient in your efforts to provide quality assurance in licensing.

IV. Compliance

1. Current inspection guides, policy memoranda, interpretations, and inspection practices should be documented, assembled and maintained in a compliance manual and copies provided to each inspector. This is especially important for ensuring uniformity in compliance practices in a geographically dispersed program which also utilizes service of other government agencies. Our findings resulting from field evaluations and reviews of inspection files in this and previous reviews underscore the need for such a manual. We understand the compliance supervisor plans to assign staff to develop a manual and we recommend this be given priority.
2. With respect to field evaluations of inspectors by the compliance supervisor, we recommend that the compliance supervisor accompany all inspectors, including county personnel to assess their performance and to assure that inspection and enforcement practices are consistent with State policies and guides.
3. Procedures describing steps to be followed when escalating enforcement action (management meetings, hearings, Orders) need to be further developed and documented. The procedures should contain provisions and instructions to enable the staff to take actions necessary to protect public health and safety, including issuance of Orders, during off-duty hours.
4. Improvements are still needed in the inspection program in the following areas:
 - a. Workers should be sought out by inspectors and interviewed to verify their training and instruction in radiation protection procedures;
 - b. Findings indicative of violations should always be handled as items of noncompliance and not as recommendations. Failure to do so can create enforcement problems in the future if the recommendations are not carried out and the findings become repetitive;
 - c. When violations are reported to the licensee, the report should contain specific documentation to support the citation; and
 - d. Inspection reports should contain sufficient documentation that would enable an independent reviewer to conclude the inspection was complete, i.e., covered all the areas which the applicable inspection guides require to be covered.

IV. Compliance (continued)

5. Velometers and smoke tubes need to be supplied and made readily available for use by inspectors in all inspection offices. These items should be regularly used by inspectors to evaluate engineering controls in facilities where there is a potential for exposure to airborne radioactivity.