



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 14, 1996

Richard G. Hunter, Ph.D.
Deputy State Health Officer
Department of Health and
Rehabilitative Services
1317 Winewood Boulevard
Tallahassee, FL 32301

Dear Dr. Hunter:

This is in reply to your letter of June 28, 1995, which responded to the two recommendations from our March 1995 review of Florida's radiation control program. Although several months have elapsed since your letter, we have comments on each of your responses to the recommendations.

We are pleased that your inspection report process has been modified to include better documentation of confirmatory measurements performed by the inspectors during their evaluations of air flow requirements at licensed facilities. We will review the documentation in the inspection reports as a part of our next program review.

With regard to our comment and recommendation under the Confirmatory Measurements indicator, we understand your position that there is no need to perform a close-out survey of a general licensee that is still operating. Our review of the case indicates that thorium fluoride (source material) was specifically listed on the terminated license, with a specific authorized use condition. We understand that the licensee notified your Agency that they had filed for Bankruptcy Protection, and of their intention to continue use of the source material in "very limited quantities." The license was terminated by the State and this termination of the specific license allowed the licensee to conduct operations with source material under a general license, and exempted the licensee from certain regulatory provisions including Florida's Standards for Protection, 10D-91, Part IV.

NRC experience indicates that safety concerns may be associated with certain uses of source material in general-licensed quantities. In our judgment, the bankruptcy filing, together with uncertainty about the specific amount of source material in the licensee's possession, creates a potential safety concern that should receive further evaluation. NRC recommends that consideration be given to obtaining information from the former specific licensee about the quantities of source material previously and currently used and about area and equipment surveys that were conducted by the licensee prior to license termination. We believe such information would provide further support for the previous specific license termination and is necessary to determine whether any additional action by the Florida radiation control program is appropriate.

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Please note that for NRC licensees, upon receipt of a request to terminate a specific license, the NRC will obtain information to confirm that the licensee's current operation could be authorized under general license provisions. Also, NRC will obtain information to determine whether any residual safety concerns are present from the former use of the material under the specific license. This approach permits any residual safety concerns to be identified and addressed in a timely manner as part of the specific license termination process. Using this approach, for example, we may obtain information about the chemical/physical form and quantities of source material possessed as raw materials and products, type of manufacturing process, areas of source material use, equipment that is contaminated, and the extent of any contamination. In a case such as the one that we reviewed, NRC would also likely inquire as to potential disposition of radioactive material in the event the licensee went out of business.

No response to this letter is requested. We will document any additional actions you complete on this matter, if any, as part of the next review report for the Florida program. If your staff wishes to have further discussions, they should contact Paul Lohaus at (301) 415-2326 or Richard Woodruff, NRC Region II, at (404) 331-5514.

Sincerely,

Richard L. Bangart
Richard L. Bangart, Director
Office of State Programs

cc: Lyle E. Jerrett, Ph.D., Chief
Office of Radiation Control

Richard G. Hunter, Ph.D.

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Sincerely,

Original Signed By
RICHARD L. BANGART

Richard L. Bangart, Director
Office of State Programs

cc: Lyle E. Jerrett, Ph.D., Chief
Office of Radiation Control

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R. G. Hunter

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quantities of source material possessed as raw materials and products, type of manufacturing process, areas of source material use, equipment that is contaminated, and the extent of any contamination.

We will review your final action in this matter during our next review of the Florida program. If you have any question, please contact Paul Lohaus at (301)415-2326 or me at (404)331-5514.

Sincerely,

Richard L. Bangart, Director
Office of State Programs

cc: Lyle E. Jerrett, Ph.D., Chief
Office of Radiation Control

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PH Lohaus CH Maupin
From: Richard Woodruff
To: PHL, CHM
Date: 1/10/96 10:26am
Subject: FLORIDA LETTER -Reply -Forwarded

Attached is the final version (latest) of the Florida acknowledgement letter. The content was not changed from my earlier version; however, Dr. Mallet made some additional changes in the letter which I beleive are very good, and the changes improve the readability of the letter.

All Region II persons on the concurrence list have concurred except Mr. Ebnetter. However, Mr. Ebnetter was briefed by the Division, and he had no objections to the letter.

The earlier version also received concurrence from OGC, and NMSS.

Thanks, RLW

CC: BSM1, DMC