

AGREEMENT STATE ANNUAL MEETING SUMMARY FOR FLORIDA

DATE OF MEETING: FEBRUARY 12, 1998

ATTENDEES:

NRC

Richard L. Woodruff, RSAO, Region II

STATE

William A. Passetti, Chief, Bureau of Radiation Control
Michael N. Stevens, Administrator, Radioactive Materials
Cindy Becker, Administrator, Field Operations

DISCUSSION:

A meeting was held with the Florida representatives on February 12, 1998, in Mr. Passetti's office. The topics listed in NRC letter dated November 3, 1997, to Mr. Passetti were discussed. Details for each area are discussed below.

Action on Previous Review Findings

The previous review was a routine program review conducted during the period of February 27 - March 3, 1995. During this review, two recommendations were made to the State concerning: (1) Inspection Reports; and (2) Confirmatory Measurements. The State responded in a letter dated June 28, 1995, outlining the steps being taken in response to the recommendations.

During this annual meeting, the NRC representative discussed the details of the State's actions taken in response to the recommendations. Based upon the discussions with Florida representatives, the actions taken as described in the State's letter dated June 28, 1995 have been implemented. The State has revised their inspection reports in response to the Inspection Reports Indicator recommendation, and additional confirmatory surveys were performed on the facility addressed under the Confirmatory Measurements Indicator recommendation.

Program Strengths and/or Weaknesses

In general, the Florida representatives related that their programs were strong with adequate support from the Department of Health, legislative support, stable sources of funding, adequate administrative support, legal support, good laboratory and field equipment, and well trained staff. No performance type weaknesses were identified by NRC during this meeting.

The Program has a history of providing a good training program for the staff members. The managers routinely conduct courses in Inspection Procedures, Medical Uses, and Industrial Radiography. Additional details are provided under the Impact of NRC Program Changes topic.

Enclosure

The Licensing and Registration program also conducts a program for generally licensed devices. The program utilizes one staff person to register GL devices, and an inventory is sent to each GL licensee annually and the licensee is assessed \$25.00 for each device. This assessment allows the licensee to update any inventory discrepancies noted on the inventory at the time of payment. The State reported having about 500 general licensees, and that approximately 10% of these are inspected annually.

There were no weaknesses identified during the meeting.

Status of Program and/or Policy Changes

The Florida Department of Health and Rehabilitative Services was dissolved in 1996 and the radiation control program was moved to a newly created Department of Health. The Secretary of the Department of Health is the State Health Officer and a cabinet level position. The Bureau of Radiation Control reports through the Division of Environmental Health to the Deputy State Health Officer.

There have been no significant changes in the organizational structure of the Bureau of Radiation Control(BRC) since the 1995 review. The Bureau is headed by the Chief, Mr. William A. Passetti, and has five major technical areas: Radioactive Materials, Field Operations, Environmental Radiation Laboratory, Radiologic Technology, and X-Ray Machines. The Administrator, Radioactive Materials is located in the Tallahassee office which coordinates the agreement materials program, and the licensing and enforcement functions. The Administrator, Field Operations, is located in Tallahassee and is responsible for coordinating all inspections (materials and x-ray) and the training program. Inspections are performed out of the Tallahassee office and six Field Operations offices located in Miami, Lantana, Ft. Myers, Tampa, Orlando, and Jacksonville. In addition, the Health Department has agreements with Broward County and Polk County that allows these County programs to conduct materials inspections and x-ray inspections under their respective jurisdictions. The Environmental Radiation Laboratory is located in Orlando, and is responsible for radiological analysis of samples; emergency response actions; and coordination of materials event actions, documentation and reporting.

The Materials Program Administrator reported that the State currently has 1154 specific licenses of which 50 are considered to be major licenses. The Materials Program reported having no licensing, inspection, or enforcement backlogs.

Impact of NRC Program Changes

The NRC representatives discussed NRC program changes that could impact the State, such as the 10 CFR Part 35 revision, and the current status of NRC's policies involving decommissioning of formerly licensed sites and NRC's training program. In response to the discussions, the State representatives related that they did not expect the decommissioning of sites to have a significant impact on the BRC, and that Florida contracts directly with the Utilities for the environmental monitoring contracts, and that the State would adopt regulations as needed after 10 CFR Part 35 has been revised.

A separate discussion was held with the Field Operations Administrator, and we discussed the

accompaniment of inspectors, field office audits, staffing, and the training program. The Administrator related that training was provided to the operations staff during the week of January 26-30, 1998 and included such topics as transportation, biological effects, instrumentation, radioactive material issues, nuclear medicine, and x-ray topics. The State is planning on conducting an Inspection Procedures Course in the July/August 1998 time frame, a Nuclear Medicine Uses course in October, and an Industrial Radiography overview course is being planned. The Administrator related that consideration was being given to adopting a qualification program for the technical staff similar to the program suggested by the joint NRC/State working group on training. The Administrator reported only two staff vacancies, one person for Field Operations and one person for x-ray inspections.

Internal program audits and self-assessments.

The managers reported that self-assessments were being accomplished through the use of the IMPEP training information and that the BRC Chief and the Materials Administrator had both participated on IMPEP teams. Peer reviews are conducted on all licenses issued, and all inspection reports are reviewed by the supervisor and the enforcement letters are issued out of the central office in Tallahassee. Feedback is also being provided to the inspectors through the Field Operations managers, and during training and inspector accompaniments. The Program also generates an annual report.

Status of Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives. The Manager related that their agency had very few allegations, that allegations were processed on a case-by-case basis, and that follow-ups were conducted as needed. A review of the allegations referred to the State by the NRC Region II office indicated that there were no outstanding NRC issues related to the referrals, and that the State had been very responsive to the Regional requests when replies were needed to close out the allegations. The BRC Chief was informed that Region II had received another allegation that would be referred to his office, and that the State's actions would be followed up during the next meeting which will be an IMPEP review during fiscal year 1999.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system. The State tracks all events on their own "Access" system, that includes non-AEA materials. Prior to this annual meeting, the Materials Administrator and the RSAO discussed the need for Florida to obtain another copy of the NMED software, and the RSAO contacted Mr. Pettijon (in the AEOD's office) concerning this issue. Also in preparation for the meeting, a NMED report generated by the RSAO indicated that all events had not been updated in the NMED system. During the meeting, the Materials Administrator indicated that all reports of events were coordinated out of the Orlando laboratory including the notification to NRC, and that the Tallahassee office would be involved in any licensing or inspection and enforcement actions needed following the event investigation. The Radioactive Materials Administrator indicated that he would follow up with the Orlando laboratory concerning the practices for reporting events, and related that the Florida Access system would be compared with the NMED software to determine if all information was being collected and provided as needed. The RSAO

promised to follow up with OSP and the NMED contractor to obtain a copy of the current NMED software for the State.

Following the meeting, the RSAO held separate telephone discussions on February 17, 18, and 19, 1998 with the NRC NMED contractor, the Materials Administrator, and the Incident Response Coordinator in the Orlando Laboratory. The RSAO confirmed that the NMED contractor had provided a current copy of the NMED software to the Florida Materials Administrator, and that Florida incidents up through number 97-055 (May 22, 1997) had been entered into the NMED system. The discussions with the Materials Administrator and the Incident Response Coordinator indicated that Florida will institute a policy of reporting incident details to NMED electronically on a monthly basis. The Incident Response Coordinator also related that significant incidents are currently being reported to the NRC Operations Center. Further action is not needed on this issue except for routine monitoring of the system to assure good communication and flow of information as needed between concerned parties.

Compatibility of State Regulations

The new compatibility policy was discussed in general with the State representatives, including the OSP's procedures for reviewing proposed State regulations.

During the previous 1995 review, Florida was determined to be compatible with NRC regulations up to the "Licensing and Radiation Safety Requirements for Irradiators," 10 CFR Part 36,(58 FR 7715) that would be needed by July 1, 1996. The Florida Administrative Code, Chapter 64E-5 has been amended as follows:

- "Licensing and Radiation Safety Requirements for Irradiators"
10 CFR Part 36 (58 FR 7715) Adopted August 14, 1996
- "Decommissioning Recordkeeping, Documentation Additions"
10 CFR Parts 30, 40, and 70 (58 FR 39628) Adopted August 14, 1996

The following amendments have been drafted and were provided to OSP by letter dated February 12, 1998, from the State. The hearing date on these provisions is scheduled for March 3, 1998, after which the final rules will be filed with the Florida Secretary of State, and the amendments become effective twenty days later. The drafted regulations are as follows:

- "Timeliness in Decommissioning"
10 CFR Parts 30, 40, & 70 (59 FR 36026) Drafted
- "Frequency of Medical Examinations for Use of Respiratory Protection Equipment" 10 CFR Part 20 (60 FR 7900) Drafted
- "Low-Level Waste Shipment Manifest Information and Reporting"
10 CFR Parts 20 & 61 (60 FR 15649 & 60 FR 25983) Drafted
- "Performance Requirements for Radiography Equipment"
10 CFR Part 34 (60 FR 28323) Drafted

"Radiation Protection Requirements: Amended Definitions and Criteria"
10 CFR Parts 19 and 20 (60 FR 36038) Drafted

Schedule for the Next IMPEP Review

The State was informed that the next Florida review would be performed under the IMPEP procedure, and is currently scheduled for FY 1999. The NRC representative expressed his appreciation to the Program managers for their participation in the IMPEP Program and the IMPEP teams. The BRC Chief expressed his opinion that the participation had helped their program in preparation for IMPEP reviews, that their program had benefited from the exchange of information received from other IMPEP team members and interactions with other programs during the reviews.

The representatives also discussed that during the FY99 IMPEP, that an IMPEP team member would need to visit the Environmental Laboratory facility in Orlando to review incident files and interview the Emergency Response (Incident) staff. Incident and allegation files are also maintained in the Tallahassee office.

CONCLUSION:

The Florida program has good support from the Department of Health, good managers, and trained, experienced staff. By all indications (performance), the Florida program has the resources to be adequate to protect public health and safety, and compatible under the IMPEP criteria.

ACTION ITEMS: None