



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

April 16, 2009

William A. Passetti, Chief
Bureau of Radiation Control
Florida Department of Health
4052 Bald Cypress Way, Bin C21
Tallahassee, FL 32399-1741

Dear Mr. Passetti:

A periodic meeting with Florida was held on February 18, 2009. The purpose of the meeting was to review and discuss the status of Florida's Agreement State program. The NRC was represented by Michelle Beardsley and me.

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

cc w/encl.: Paul Vause, FL DOH
Cynthia Becker, FL DOH

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
FLORIDA DEPARTMENT OF HEALTH (DOH)

DATE OF MEETING: February 18, 2009

ATTENDEES:

NRC

Michelle Beardsley, Health Physicist, FSME
Donna Janda, RSAO, Region I

Florida DOH

William Passetti, Radiation Control Program Director
Paul Vause, Administrator, Radioactive Materials Program
Cynthia Becker, Administrator, Field Operations

DISCUSSION:

Previous IMPEP Review

In February 2007, the Integrated Materials Performance Evaluation Program (IMPEP) review team found the Florida Agreement State Program's (the Program) performance to be satisfactory for six of the performance indicators reviewed. The review team found Florida's performance to be satisfactory, but needs improvement, for the indicator, Compatibility Requirements. In addition, the review team made one recommendation regarding the Program.

On April 30, 2007, the Management Review Board (MRB) met to consider the IMPEP review team's proposed findings regarding the Program. The MRB found the Program adequate to protect public health and safety and compatible with the NRC's program. Accordingly, the MRB determined that the next full review of the Program should take place in 4 years and that a periodic meeting should be tentatively scheduled for February 2009.

The status of the State's actions to address all open previous IMPEP review findings and/or open recommendations follows:

Recommendation 1: The review team recommends that the State evaluate the effectiveness of their existing procedures and policies for marking and handling sensitive information and modify the existing procedures or policies, if needed, to ensure that the documents containing sensitive information are appropriately marked in a consistent manner.

Status:

The Bureau of Radiation Control (Bureau), which administers the radioactive materials program, has implemented a procedure to ensure that all outgoing documents containing sensitive information are appropriately marked. Internal documents were already being appropriately marked prior to the IMPEP review. The limitation on this procedure is that, in accordance with the State's Sunshine Law, only security-related information pertaining to physical security systems (e.g., alarm systems, room diagrams) can be withheld from the public. Documents containing sensitive information pertaining to the Increased Controls (IC) cannot be marked as such if they do not meet the Sunshine Law definition (e.g., licenses listing radioactive materials

Enclosure

in quantities of concern exceeding IC threshold limits).

It is recommended that this item be reviewed and closed at the next IMPEP review.

Organization

The Program is administered by the Bureau, which is located within the Division of Environmental Health (the Division). The Division is located within the Department of Health (the Department). There have been no changes to the Bureau's organization since the previous IMPEP. Mr. William Passetti remains the Bureau Chief. The Bureau, which is managed from the Central Office located in Tallahassee, consists of five Sections, three of which have responsibilities for radioactive materials under the Agreement: the Radioactive Materials Section, the Field Operations Section, and the Environmental Radiation Labs Section. All Sections are headed by an Administrator. The Radioactive Materials Administrator is responsible for materials licensing and compliance activities. The Field Operations Administrator is responsible for coordinating the inspection activities, which are conducted primarily by the six field offices and two counties under contract. The Environmental Labs Administrator, stationed in Orlando, is responsible for the Bureau's laboratory and emergency response activities.

Agreement State Program Staffing

A well-trained, stable, and experienced staff is the strength of the Program. The Bureau has approximately 60 technical staff members, totaling about 20 full-time equivalents, with varying degrees of involvement in the radioactive materials program. Since the IMPEP review, the Bureau has had six vacant technical positions and one vacant support position. Five of the technical positions have been filled. The Broward County field office has one open inspection position. The Bureau is fully funded by licensee fees and machine registration fees and does not receive funding from general revenue. Due to budget issues during the last fiscal year, the Bureau reduced their budget by approximately 4 percent. This did not impact licensing and inspection activities. In August 2007, the Bureau implemented an increase in the radioactive materials license fee schedule; however, due to the budget cuts imposed on the Program, this change did not appreciably increase the budget.

Training

A comprehensive in-house training program is a major strength of the Bureau. The Bureau has sponsored several NRC training courses since the most recent IMPEP and will continue to sponsor courses when possible. The Bureau welcomed the NRC's revised policy on funding training for Agreement States. Program staff has attended NRC and other training courses, including the NRC's Security Systems and Principles Course. Program staff members continue to participate on various NRC Working Groups and on IMPEP review teams.

Inspections

Florida's inspection priorities are at least as frequent as NRC's. No inspections are currently overdue with respect to NRC policies. There is a backlog in radiation machine inspections due to the higher prioritization of completing radioactive materials inspections within the allotted

timeframe.

The Bureau staff's use of tablet PCs for inspectors has improved the turnaround time for inspection report completion. In addition, use of the tablet PCs enables inspectors to have reference material immediately available electronically while the inspectors are in the field.

The Bureau maintains a sufficient number and variety of calibrated radiological survey instrumentation for use during inspections and has a radioanalytical laboratory available for sample analyses.

Licensing

The Bureau has no licensing actions pending greater than 90 days. Most licensing actions are completed within 30 to 60 days of receipt. Pre-licensing visits are conducted for all new license applicants, including change of control/ownership requests. Each licensing action is given a technical review by a license evaluator and a technical and supervisory review by either the Radioactive Materials Administrator, a Radioactive Materials Licensing Manager, or a senior License Evaluator before issuance to the licensee.

Regulations

There have been no legislative changes since the last IMPEP review.

The Bureau is currently addressing NRC comments to the following regulation:

- "Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations," 10 CFR Part 30, 40, 71, and 150 amendments (62 FR 28947) that became effective on June 27, 1997, and was due for Agreement State adoption by June 27, 2000.

The Bureau is addressing the following overdue regulations and plans to submit a package with these regulations to NRC shortly:

- "Medical Use of Byproduct Material," 10 CFR Parts 20, 32, and 35 amendments (67 FR 20249) that became effective October 24, 2002, and was due for Agreement State adoption by October 24, 2005.
- "Medical Use of Byproduct Material - Recognition of Specialty Boards," 10 CFR 35 amendments (70 FR 16336; 71 FR 1926) that became effective April 29, 2005, and was due for Agreement State adoption by April 29, 2008.
- "Minor Amendments," 10 CFR Parts 20, 30, 32, 35, 40, and 70 amendments (71 FR 15005) that became effective March 27, 2006, and was due for Agreement State adoption by March 27, 2009.

The Bureau is also addressing the following regulation and plans to submit this regulation with the package described above:

- “Medical Use of Byproduct Material – Minor Corrections and Clarifications,” 10 CFR Parts 32 and 35 amendments (72 FR 45147; 72 FR 54207) that became effective on October 29, 2007, and is due for Agreement State adoption by October 29, 2010.

NRC staff identified the following regulation changes and adoptions that will be needed in the future:

- “Requirements for Expanded Definition of Byproduct Material,” 10 CFR Parts 20, 30, 31, 32, 33, 35, 61, and 150 amendments (72 FR 55864) that is due for Agreement State adoption by November 30, 2010.
- “Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements,” 10 CFR Parts 30, 31, 32 and 150 amendments (72 FR 58473) that are due for Agreement State adoption by December 17, 2010.
- “Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent,” 10 CFR Parts 19 and 20 amendments (72 FR 68043) that are due for Agreement State adoption by February 15, 2011.

Security

The current security climate and potential future security measures were discussed in detail, including discussions on fingerprinting requirements and security of self-shielded irradiators. The Bureau is aware of relevant security issues. The State entered into 274i Agreements with NRC to inspect materials licensee compliance with NRC-ordered security measures and with RAMQC.

Incidents/Allegations

Program staff communicates reportable incidents to the NRC Operations Center and Region I. The Event Coordinator is responsible for ensuring all incidents and allegations are handled properly. Staff members are responsible for sending incident information to the Nuclear Materials Event Database (NMED) contractor on a periodic basis. Since the last IMPEP review in February 2007, a total of 129 events were reported to NMED. A review of NMED identified timely and quality input of incidents; however, follow up information regarding actions taken by the State (e.g., inspections conducted, violations cited, etc.) was not always indicated in the NMED report upon closure of the event.

Sealed Sources and Devices

The State has an active SS&D program. No changes in staffing have occurred since the last IMPEP.

Emerging Technologies

The Bureau has identified PET/CT, electronic brachytherapy, and handheld dental X-Ray units as areas involving emerging technologies which will need to be addressed in their Program.

Feedback on the NRC's Program

Items discussed included current NRC initiatives for the National Source Tracking System, Web-based licensing, fingerprinting, pre-licensing checklists, NARM rulemaking, the prioritization process for Agreement State personnel to attend NRC training classes and upcoming regulations to be adopted.

The Bureau staff indicated a need to be informed and involved early with NRC initiatives. The Bureau staff also indicated that a strength of their program is meeting NRC requests for information in a timely manner and supporting NRC initiatives such as Increased Controls inspections and NSTS requirements.

CONCLUSIONS:

The Florida Radioactive Materials Program continues to be a strong, stable Agreement State program. The Program staff is experienced and well trained. Salary and budget issues continue to be a concern. With the increased focus on the safety and security of radioactive material, adequate program resources have become much more critical.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2011 (tentatively February 2011).