



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

June 20, 2017

Cynthia L. Becker, Chief
Bureau of Radiation Control
Florida Department of Health
4052 Bald Cypress Way, Bin C21
Tallahassee, FL 32399-1741

Dear Ms. Becker:

A periodic meeting with you and your staff was held on April 19, 2017. The purpose of this meeting was to review and discuss the status of the Florida Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by James Trapp and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions. 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 via e-mail at Donna.Janda@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Donna M. Janda
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
Periodic Meeting Summary for Florida

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
FLORIDA DEPARTMENT OF HEALTH
BUREAU OF RADIATION CONTROL

DATE OF MEETING: April 19, 2017

U.S. Nuclear Regulatory Commission (NRC) Attendees	Florida Department of Health Attendees
James Trapp, Director, Division of Nuclear Materials Safety, Region I	Cynthia Becker, Chief, Bureau of Radiation Control
Donna Janda, State Agreements Officer, Region I	Charles Hamilton, Administrator, Radioactive Materials Program
	Michael Stephens, Environmental Health Program Consultant

DISCUSSION:

During the 2015 Integrated Materials Performance Evaluation Program (IMPEP) review of the Florida Agreement State Program (Program) conducted on March 9-13, 2015, the review team found the State's performance satisfactory for all indicators. The review team did not make any recommendations regarding program performance.

On June 4, 2015, the Management Review Board (MRB) found the Program adequate to protect public health and safety and compatible with the NRC's program. The MRB directed that a periodic meeting be held tentatively in March 2017 and the next full IMPEP review be held in March 2019. This report is a summary of the periodic meeting.

TOPICS COVERED DURING THE MEETING INCLUDED:

Organization

The Florida Agreement State Program is administered by the Bureau of Radiation Control Program, which is part of the Division of Emergency Preparedness and Community Support within the Department of Health. The Program has not been reorganized since the 2015 IMPEP review. The Program is managed by the Bureau Chief, the Radioactive Materials Section Administrator, and the Field Operations Administrator. The Program also has one licensing manager based in Tallahassee and four inspection managers based in field offices throughout the State. The Program is in the process of combining the Tampa and Ft Meyers field offices into one office which would then eliminate one inspection manager position. This position will be reclassified as a Program Consultant position. The Bureau Chief noted that senior management is very supportive of the Program and addresses hiring/funding issues promptly.

Program Budget/Funding

The program is fully fee funded. The most recent fee increase was in 2006. At the time of this meeting, the Program did not anticipate any fee increases in the near future. The Program has not had any budget cuts since the 2015 IMPEP review.

Feedback on the NRC's Program

The Program noted that there is good communication and support from NRC. The Program also appreciates the training courses and opportunities provided by NRC.

The Program noted that in the past, the Agreement States had more input on the front end on rulemaking packages. In addition, the Program would like to know if there is a mechanism for States to provide input on the decision-making process regarding changes to compatibility on Program elements that affect Agreement States. The RSAO provided this feedback to NMSS for follow up.

Technical Staffing and Training (2015 IMPEP: Satisfactory)

At the time of the periodic meeting, the Program devoted 56 technical staff to the radioactive materials program for a total of 20 full-time equivalents. One inspection position was eliminated since the 2015 IMPEP review. The Program has had no new hires since the last review. Four field inspection positions and one licensing position were vacant at the time of the periodic meeting. Eight technical staff members are currently undergoing qualification training.

Status of Materials Inspection Program (2015 IMPEP: Satisfactory)

The Program reported it has conducted 1,558 inspections since the 2015 IMPEP review. No Priority 1, 2, 3 or initial inspections were completed overdue. No inspections are currently overdue.

The Program conducted 8 reciprocity inspections out of 23 candidate licensees in calendar year 2015 and 14 reciprocity inspections out of 27 candidate licensees in calendar year 2016.

Technical Quality of Inspections (2015 IMPEP: Satisfactory)

The Program's goal is to perform a minimum of one supervisory accompaniment per inspector each calendar year. In calendar years 2015 and 2016, the Field Operations Managers and/or Field Operations Administrator performed supervisory accompaniments at least once for each inspector.

The Program uses inspection procedures that are consistent with the inspection guidance outlined in Inspection Manual Chapter (IMC) 2800. Inspection reports are reviewed by the inspector's Field Operations Manager and by the Field Operations and Program Administrators. Inspection findings are routinely sent to licensees within 30 days of completing an inspection.

Technical Quality of Licensing Actions (2015 IMPEP: Satisfactory)

At the time of the periodic meeting, the Program reported having 1,630 specific licenses. The Program has completed 4,423 licensing actions since January 2015. The State licenses each major modality and location of use on separate licenses (e.g., gamma knife, high dose rate remote afterloader, and limited medical authorizations would have separate licenses). All licensing actions receive a peer review prior to being issued.

Technical Quality of Incidents and Allegation Activities (2015 IMPEP: Satisfactory)

At the time of this meeting, the Program had reported 20 incidents to NRC since the 2015 IMPEP review. The State responds to a significant number of non-reportable incidents throughout the year. Most non-reportable incidents involve alarms at waste/scrap facilities in the State. The State responded to 136 incidents in 2015, 152 incidents in 2016, and 122 incidents as of April 2017. Event follow up actions are assigned to an inspector and tracked through completion. The inspectors work with their respective Field Operations Manager and Administrator to ensure appropriate follow up actions are implemented which are commensurate with the health and safety and/or security significance of the event.

The Program uses procedures equivalent to the NRC's allegation procedures for processing allegations. The Program received and responded to eight allegations since the last IMPEP review. No allegations were transferred by NRC.

Compatibility Requirements (2015 IMPEP: Satisfactory)

At the time of this meeting, the Program had no legislative changes that affected the Program. The Program currently has five regulation amendments overdue for adoption. The Program is drafting the language for the proposed regulations. 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 rulemaking process. The State's rules and regulations are not subject to "sunset" laws.

Sealed Source and Device (SS&D) Evaluation Program (2015 IMPEP: Satisfactory)

The Program currently has three qualified SS&D reviewers. The Program uses IMC 1248 to qualify new SS&D reviewers. The Program has five active manufacturers/distributors in the State with a total of six active SS&D registrations and one pending new registration.

Current State Initiatives

- The Program participates in several radiation-responder type events throughout the year (e.g., Daytona 500 race, NFL Pro Bowl, elections, mass casualty drills)
- The Program is almost 100 percent electronic. All incoming licensing actions are processed electronically. All inspectors work from home and use tablets in the field to access licensing information, regulations, inspection information, and other data as needed. The inspectors file their inspection reports electronically. Reports get reviewed and approved electronically. All Field Office Managers also work from home. The field offices are virtual offices only (no actual buildings for office space).

Emerging Technologies

- Florida received an application for use of a new strontium/rubidium generator and for use of phosphorus-32 microparticles in pancreatic cancer treatment

Large, Complicated or Unusual Authorizations

None

State's Mechanisms to Evaluate Performance

- The Program holds biweekly licensing staff meetings to discuss the current status of licensing actions.
- Inspection reports and licensing actions are tracked monthly.
- The Field Operations Administrator visits each Field Office quarterly. Each Field Office holds quarterly meetings with its inspectors.
- The Bureau Chief conducts bi-weekly direct reports meetings.
- As finances allow, the Program conducts an annual meeting/training session for technical staff and Program management.
- Supervisory inspection accompaniments for all inspection staff are conducted at least annually. The supervisors provide prompt feedback to the inspectors after the accompaniments.

NRC Current Initiatives

Current NRC initiatives discussed included:

- Policy Statement on Adequacy and Compatibility
- U.S. Government Accountability Office (GAO) Materials Licensing Audit and Investigation
- Category 3 Source Security and Accountability Working Group Activities
- Inspection Manual Chapter 2800 changes

CONCLUSIONS:

The Florida Agreement State Program continues to be an effective, well maintained program. The Program is effectively managing its licensing and inspection activities and responds to incidents and allegations as appropriate.

NRC staff recommends that the next IMPEP review be conducted as scheduled in March 2019.