

OCT 01 1985

Document Control Desk
(SP01)

Mr. David H. Pingree, Secretary
Department of Health and
Rehabilitative Services
1317 Winewood Boulevard
Tallahassee Florida 32301

Dear Mr. Pingree:

This is to confirm the discussion Mr. Richard L. Woodruff held with Dr. James T. Howell and Dr. Lyle E. Jerrett on August 28, 1985, following our review and evaluation of the State's radiation control program. The review covered the principal administrative and technical aspects of the program and included an examination of the program's legislation and regulations, organization, management, administration, personnel, licensing and compliance actions, and the field evaluation of four State inspectors.

Our review was performed in accordance with the NRC Policy defined in the "Guidelines for NRC Review of Agreement State Radiation Control Programs." These Guidelines were published in the Federal Register on December 4, 1981, and define the 30 Indicators that are used for evaluating Agreement State Programs. A description of how the indicators are used in reporting the results of the program reviews to State management is enclosed (Enclosure 1).

The results of our review of the Florida program indicates a significant finding in a Category I Indicator, "Enforcement Procedures", which if not addressed on a priority basis, may adversely affect the State's ability to continue to protect the public health and safety. In view of this, we are unable to offer a statement of adequacy and compatibility at this time. According to NRC policy, enforcement letters should be issued within 30 days following inspections. However, it was noted that several of the State's enforcement letters were issued after the 30 day period. We recommend that a system be implemented to assure that timely enforcement letters are issued.

It appears that the above finding is related to a Category II comment, "Staff Continuity." The materials program lost 9 employees since the last review in February of 1984, which included the enforcement coordinator and other key personnel. It also appears that the Florida salary structure and promotional opportunities may have been factors for these turnovers. We believe that staff turnover is minimized if salary levels are comparable to similar employment in the geographical area, if salary structure provides for periodic increases compatible with experience and responsibility, and if promotion opportunities exist from junior level to senior level positions. The Florida salary structure does not appear to possess these characteristics. Using December 1984 Median Agreement State Staff Salaries, Florida ranked 22nd out of the 29 State programs evaluated. A listing of the median salaries is enclosed (Enclosure 2). We recommend that the State pursue a plan of action to improve and maintain staff continuity.

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We will continue to provide specialized radiation safety training for your staff through the Office of State Programs as the courses become available. Also Mr. Woodruff will be available to provide technical assistance and training to your inspectors and license reviewers.

Your staff should be commended on their efforts. In particular, we noted that the staff has conducted three different surveys for contaminated metal, there are no overdue inspections, and the radiation control regulations were completely revised and updated.

We would appreciate your review of our recommendations and receiving your specific plans to improve the agreement materials program. At that time we will be in a position to consider a finding concerning the adequacy and compatibility of the program.

Enclosure 3 contains an additional comment regarding the technical aspects of our review of your program. This comment was discussed with Dr. Jerrett and his staff during our exit meeting with him. You may wish to have Dr. Jerrett address this comment.

In accordance with NRC practice, I am providing as Enclosure 4 a copy of this letter for placement in the State's Public Document Room or otherwise made available for public review.

I appreciate the courtesy and cooperation extended by you and your staff to Mr. Woodruff during the review.

Sincerely,

(Original signed by J. Nelson Grace)

J. Nelson Grace
Regional Administrator

Enclosures:

1. Application of "Guidelines for NRC Review of Agreement State Radiation Control Programs"
2. Median Agreement State Staff Salaries
3. Comments and Recommendations on Technical Aspects of the Florida Radiation Control Program for Agreement Materials
4. Letter to David H. Pingree from J. Nelson Grace, dated / /85

cc w/encls:

Lyle E. Jerrett, Director
Office of Radiation Control

ENCLOSURE 1

APPLICATION OF "GUIDELINES FOR NRC REVIEW OF AGREEMENT STATE RADIATION CONTROL PROGRAMS"

The "Guidelines for NRC Review of Agreement State Radiation Control Programs," were published in the Federal Register on December 4, 1981 as an NRC Policy Statement. The Guide provides 30 Indicators for evaluating Agreement State program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the Indicators into 2 categories.

Category I Indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I Indicator areas, then the need for improvements may be critical.

Category II Indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e. those that fall under Category I Indicators. Category II Indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I Indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety. If at least one significant Category I comment is provided, the State will be notified that the program deficiency may seriously affect the State's ability to protect the public health and safety and should be addressed on a priority basis. When more than one significant Category I comment is provided, the State will be notified that the need of improvement in the particular program areas is critical. The NRC would request an immediate response, and may perform a follow-up review of the program within six months. If the State program has not improved or if additional deficiencies have developed, the NRC may institute proceedings to suspend or revoke all or part of the Agreement. Category II comments would concern functions and activities which support the State program and therefore would not be critical to the State's ability to protect the public. The State will be asked to respond to these comments and the State's actions will be evaluated during the next regular program review.

ENCLOSURE 2

MEDIAN AGREEMENT STATE STAFF SALARIES

1.		30,366
2.		29,604
3.		29,453
4.		29,357
5.		28,699
6.		27,736
7.		27,720
8.		27,100
9.		26,950
10.		26,847
11.		26,775
12.		25,975
13.		25,065
14.		24,795
15.		24,724
16.		24,554
17.		23,974
18.		23,647
19.		23,628
20.		22,263
21.		21,971
22.	FLORIDA	21,903
23.		21,587
24.		20,663
25.		20,540
26.		20,475
27.		19,610
28.		19,288
29.		18,447
	Average	<u>24,611</u>

ENCLOSURE 3

COMMENTS AND RECOMMENDATIONS ON TECHNICAL ASPECTS OF THE FLORIDA RADIATION CONTROL PROGRAM FOR AGREEMENT MATERIALS

MANAGEMENT AND ADMINISTRATION

Administrative Procedures is a Category II Indicator. The following comment with our recommendation is made:

COMMENT

The Radiation Control Program should establish written internal procedures to assure that the staff performs its duties as required and to provide a high degree of uniformity and continuity in regulatory practices. One function of the program is to follow up and document reports, correspondence, and telephone calls relative to incidents or allegations (close-the-loop). In Florida this function is assigned to the enforcement coordinator. Because of staff turnovers, the "close-the-loop" activities were neglected which resulted in delays in follow-up activities and documentation/filing of reports and telephone discussions concerning some incidents and allegations.

RECOMMENDATION

We recommend that a procedure be established to allow for tracking of incidents and allegations. This procedure should include documentation of the initial notification, investigation reports, follow-up and close out activities and a mechanism for periodic status reports to management.

David H. Pingree

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bcc w/encl:

G. Wayne Kerr, Director

Office of State Programs

Document Control Desk (SPC1)

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